TEMVI

TRAFFICKED AND EXPLOITED MINORS BETWEEN VULNERABILITY AND ILLEGALITY

FORCED CRIMINAL ACTIVITIES AS A NEW FORM OF EXPLOITATION IN HUMAN TRAFFICKING: KNOWLEDGE AND HUMAN RIGHTS BASED PRACTICES THROUGH PILOT RESEARCH AND MULTI-AGENCY TRAINING AND PROTOTYPE-PROCEDURES (HOME/2013/ISEC/AG/THB/4000005491)

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I. INTRODUCTION

II. NATIONAL RESEARCHES ON FORCED CRIMINAL ACTIVITIES AS A NEW FORM OF EXPLOITATION IN HUMAN TRAFFICKING
   1) FRANCE
   2) HUNGARY
   3) ITALY
   4) ROMANIA

III. REFERRAL PRACTICES AND PROCEDURES FOR PERSONS TRAFFICKED IN FORCED CRIMINAL ACTIVITIES

IV. THE LOCAL REFERRAL MECHANISM AND THE CRITICAL AREAS OF CONCERN REGARDING FORCED CRIMINAL ACTIVITIES

V. TRANSNATIONAL IDEALTYPE PROTOTYPE OF MULTI-AGENCY PRACTICES FOR A REFERRAL SYSTEM FOR CHILDREN TRAFFICKED AND EXPLOITED INTO FORCED CRIMINAL ACTIVITIES

VI. DRAFT MEMORANDUM OF UNDERSTANDING FOR THE TRIVENETO AREA

VII. OUTLINE FOR THE INTERVIEWS TO STAKEHOLDERS

INDEX

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- AUTONOMOUS PROVINCE OF BOLZANO (ITALY)
- GRUPPO R (ITALY)
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- INTERNATIONAL ORGANIZATION FOR MIGRATION (MISSION IN HUNGARY)

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INTRODUCTION

A PROJECT ON TRAFFICKING IN HUMAN BEINGS WITH A NEW CHALLENGE: TACKLING FORCED ILLEGAL ACTIVITIES

Marco Buto

A NEW CHALLENGING UNDERTAKING IN THE ANTI-TRAFFICKING SCENARIO

The European Union Directive 2011/36/EU on preventing and combating Trafficking in Human Beings and protecting its victims, lists in art. 2.3 the main forms of exploitation which are the purpose for trafficking in human beings, and for the first time also the “exploitation of criminal activities” is included in an international legislative document.

The Directive was defined through a multifaceted consultative process which brought to an updated and comprehensive legislative tool to fight human trafficking and to protect victims, based on a human rights and multidisciplinary, integrated approach and on the awareness that trafficking in human beings (THB) is an ever changing, subtle and hidden worldwide phenomenon.

This hidden, underground feature makes THB hardly recognized as such and difficult to detect, and is particularly true for trafficking into forced criminal activities since the victims appear as offenders, as they are committing crimes (such as pickpocketing, shoplifting, selling of counterfeit products, fraud, drug production or trafficking) and it is not at all obvious that they were forced to do so, also when they are children. This fact poses two main problems in tackling the phenomenon: the identification of trafficked persons (which is a major problem in all forms of exploitation, reaching its apex in forced criminal activities) and the protection of victims (since it is necessary not only that they recognize themselves and are recognized as such, but also that they are not punishable for the crimes they have committed because they were coerced to do so and also, since often specifically tailored measures are necessary in order to make assistance and social inclusion measures effective).

Since the admission of Hungary, Romania, Bulgaria, the Slovak Republic and Croatia in the EU, and the Mediterranean political crisis, there has been both an increase of migration flows from those areas and an increase of new vulnerable groups, including those to be exploited in forced criminal activities, particularly, temporary workers, among Romanians, who, to a lesser extent, adults. These target groups have not so far received enough attention in the framework of analysis and monitoring aimed at improving the acknowledgement of new forms of trafficking. Nevertheless, practitioners and observers have noticed that in recent years, the recent changes in the phenomenon of trafficking in human beings, it is possible to state that the targets of persons in vulnerable conditions is present especially in the urban areas in which different forms of illegal activities such as robbery, drugs push, bag-snatching are concentrated and frequently mixed with other forms of exploitation such as forced begging and sexual exploitation. Therefore, the involvement of both adults and minors in illegal activities managed by criminal structures or networks represents one of the most difficult forms of exploitation to identify, because often these people emerge as authors of crime rather than victims of exploitation.

The gap in the human rights sphere as a failure in granting the rights of the persons trafficked into forced criminal activities is reflected in the gap in the multi-agency approach in a dual way: the professionals of the different agencies which usually intervene in the better known forms of trafficking (sexual exploitation and what is lesser extent labour exploitation) don’t think that the victims either don’t recognize themselves as victims or agencies which come in touch with the affected persons are not part of the network (or structurally linked to) the established anti-trafficking systems and lack the knowledge and expertise to recognize the signs of trafficking: for example stakeholders belonging to the Juvenile justice system, to the Asylum seekers and refuges system, to the Unaccompanied minors protection system. So there is a knowledge gap in the existing anti-trafficking networks and there is a physical gap in their composition as some relevant stakeholders are not on board as main or secondary partners. As a consequence there is a gap in the referral mechanisms and in the operating procedures (when in place) in their ability to identify, protect, assist, offer viable social inclusion opportunities to the children and adults trafficked into forced criminal activities and in their ability to combat the crime.

Hence, if trafficking in persons is modern day slavery occurring in our societies in different ways and under different forms, most of the times under our unaware eyes, this is especially true for trafficking for exploitation in illegal activities. Moreover, the current situation does not help in addressing the issue.

The EU Directive can be considered as a milestone in the European anti-trafficking scenario with at present a double-fold face: it is the most advanced and comprehensive tool for tackling THB and protecting victims, but at the same time its transposition and especially its practical implementation by Member States falls under a kind of “disruptive” and “hypermatic” period where Voluntary Anti-Trafficking in THB hardly recognized as such and difficult to positively influence anti-trafficking policies in considering the specific features of trafficking on the different target groups of victims, the root causes of trafficking and their victims backed by a human rights and multidisciplinary consultative process.

As a consequence, dealing with trafficking into forced illegal activities is a double-challenging initiative: of its impenetrable character on the one hand, and on the other hand because trafficking is neglected at the political and as a consequence at the operational level. The latter observation means that if even for the most known forms of exploitation related to trafficking attention and efforts have decreased, it is unlikely that they focus on an unknown and more difficult-to-grasp phenomenon like trafficking in criminal activities.

Those reasons are the main motivations which led the Human Rights Centre of the University of Padua, supported by the operating and methodological field experience of the Municipality of Venice and Methodology of the European Centre of Research related to the phenomenon of trafficking in human beings, with a human rights based approach in art. 2.3 the main forms of exploitation which are the purpose for trafficking in human beings, and for the first time also the “exploitation of criminal activities” is included in an international legislative document.

The Project “TEMVI - Trafficked and Exploited Minors between Vulnerability and Illegality. Forced Criminal Activities as a New Form of Exploitation in Human Trafficking: Knowledge and Human Rights Based practices through pilot research and multi-agency training and prototype-procedures” is funded under the Prevention of and Fight against Crime Programme of the European Union, which is a positive counterbalancing sign of the worrying scenario depicted above.

It is focused in its title and subtitle and it involves actors operating in both countries of origin (Hungary and Romania) and countries of transit and destination (France and Italy), in a partnership where organizations with different yet complementary mandates and expertise (a University, Local Authorities and their public social services, NGOs, Ministries of Justice and Home Affairs, national, regional and local anti-trafficking bodies, service providers and law enforcement agencies) share the commitment to tackle trafficking in forced illegal economies in order to identify, protect and assist victims and potential victims, and to fight against criminal networks, all adopting a multi-agency and human rights-oriented approach.

The partnership is composed by following organizations: University of Padua – Human Rights Centre (lead partner), Municipality of Venice; Equality social cooperative; Volunteers association; Nauzi Vicini onlus; La Strada – Der Weg association; Azalea social cooperative (Italy); Association ALC (France); Hungarian Baptist Aid (Hungary); APDARE (Romania).

Importantly, national level and local bodies participate in the project as associates: Ministry of Justice – National anti-mafia Agency; Ministry of the Interior – Central Service against Organised Crime; Cinema - Welfare and Labour Department – Autonomous Province of Trento; Autonomous Province of Bolzano; Municipality of Trento, Social Activity Service; following NGOs: Gruppo R, Punto d’Appoyo, Centro Cariti dell’Aidocieoli di Udine, La Tenda onlus, Welcome association (Italy); International Organization for Migration, Mission in Hungary.

The main objectives and expected results of the project, and the corresponding activities under Work Packages are:

OBJECTIVES, EXPECTED RESULTS

1. Research on the phenomenon of human trafficking for the purpose of exploitation in forced criminal activities and on intervention practices
2. Joint analysis of research data results about trafficking into forced criminal activities and identification of operating procedures
3. Multi-agency training and definition of multi-agency protocols and operating procedures patterns
4. Testing defined practices in Italy. Experimental implementation in the Trieste Area (3 regions) of the designed operating procedures for the identification and assistance of minors trafficked into forced criminal activities
5. Awareness Raising and Dissemination

WORK PACKAGES, ACTIVITIES

- to provide a first knowledge base on a non-or poorly investigated phenomenon such as trafficking for the purpose of exploitation in forced criminal activities, with a specific focus on Roma minors, developed in 4 main and destination countries
- to provide an analysis of practices related to the identification, referral and assistance of persons trafficked and exploited in forced criminal activities;
- to develop and propose prototype agency-specific and multi-agency practices for the identification, referral and assistance of victims of trafficking in forced criminal activities and to the specific needs of the target groups
- to strengthen competencies and skills of the key-stakeholders in identifying and tackling the often misunderstood and underestimated phenomenon of trafficking in forced criminal activities and promote the victims through national multi-agency training courses to be developed in the 4 countries
- to define and promote Multi-agency Operating Procedures for the identification, referral and assistance of victims of trafficking in forced criminal activities, in order to enable the national and multi-agency actors to collectively respond to the challenges of such phenomenon and to the specific needs of the target groups
- to test and validate, through practical implementation in Italy, the defined agency-specific and multi-agency practices and operating procedures, in order to provide a transferable and sustainable model
- to widely raise awareness on such hidden phenomenon among the stakeholders, the population and victims/potential victims in the involved by means of a multi-lingual videos
- to positively influence anti-trafficking policies in considering the specific features of trafficking and exploitation in forced criminal activities (especially of Roma minors), and the specific needs of the affected vulnerable groups, by means of national and European widespread dissemination of project results (publication, final conference, specialized websites)
ABOUT THIS PUBLICATION

This publication contains the main outputs of the first three Work Packages of the project:
- the Research Reports produced for each of the 4 involved countries about trafficking for the purpose of exploitation in criminal activities: phenomenon, policies and practices, training;
- the preliminary document Referral Practices and Procedures for Persons Trafficked in Forced Criminal Activities, basis for the Prototype and the Experimental Procedures;
- the document The Local Referral Mechanism and the critical areas of concern regarding forced criminal activities, which is the background paper for the "Idealtype Prototype";
- the Idealtype Prototype of Multi-Agency Protocols for a Referral System for Children Trafficked and Exploited into Forced Criminal Activities;
- Draft Memorandum of Understanding for the establishment of experimental and multi-agency operating procedures on the emergence, the identification, the referral of and the first assistance to minors trafficked into forced criminal activities, developed in the Triveneto area, Italy;
- Outline for the interviews to stakeholders.

The Research Reports differ significantly, reflecting the different situations in each partner country, under different perspectives: the phenomenon of trafficking into forced criminal activities and the border trafficking phenomenon; the anti-trafficking legislation, policies, coordination mechanisms and referral systems; the availability of data and of expertise on the specific topic. As a consequence the Reports differ not only in length but also in terms of contents and scope of the research. However each report provides a picture of the trafficking phenomenon and of the anti-trafficking framework in the country, and offers an analysis of trafficking into forced criminal activities and existing measures and obstacles in facing it and in protecting victims, whose voices are reported too.

The research was carried out through desk research (including data analysis where available), interviews to stakeholders and presumed and identified victims.

Since the results arising from the research showed the lack of interventions and practices in the field, the project team could not exactly work on the "identification of validation, structural and transferability criteria of tested best practices" but worked out a set of possible practices to be implemented in tackling trafficking into forced criminal activities. So, a sort of "best practices design" was shaped into the document "Referral Practices and Procedures for Persons Trafficked in Forced Criminal Activities" consisting in the identification and analytical collection of methods and agency specific and multi-agency practices adopted or to be adapted in the identification, referral, assistance and social inclusion of victims of trafficking in forced criminal activities, with particular reference to Roma minors.

The above document also served as a basis for designing the "Idealtype Prototype" of Multi-Agency Protocols for a Referencer System for Children Trafficked and Exploited into Forced Criminal Activities". It is an agency-specific and multi-agency human rights-based Transnational Prototype of referral practices and procedures for the identification and protection of persons trafficked into forced criminal activities (with also a specific focus on minors and on Roma people).

The "Idealtype Prototype" was conceived as a basis for the development of Country-specific Prototypes and of Experimental Operating Procedures of Emergence, Identification, First Assistance and Long Term Assistance and Social Inclusion (to be worked out during the multi-agency trainings and workshops in each country and to be afterwards finalized and possibly endorsed by the actors involved as well as to be made available for transferability).

In fact in the Triveneto area in Italy (Ve- neto, Friuli Venezia Giulia, Trentino Alto Adige) the multi-agency team involved in the training and in the implementation of experimental identification and assistance activities, led by the Municipality of Vicenza, worked out a Draft Memorandum of Understanding for the establishment of experimental and multi-agency coordinated actions aimed at tackling the phenomena of trafficking and severe exploitation of minors in forced criminal activities which codifies Experimental Operating Procedures concerning the emergence, the identification, the referral, of the first assistance to minors trafficked into forced criminal activities.

The TEMVI Project set a first knowledge basis and developed a new awareness among stakeholders in the countries involved, which also thanks to the joint multi-agency training activities, allowed to design as well as to experiment mechanisms and procedures aimed at the identification, assistance and social inclusion of persons (minors in particular) trafficked into different types of forced criminal activities.

Thus TEMVI means, attention, awareness and multiagency operational capacity towards the new and unfamiliar phenomenon of trafficking for exploitation in forced illegal activities but also, thanks to this, a contribution to revitalize the focus on trafficking in general and to the crucial issue of the mechanisms and procedures (to be) set up to identify and protect victims and to combat the phenomenon.

The approach of the Warsaw Convention is focused on the human rights and on the protection of the victims regardless of their willingness to cooperate in the legal proceedings. A group of experts on human trafficking (Greta) has been nominated in order to assess the implementation of the convention in the signatory states.

The reports on France were published in January 2008 and January 2013 by the Greta, which has highlighted gaps between the national legislation and the European legislation. One of the recommendations was to modify the definition of human trafficking in order to include expressly among the purposes: exploitation for the purposes of forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

The Directive 2011/36/EU harmonizes the definitions and the minimum sanctions for the facts of human trafficking. The national legislations must punish all forms of exploitation:
- Exploitation of prostitution or other forms of sexual exploitation;
- Work or forced services (forced begging, slavery or practices like slavery, servitude, exploitation under forced criminal activities, or organs removal).

Exploitation occurs when a restraint has been imposed on a person (threat or use of force or other forms of coercion, of abduction, of fraud, of deception); regardless of the victim's consent.

It means that even if the person agrees to come in France knowing that she is going to become a prostitute or work for a family as housekeeper or beg in the street... if she is deceived on the nature of the contract, if she is victim of abuses, violence, or threats and by consequence she is in a situation of submission, enslavement, she is a victim of human trafficking.

The directive prescribes to set in place minimum sanctions: the sentence for these infractions must be fixed at least five years of penal code for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.

Warsaw convention 2005
Article 26 – Non-punishment provisions
Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.

Directive 2011/36
Article 8 – Non-prosecution or non-application of penalties to the victim
Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to do.
to commit as a direct consequence of being subjected to any of the acts referred to in Article 2.

c) National legislation: A partial transposition of the directive followed by the adoption of a national plan against human trafficking

After Greta’s reports and in application of the European directive 2011/36/UE, France has adopted late compared to the delay of transcription, the Law of the 5th of August 2013 that modifies the definition of human trafficking contained in the article 225-4-1 of the penal code and introduces the definitions of force labour, reduction in servitude and slavery.

Now the definition of human trafficking is in accordance with the European and international law. It enumerates the necessary means in order to qualify the facts of human trafficking and describes clearly the forms of exploitations linked to human trafficking. This focus is put on all forms of exploitation: prostitution, forced labour, servitude, forced begging, organs trafficking and forced criminal activities.

d) Modification of the penal code

In France, the article 225-4-1 of the penal code defines human trafficking. This article, introduced in 2003 by the law on internal security has been modified by the law n. 2013-711 of 5th August 2013 containing diverse dispositions of adaptation in the justice domain in application of the European Union law and the international engagements of France.

Indeed, human trafficking is defined as “…the fact to recruit a person, transport, transfer, harbouring or receipt her with the purpose of exploitation in one of the next circumstances:

1° by the use of threats, coercion, violence or fraudulent tactics targeting the victim, her family, or a person in relation with the victim;
2° by a legitimate ascendant, natural or adoptive of this person or by a person with authority over the victim or person who misuses the authority conferred by his functions;
3° by the abuse of a position of vulnerability due to a person’s age, sickness, infirmity, physical or mental deficiency or pregnancy, apparent or known by the author;
4° by exchange or by granting compensation or other benefit or promise of remuneration or benefits.

The exploitation mentioned in the first indent of this article is the fact to put the victim at the disposal of the author or a third person, even if not identified, in order to commit against the victim the infliction ofAny of the acts referred to in the definition of human trafficking contained in the article 225-4-1 of the penal code and introduces the definitions of force labour, reduction in servitude and slavery.

The article 225-4-1 of the penal code provides a life sentence and a fine of 4,500,000 € if the authors of the crime used torture or committed acts of barbarity on the victim.

The article 225-5 of the penal code defines pimpling as the fact to:
1° support, assist and protect the prostitution of others;
2° benefit from the prostitution of others, and to share or receive the money of a person who work as a prostitute; 3° recruit, bring against her will or corrupt a person for the aim of prostitution or exert pressure on that person to work as a prostitute or to continue to do so.

The aggravating circumstances of pimping are defined by the articles 225-7 to 225-9 of the penal code. Article 222-22 of the penal code: “a sexual assault, is an act of a sexual nature committed with threats, coercion, violence or surprise”.

Exploitation of begging is defined by the article 225-12-6 of the penal code as the fact to organize and to benefit from the begging of others and/or hire, exert pressure on a person in order to force her to beg.

The working and housing conditions incompatible with human dignity are determined in the articles 225-13 and 225-14 of the penal code:

1° identify and support the victims of human trafficking
2° by the use of threats, coercion, violence or fraudulent tactics targeting the victim, her family, or a person in relation with the victim;
3° by a legitimate ascendant, natural or adoptive of this person or by a person with authority over the victim or person who misuses the authority conferred by his functions;
4° by the abuse of a position of vulnerability due to a person’s age, sickness, infirmity, physical or mental deficiency or pregnancy, apparent or known by the author;
5° by exchange or by granting compensation or other benefit or promise of remuneration or benefits.

A punishment of 20 years’ imprisonment and a fine of 3,000,000 € is provided by the article 225-4-3 of the penal code in cases where the trafficking offence is committed by an organized gang.

The article 225-4-4 of the penal code provides a life sentence and a fine of 4,500,000 € if the authors of the crime used torture or committed acts of barbarity on the victim.

The article 225-5 of the penal code defines pimpling as the fact to:

1° support, assist and protect the prostitution of others;
2° benefit from the prostitution of others, and to share or receive the money of a person who work as a prostitute; 3° recruit, bring against her will or corrupt a person for the aim of prostitution or exert pressure on that person to work as a prostitute or to continue to do so.

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The working and housing conditions incompatible with human dignity are determined in the articles 225-13 and 225-14 of the penal code:

• To obtain from a person, whose vulnerability or dependence is obvious or known to the author, to furnish unpaid services or in exchange for a payment clearly unrelated to the amount of work accomplished (art. 225-13 of the penal code)
• To subject a person whose vulnerability or dependence is obvious or known to the author, to conditions of work or accommodation incompatible with human dignity (art. 225-14 of the penal code).

In addition of the modifications on the expansion of the article 225-4-1 of the law n. 2013-711 of 5th August 2013 has also instituted in the penal code the crime of reduction into slavery. The article 224-1 A of the penal code defines the term reduction into slavery as “the fact to exert on a person one of the attributes of the ownership rights”.

Besides, the article 224-1 B enounces that “the exploitation of an enslaved person is the fact to commit against a person whose enslavement is apparent or known by the author, a sexual assault, or sequestrate or subject her to forced labour or services”.

The article 511-2 of the penal code punishes “the fact to obtain from a person one of her organs in exchange of a payment whatever the form”.

e) Inter-ministerial co-ordination network for the protection of women victims of violence and for the fight against human trafficking (MIPROF)

In order to support the penal reform and organize a coordination of the actions on the French territory, the decree of the third of January 2013 has created the Inter-ministerial co-ordination network named mission for the protection of women victims of violence and for the fight against human trafficking (MIPROF).

This organization has the objective to set in place a coordination mechanism and a national strategy in order to fight the phenomenon. In May 2013 the MIPROF announced a national plan 2014-2016 to fight human trafficking. 3 priorities and 23 measures have been identified:

Priority I – Identify and support the victims of human trafficking.
• Measure 1: Reach out to the victims and residence for the victims even if they cannot cooperate with the police forces
• Measure 2: Make easier the administrative domiciliation at the time of the deposit for the residence permit application
• Measure 7: Increase and adapt the housing solutions for the victims of human trafficking
• Measure 8: Develop and make the secure refuge provided by the “dispositif AcSé” known
• Measure 9: Build a way out of prostitution

Guarantee an unconditional protection for the minors victims
• Measure 10: Ensure a specialised support for the minors victims of human trafficking within child protection
• Measure 11: Define an adapted protection for the minors who are at the same time authors and victims

Priority II - Prosecute and dismantle the criminal networks
• Measure 12: Make sure that human trafficking incrimination is being more often enforced by public prosecutors
• Measure 13: Increase the observation skills of the labour inspectors about human trafficking infractions
• Measure 14: Mobilize against human trafficking

Reinforce international and European cooperation against human trafficking
• Measure 15: Promote in the different international forums an integrated approach on human trafficking (prevention, repression, protection and partnership)
• Measure 16: Encourage our partners into the ratification of the existent tools
• Measure 17: Ensure the presence of French experts in the international organizations
• Measure 18: Define an agenda of cooperation against human trafficking at the European level with a multilateral approach
• Measure 19: Carry out technical assistance towards the origin countries (and transit) and destination countries
Priority III – Make the fight against human trafficking a public policy in its own right

- Measure 20: A plan followed and coordinated by a project administration
- Measure 21: A fund dedicated to the victims of human trafficking and for the professional insertion of the prostituted persons
- Measure 22: Departmental coordination of the answers to human trafficking
- Measure 23: A policy judged and evaluated by an independent institution (national rapporteur).

The existence of this plan should not hide the fact that the application is for now delayed. There is no financing allocated in order to set in place the plan and the personnel is at the minimal level. If some measures has been realized for instance:

The Law 2014-873 of 4th August 2014 for real equality between women and men modified some dispositions in favour of the victims of human trafficking who filed a complaint or testified. Now for the victims of human trafficking who filed a complaint or testified. Now for the victims of human trafficking who filed a complaint or testified. Now for the victims of human trafficking who...
c) Choosing a group present in France and Italy and originating in Romania

Taking into account the European project framework and the partner countries, it seemed relevant to us to focus our research on the Pletosi group. Indeed, according to our interviews, the group of Pletosi kept away from sexual exploitation situations. Upon their arrival in Constanta, during the 90s, some of the Pletosi families developed economic strategies based on the exploitation of children. If a family was found to promote them in Paris, they were exploited in pickpocket activities. In order to circumvent the law, the family and the status of the minor were changed. Concerning the migration to western Europe, this happens especially as of 2002, when certain Pletosi families tried their luck in Italy (Tortona, Milan, and Florence). After several years, the parents would send back, by special delivery, their daughter to the family and the justice system, they developed strategies preventing the identification of children. The families probably took inspiration from other Roma communities to protect their children from the authorities. In the Pletosi communities of Braila and Constanta, poverty and re-enforcement of community logics made the children living on the margins of the city, Medeea, Palas and Bratianu, chosen by the other Roma, they were forced to leave the city. These families in Constanta, more prosperous than Braila, experienced difficulties in making themselves acceptable to the authorities. The Pletosi were therefore put in social housing compounds (called Nato “bungalows”) in Braila, Galati and Tulcea because of the important need for low qualified work force for the numerous industrial factories in the region (SMIDC, IPCM etc.). During the 90s, after the fall of Ceausescu, these important industrial centres, not very profitable, were closed down. Their workers were massively affected by unemployment, leading to the economical decline of the entire area and throwing a significant number of families into precariousness. The Roma were among the first to be laid off. The Romanian population started to drain from the initially mixed neighbourhoods (where the recently settled Roma, among which the Pletosi, had been sent to live), thus leaving behind poverty pockets abandoned by the public authorities. The neighbourhoods of Braila Locul Dulce, Cherecu and Elaz, where most of families lived, turned to a grey economy: scrap iron selling, begging etc. Some of them turned to small crime activities and professionalised during their travels abroad. The children exploited in Paris are the product of this process.

In the middle of these neighbourhoods composed of different Roma groups, the Pletosi, badly perceived by the other Roma because of their recent settlement, developed specific community practices. The marriages became more and more common, leading to the re-enforcement of community logics. Each group cultivates a specific identity through a community practice in constant adaptation, used to the transformation of the majority society. The group of Pletosi follow on this functioning claimed as traditional, but which is, actually, relatively recent.

ii) Establishment of Pletosi in Braila and Constanța and re-enforcement of community logics

The Pletosi, named as such because of the long hair men were wearing, used to make a living from itinerant handicraft activities all over the Romanian Moldavia (Focșani, Vladimir etc.). In 1976, Ceausescu issued a law for the forced settlement of itinerant or nomad populations. The Pletosi were therefore put in social housing compounds (called Nato “bungalows”) in Braila, Galati and Tulcea because of the important need for low qualified work force for the numerous industrial factories in the region (SMIDC, IPCM etc.). During the 90s, after the fall of Ceausescu, these important industrial centres, not very profitable, were closed down. Their workers were massively affected by unemployment, leading to the economical decline of the entire area and throwing a significant number of families into precariousness. The Roma were among the first to be laid off. The Romanian population started to drain from the initially mixed neighbourhoods (where the recently settled Roma, among which the Pletosi, had been sent to live), thus leaving behind poverty pockets abandoned by the public authorities. The neighbourhoods of Braila Locul Dulce, Cherecu and Elaz, where most of families lived, turned to a grey economy: scrap iron selling, begging etc. Some of them turned to small crime activities and professionalised during their travels abroad. The children exploited in Paris are the product of this process.

Concerning the migration to western Europe, this happens especially as of 2002, when certain Pletosi families tried their luck in Italy (Tortona, Milan, and Florence). After several years, the parents would send back, by special delivery, their daughter to the family and the justice system, they developed strategies preventing the identification of children. The families probably took inspiration from other Roma groups who had been present in Italy for a longer period of time.

iii) Arrival in France

In France, the first exploited minors coming from Romania arrived in 2003. If it is difficult to know the precise reasons for the arrival of these groups in France, as of their arrival, most of the boys and girls were used for theft of mobile phones (especially iPhones) on the terraces of Parisian cafes. Function of the family and the status of the minor (child, daughter-in-law etc.), the pressure to steal a certain number of mobiles each day or the ill treatment inflicted were different. Few of the minors present in Paris seem to attend school. From a physical point of view, the children are in poor health and complain regularly about physical violence inflicted by adults. Since their arrival in 2009, the minors travel regularly between Romania, Italy and Spain where a proportion of their family seems to live.

f) Community practice around customary marriage

Several sources, close to the community, explained to us that girls from the Pletosi group are perceived, as of birth, as main assets of the family. This may explain the strict control inflicted on them from a very early age. The symbolic and material value of the girl becomes reality at the time of marriage. In the tsigane or gipsy societies of Eastern Europe, the ritual of marriage takes on the local traditions present in the Balkans. One can encounter:

- marriage for a dowry,
- a system of counter-dowry where the bride is exchanged symbolically for goods or money,
- mixed systems where there is a dowry from the bride (the equivalent of the wedding toutsouan) and a counter-dowry from the groom (for example, money and jewellery),
- theft of the bride where the marriage is celebrated when the two partners, temporarily missing, come back to officialise their reunion, after having had a sexual relationship.

In the communities of Pletosi the last three scenarios are quite common. The theft of the bride is rarer because of the risks for the young girl. In fact, in case of difficulties with her husband, her return to the family would be compromised. Nevertheless, this scenario offers an acceptable loophole in the eyes of the community to the teenagers repealing arranged marriage. This is the case in the Pletosi communities of Braila and Constanța, the negotiations for the customary marriage can begin as soon as the child is 7 years old. The parents agree on the future unions between families, who are, in general, of equivalent social status. If a girl is promised to an in-law family, and the word of her...
father is not kept, the Stabore (traditional court) meets and important sums of mo-

ey must be paid as compensation by the family of the young girl. The night of the

marriage, a chastity control is performed in front of the women in the community

through the so called “nightingale” ceremo-

ny during the young couple’s intercourse.

If the girl is not virgin, the reputation of

her family is tarnished, and the young girl

may be repudiated by the in-law family.

The Stabore will be convened to decide on

the financial consequences resulting from

canceling the wedding. The different aspects explain the strong control on the

young girls since their birth and their qua-

lity explains the strong control on the

financial consequences resulting from

the marriage.

As explained in the preceding para-

graph, the young girls belonging to the

Pietsoi group, are, from a very early age,

submitted and controlled by their pa-

rents and by their in-law parents. This

situation makes them more vulnerable.

i) Initiation of girls.

During our interviews with the victims,

it was revealed that many of the girls

explored abroad had been already exp-

loited back in Romania in their native

city through begging activities, as soon as

they are 4 years old. In Braila, the little girls are begging at the exits of

supermarkets under the control of their

mother or of another member of the fa-

mily. In Constanta, they beg at crossing

stops or in the touristic seaside resorts

of the Black Sea. Some of them are ini-

tiated to stealing in Romania when they

become 7-8 years old, however, for most of

them the “their career” as a child

abroad (Italy, Spain, France) when they

are 9-10 years old. During this time, the

young girls internalizes on their them, which consists of bringing, every day, money to

her family and then to her in-law family.

iii) Exploitation of daughters-in-law and psychological hold.

In order to force the daughters-in-law to

steal money the police on the Parisian

terraces, the community rules around

marriage lay the ground for imposing a

psychological hold on them. However, unlike in the traditional customary mar-

riage, the profitability of the young girl is

a preponderant criterion in the choice of

the bride. The dowry loses its symbo-

lic value and becomes a “price of the

bride”, sometimes as high as 10,000

euros. Since the marriage is not a lifetime

contract, the in-law family converts symbolically the money paid at the marriage ceremo-

ny into a debt the daughter-in-law must pay back through her stealing activities.

When the young girl is not profitable enough or decides to return to her family,

she is in danger of suffering physical re-

taliations. Her family may be condemned

by the Stabler to pay back some of the
dowry received. The strategy used for

getting hold of the girls is a mix between the

daughters-in-law among the most

exploited.

The marriage is an occasion for the

payment of a counter-dowry, which takes

not trouble their families.

The recruitment develops through a fa-

miliarization between families participating to different degrees, to the exploitation of their

children. It is difficult to quantify precisely the number of the children encountered in Paris by the Police and the associations between 2009 and 2014, between 30 and 50 fami-

lies may be involved. This represents an estimated number of 150 to 250 exploi-

ted children or at risk of exploitation. Some families formed between families

from Braila and Constanta because of their kinship; The group does not have a

hierarchy structure. The influence of the

Bulibasa (community leaders) is fading.

Nevertheless, even if some families have

more influence or power than others,

each family retains its independence.

The observation on the ground reve-

aled that young girls and especially

daughters-in-law are among the most

exploited.

By the years, the Pietsoi families ex-

ploiting minors set up a system that makes

difficult the identification and protection of

children. From the field research and the

analysis of the following strategies, the

following strate-

gies are being used.

i. Failing to register the births.

Braila as well as in Constanta, the

mediators and the social assistants we

contacted have indicated to us that cer-

tain children have no civil status becau-

se their births had never been registered

by their parents. If such situations occur

mainly because of the degradation of social conditions in the Romania neigh-

bourhoods, the families exploiting their

children abroad take advantage of these

institutional failures in order to prevent

any identification. The case of Aurora,15

known in Paris for her stealing activities

and temporarily under the control of

the social assistance service, illustrates this

situation.

ii. Aliases

In order to deceive the justice and poli-

ci services, the minors exploit the same

aliases (fake names) when they are stopped. This

old practice, used by all criminal groups,

has been affected by the work of the Ro-

manian liaison officers who travel to Paris in the Parisian police stations to

identify the minors arrested. In order to compi-

licate their work and other methods used by

other police in Europe (Italy, Spain, and Germany), forging identification documents

become more and more common.

iii. Fake filiations and cloning identity documents

One of the reasons why the minors are

able to live a teenager’s life in Paris is

the use of physical violence and of com-

munity practices perverted by money.

The financial transaction having as

object most of the daughters-in-law on

the occasion of the marriage increases

the pressure on the victims. The in-law

families demand from daughters-in-law

a fast “return on investment”. If befo-

re the marriage the girl must steal, for

their parents, 1 or 2 phones each day,

after marriage they must be more “pro-

fitable”. As investigations revealed, in

Paris, certain daughters-in-law were th-

reatened with mistreatment by their new

spouses.

iv) The boys position

If there are a lot of boys in the group used

for stealing mobile phones, the pressures

imposed on them are not as high as tho-

se imposed on the girls. In general, they

are more independent and are allowed to

attend school in Romania. During our

research, we could determine that the

majority of boys exploited in France

attended school before another voyage

abroad. Some of them had been enrolled

in the education programme a doua san-

tul14, which allows them a faster educa-

tional catch up. In Paris, some of them

are treated with their uncles and aunts

for stealing, while others take part, together

with their elders, in burglary activities.

The most worrisome situations are the-

se for boys of color “freethinkers” imposed.

Their profile is more similar to that of the

beaten children, for whom each failure is

inflicted because of their color or their

parents’ origins. While in France, after cross-checking between France

and Romania, these minors would be en-

tered with their uncles and aunts for

stealing, they are in charge of regularly

sending money to their families.

The degree of constraint on the boys and

the degree of control varies from one family to another, according to the enforcement

situation of the girls.

For the minors exploited, the documents

used serve to establish fake filiations.

The daughter-in-law is often related to

the in-law family as if it was her biolo-

gical family. Certain children, most of

the times not recorded at birth, are given

identities of children who live in Roma-

nia (many of them in orphanges). The

choice of the identity is made function of the country’s legislation, legal prac-

tices and investigation techniques. The

forgery is operated in relation to name,

surname, age of the child, filiations etc.

iv. Regular children movement in other Western European countries.

The minors used in Paris for phone th-

eft do not reside only in France. They

travel regularly between Romania and

France. They also run activities in other

destination countries such as Italy and

Spain where some of the family has alre-

ady settled for a long time. As of 2011,

children are sent to Germany for simi-

lar theft practices. Some of the children

have mentioned Scandinavian countries, but this information has not been cross-

checked.

The minors’ regular movement com-

plicates the investigation work and the

monitoring work of the associations. The

identity documents and the aliases used

are not always the same from one coun-

try to another, which makes it even more
difficult to follow these children across

Europe.

f) Factors determining minors to ask for protection

It was possible to protect several minors from the Pietsoi groups, which was not

the case with other groups using minors in France for committing crimes. Most of

the time, it is the children themselves who communicate to educators or to the BPM

(Child Protection Police) their desire to be protected with the harshness of their living

conditions.

Out of the 9 children placements map-
ped out in France by the research, 4 youths are still protected (3 girls and 1 boy), 2

have been taken back by the family, 1 la-

sted for several months, 2 ran away as soon as

they arrived at their children residence cen-

tre.

If our sample is too narrow in order to
draw a typology, we could however iden-
tify the main factors mentioned by the mi-

 nors that determined them to ask for pro-
tection:

- mistreatment,

- low level of personal benefits (the children are paid too little for the theft,

  some have explained they had to rely on

  the phones themselves in order to gain

  some pocket money, without informing

  the families or the in-laws),

- lack of communication with the child:

  the daughters-in-law have no possibility to raise their children; most of the time,

  the child is entrusted to relatives in Ro-

  mania;

- meeting a partner: several young girls who married very early fell in love with

  other boys who pushes them to break up

  with their husbands and so with their in-

  law families in order to live a teenager’s life.

The stress factors are multiple:

- a high quantity of stolen mobile phones demanded from them,

- the absence of perspective within the or-

  ganized groups, no chance to have a job,

- the lack of opportunities to meet someo-

  ne else, which would help victims over-

  come their loyalty conflicts.

These factors are triggering events and so initiatives for the protection of these

minors must be based on them. For the in-

vestigators, what distinguishes this group from others is the absence of parental af-

fection towards the minors exploited. The children are seen only as “funds providers”

without being associated to the social pre-

tice feeling shared by the other family

members because of the money accumu-

lated.

Because of the gaps mentioned in the minors’ protection system, the minors who

do not need protection were determin-

ed to get out alone and were closely mo-

itored by the investigators because of the information they provided on the group.

Speaking of the other three groups men-

tioned, despite several attempts during po
licences operations, no minor was able to get protection in a sustainable manner. The main causes of these failures are mentioned in the section 2) on the malfunctions. Finally, because of the children’s movement from one country to another, in the absence of a database at European level recording minors victims, these teenagers are sentenced to be re-exploited (sometmes by the same families) all over Europe, until they reach their majority age. The experience shows that, as soon as a group is investigated and investigations lead to arrests, the group will no longer act, for a certain period of time, in the country where it operated. The minors are transferred from one country to another for stealing activities. The minors are at first considereoffenders, for the duration of the investigation, until it is proved that in reality they are exploited, which can take several years.

4) ANTI-TRAFFICKING POLICIES WITH A SPECIFIC FOCUS ON FORCED CRIMINAL ACTIVITIES AND MINORS

Trafficking for forced criminality and forced begging is increasingly being recognized as an issue of concern in France. Cases have been reported of trafficked persons, both children and adults, forced to undertake a wide range of criminal activities, including metal theft, ATM theft, pickpocketing, bag-snatching, shoplifting, forced sham marriage, sexual exploitation, smuggling cigarettes, being made to apply for benefits, drug offences, counterfeit goods, burglary, forced begging.

In France the minor victims are more often victims of forced begging, drug offences, counterfeit goods smuggling, cigarettes, being made to apply for benefits, drug offences, counterfeit goods, burglary, forced begging.

The law of the 5th March 2007 has created several measures in order to improve the identification of the children in danger. In each French department (local authority) a service receiving alarming information has been created. The objective is to serve as an intermediary and to evaluate the situations case by case. It will permit to avoid the blockage of the services like the public prosecutor for instance with too many reports. The data centralization allows to rationalize the system and to increase the quality work of the child protection services.

The new article L. 226-3 of the Social Action and Family Code issued by the law of the 5th March 2007 defined the role of the department council president: “The president of the department council is in charge of the collect, process and evaluation, at any time and whatever the origin of the preoccupied information relatives to the minors in danger or with the risk to be.”

The president is also responsible for the administrative protection of the minors and also for the different services as the child welfare service and the maternal and infant protection.

ii) Administrative protection

On the field, the administrative protection for children in danger is carried out by the local child welfare services. Different actions are proposed to the families and to the children: the setting of a reinforced family support, a preventive educative action, or an adapted measure to the situation within the child administrative protection (educative action at the household or temporary accommodation of one or several children).

If the gravity of the facts justified it, or when the family is not cooperative, a measure of education can be asked to the judicial authorities.

iii) Judicial protection

The judicial protection intervenes if the health, the security, the morality of the child is strongly compromised and if the parents refuse to cooperate with the child welfare services within the administrative protection. The juvenile judge can be searg by the public prosecutor, the minor or the family. He can do it himself but it is exceptional.

The judge can decide:

- judicial measure as educative investigations
- educative action measure in open custody
- placement measure with another family member, with a trustworthy person, in an institution or with the child welfare service
- Dismissal of the case if the magistrate thinks that the situation of danger which justified the setting is not characterized anymore.

If the minor has committed a penal infrac tion and is charged by the police services, the public prosecutor is immediately informed and if he decides to prosecute, he transmits the file to the juvenile court judge or the instruction judge for the minors.
Concerning the minors the MIPROF has the objective to adapt for the best the welcome and the protection of minor victims of human trafficking. They are trying to create some specialized measures for the minor victims of human trafficking (all forms: sexual exploitation, forced criminal activities...) Two specific measures have been established:

Measure 10: Ensure a specialized support for the minor victims of human trafficking within child protection

The objective is to improve the broadcasting of the information and also the coordination among actors within a French department (French administration level) for instance the regional authorities, the public prosecutor, the judicial youth protection service, the child welfare service, the inquiries service and the associations.

The creation of a European platform for the protection of the children exploited is planned: the object of this platform is to improve information sharing on the identifications of minors and also on the measures of protection that they can benefit from, in order to ensure a better coherence of their socio-educational follow up in the European countries. It shall also enable to mutualize the good practices. These information exchanges should be between magistrates and police services in liaison with Europol, and in the other hand between the child welfare services of member states with the coope-ration of the European platform.

Measure 11: Define an adapted protection for the minors who are at the same time authors and victims

In accordance with the European engagement the minors forced to commit criminal activities must benefit an adapted housing in order to keep them out of reach from the exploiters and that they not be considered as criminals but as victims. For that purpose, the creation of an experimental shelter offering to the minor authors-victims a safe place is planned.

5) PRACTICES / OPERATIONAL PROCEDURES WITH A SPECIFIC FOCUS ON FORCED CRIMINAL ACTIVITIES AND ROMA MINORS

a) Practices common to all forms of human trafficking

According to the international and European conventions signed by France the victims are entitled to:

- Appropriate and secure accommodation,
- Psychological assistance,
- Material assistance,
- Access to medical treatment,
- Translation and interpretation services,
- Counselling and information,
- Assistance during criminal proceedings,
- Access to the labour market, training.

In France, assistance and support for a victim must not be made conditional on the victim's willingness to cooperate with law enforcement in a criminal investigation or trial. But in the reality it is not well applied. You can find below some examples of measures set in place in order to protect the victims:

- 30-Day Reflection and Recovery Period
- Temporary residence permit (6 month renewable)
- Temporary allowance (Allocation temporaire d'attente)
- Shelter placement
- Relocation ("Dispositif Ac.Sé")
- Social, medical and psychological supports
- Compensation...

The professionals in contact with the victims must be trained in order to recognize the indicators and to acknowledge the rights attached to the victim's status. They must be identified as victims and not as irregular migrants or criminals. Common procedures and identification criteria are essential in order to apply the same treatment for everyone. The 30-Day Reflection and Recovery Period must be automatic in order to provide human trafficking victims with the time necessary to make an informed decision concerning their cooperation with law enforcement. They must be informed of their rights in a language which they can understand. Cultural mediation is essential in order to create a link of trust with the victims.

During this period, they cannot be expelled from the country. They can return in their country of origin if it is their wish. For instance, the IOM (project CARE) offers financial assistance and training in order to find employment, or create a business in the country of origin. The project ends in December 2015 and only 130 persons including 10 minors will be assisted during this period. If they want to stay in France a temporary residence permit (6 months) is granted to victims who have filed a complaint or testified against the defendant charged with human trafficking or pimping in a judicial proceeding. If they are in danger locally they can be relocated in another town with the “dispositif Ac.Sé”.

The fact to fill a complaint or not, it does not prevent a victim of human trafficking from claiming international protection (in a few specific cases):

- The trafficking victim is in a foreign country, has escaped from her or his traffickers, and subsequently seeks protection from the country to which she or he has been brought;
- The trafficking victim was victimized in her or his own country and has escaped from her or his traffickers and has moved to a foreign country in order to obtain international protection;
- The person concerned is not yet a victim of human trafficking, but has left her or his country because of a well-founded fear of becoming a trafficking victim.

As we saw previously the system for the minors is different. The protection is seen as a general protection for all the minors in danger with a wide range of supports (material, educational and psychological in addition to accommodation). For unaccompanied foreign minors social services must be able to prepare for the regularization of the administrative situation.

Specific procedure in order to protect the unaccompanied minors:

- Support the parents if they are identified in accordance with his cultural references
- Ask the question of the real identity prior to any work
- Ensure an immediate or a very fast support
- Work with the association Hors La Rue (for Roma minors)
- Partnerships with STEI
- Follow up in detention area with the judicial youth protection service
- Support the parents if they are identified to obtain the right to visit their children.
- Visits of the detained minors followed or not, by the educative unit once a week
- Work on a realistic project after the end of the educative measure.

PERSPECTIVES: guarantee a real long term work with two Romanian speakers, two Arab speakers and a psychologist.
It is a multi-agency approach; the educative unit has encompassed in this action many different stakeholders. NGOs and public administrations are associates in order to prevent any failure.

- She is not a victim of human trafficking who has been forced to commit crimes but whose age is under the category "private and family life" could be granted to the alien who filed a complaint.
- Victims of human trafficking who have been harmed can get full compensation for their injuries resulting from the exploitation, before the compensation commission of crime victims (CIVI) attached to each high court, which will allocate them compensation, under the conditions of Article 786-3 of the Code of Criminal Procedure.

Different supports are provided by a wide range of actors in order to assist the persons towards accommodation (shelters), health care (universal health insurance coverage), training (French lessons), employment, legal assistance.

Victims of human trafficking who have been harmed can get full compensation for their injuries resulting from the exploitation, before the compensation commission of crime victims (CIVI) attached to each high court, which will allocate them compensation, under the conditions of Article 786-3 of the Code of Criminal Procedure. The legal proceeding can last several years and if the criminals are convicted the vic- tims can receive a residence card.

But the minors forced to commit crimi- nal activities have specific needs, and the educators have to deal with issues they do not usually encounter in their practices. In order to provide the best support some structures are trying to improve, innovate in their daily practices. But the efforts are unequal and depend of the will of the di- rectors and the educators.

b) Example of practices set in place by the educative unit attached to Paris's juvenile court:

Health
- Systematic opening of the rights to Uni- versal Health Insurance Coverage
- Education to corporal hygiene and disea- ses prevention (tuberculosis, scabies...)
- Develop a partnership with an hospital and with the Roma coordination of Doc- tors of the World (pregnancy follow-up, various care)

Professional insertion
- French lessons organized by the NGO Hors La Rue (for the Romanian minors) or by the STEI (Territorial Service of Education and Integration)
- Short professional trainings
- Internships with the STEI

Accommodation
- Sheltering measures set in place by the NGO Hors La Rue at the request of the minor
- SIAL (orientation mechanism toward accomodation) measures for the young Europeans after eighteen years old (absence of solution for the people out- side the European Union)

Legal
- Lawyer
- Files followed by a lawyer of the Juveni- le court's minor antenna
- Interpreter
- Presence of an interpreter for the hear- ings of the 25th chamber of the juvenile court
- Institutional links with the consular au- thorities

Pedagogical Work
- Work with the mother tongue of the mi- nor and in accordance with his cultural references
- Ask the question of the real identity prior to any work
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- Work with the association Hors La Rue (for Roma minors)
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Specific procedure in order to protect the unaccompanied minors:

Article L. 316-1 of the Code of Entry, a temporary allowance of 335,10€ (art. R. 351-7 of the Labour Code).

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6) MALFUNCTIONS OF THE MINOR VICTIMS PROTECTION

a) Lack of statistics in order to establish a precise picture

It is difficult to have a precise picture about human trafficking in France. The priorities of the French government are not reflecting the reality on the field. Indeed France concentrated its efforts on the fight against sexual exploitation to the detriment of the others forms of human trafficking. The statistics collected at the central level and sent to the Greta in 2012 concerned only the victims of sexual exploitation and included the victims of pimping. This lack of data on domestic exploitation is problematic but can be explained by the fact that these situations are taking place among the household, in the private sphere.

Nevertheless we cannot use this argument for the persons forced to beg or to commit criminal activities. The ones forced to beg are in the streets, they are visible. For the ones forced to commit criminal activities, they are often brought before the judge without never been considered as a victim despite of the presence of many indicators of restraints and investigation in progress.

Minors in situation of exploitation are more and more identified by the professionals and the associations. Nevertheless there is none genuine project of quantification of this phenomenon and when there is one it is often cautious to prejudices and preconceptions because of a wish of politicians for a more radical rhetoric that can be stigmatizing for some groups. Other complication, it is more difficult to collect data because the minors forced to commit criminal activities are often considered as rough and not as victim by the police services.

The data are incomplete and they are not sent every year to the national and European instances. The next chart combines the victims identified by the police services and the associations in France.

<table>
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<tr>
<th></th>
<th>2010</th>
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<th>2012</th>
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<tbody>
<tr>
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<td>61</td>
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<tr>
<td>%</td>
<td>55%</td>
<td>56%</td>
<td>55%</td>
</tr>
</tbody>
</table>

(Source: Eurostat 2014)

Between 2010 and 2012, 519 persons received assistance and a residence permit. Only 24 % of the persons identified as victims of human trafficking have received a residence permit during the 3 years. The data make impossible to draw a precise picture of the situation in France. It is unidentifiable; only focusing on sexual exploitation without taking into account the other forms of exploitation like forced labour, domestic servitude, forced begging, cases reported by the associations and the media agencies. Nevertheless these figures are not being the object of centralization and communication towards the European instances in charge of the report on human trafficking.

b) Lack of training for educative professionals and magistrates

The training for the professionals about identification of human trafficking victims is insufficient. There is a huge difference among French departments. For instance, for the judicial youth protection services the training is at the discretion of the departmental headquarters. Some services are following trainings on prostitution for instance the judicial youth protection service in Toulouse. The preparation is not the same for everyone and depends of the quality of the training sessions set in place by the associations.

We also find these disparities in the French prefectures, none of them have the same interpretation of the law (L936-1 for the victims of human trafficking) and they sometimes provide the residence permit in an arbitrary manner. The lack of common referential for all the professionals in contact with situations of human trafficking increases the different treatment and the unequal application of the rights of the victims like the delay of 30 days for reflection.

In a general way we can observe a lack of resources and infrastructures and a saturation of the services. We can find again the same pattern indeed there are strong differences of treatments depending of the French department. If the department of Îles de France is better equipped in order to welcome isolated foreign minors, it is often overcrowded. The isolated foreign minors are orientated in other regions without taking into consideration their best interest. This practice is unequal because the French departments do not have the same level of infrastructures and resources in order to take care of these minors in situation of vulnerability and danger. Besides they do not benefit of the same rights as the French children.

The support made by the child welfare services is problematic for the isolated foreign minors; victims or not of exploitation. The educative staff is not trained in order to deal with these situations that are not in the scheme of parents-children relations improvement. The staff of the medico-social sector is particular under trained about the identification of the children in danger.

The topic of the runaway can be approached by the lack of training in the shelters run by child welfare services or by the judicial youth protection services. The children victims of exploitation have particular needs and preoccupations, the support should be adapted in consequence. The challenging topics linked to the trauma and to the harm undergone like psychological problems, gap with reality, and loss of identity are too much complicated. Indeed the staff in charge of the children in danger is not able to assume this kind of care with the current resources.

If the support is vital in order to avoid run away from the shelters, there is also an obligation to prevent the exploiters from reaching the children in the facilities.

c) Absence of protected places and an organized relocation system

The national plan 2014 – 2016 for the fight against human trafficking has included in the measure 11 the creation of secure shelter. The project is in discussion during the first trimester of 2015. Nevertheless the measure has been put on hold because of the lack of durable funding. Besides, the creation of one shelter is not enough. The shelter is a temporary measure adapted for particular cases. If there is not a larger system in relation with other adapted shelters in the whole national territory in order to guarantee a geographic re-location and a rupture with the exploiters, the protection of the victims will not be consider at short term for a limited number of children. Currently the absence of implication from the child welfare services on this topic is not permitting a satisfying protection. Most of the victims placed in the shelters run away or are took away by the exploiters.

There is a need for a multi-disciplinary and a multi-actor work in order to prevent the strategies of the exploiters and to allow the children to feel safe and supported. Some places like the slums are not receiving the visits of the staff from the child welfare services. There is none report of children in danger. Some groups use these places in order to hide the children victims of human trafficking.

d) Failure of the identification mechanism and lack of an access to a status

The obligation to commit a criminal activity is a topic imposed among French departments. For instance, for the judicial youth protection services it is difficult to set in place such a mechanism and lack of an access to a status for the specifics needs especially if the minor has been exploited. Besides, there is none status that allows the transition after the end of the child protection toward the insertion of these young adults. The end of the support can be brutal.

If the follow up can be problematic, the identification of the minors in danger of exploitation can be also very difficult. If we take the example of the judicial youth protection service in charge of the investigations for the tribunal or in charge of the social inquiries we can remark that because of the lack of means these services prioritize.

Indeed since the terrorist attacks of January 2015 all the resources of the judicial youth protection services are affected in the fight against jihadism and the sectary derives.

The studies on the minor victims of exploitation should allow to measure and quantify the phenomenon for an inscription at the political agenda. We need to avoid the repressive strategies and only in reaction with the criminal peaks without identify and protect beforehand the minors forced to commit criminal activities.

e) Absence of minor victims identification and lack of prosecution against the authors

At the opposite of other European countries, in France there is not any independent agency with the mission to evaluate if the minor is a victim of human trafficking and if he/she can benefit from a protection and the dispositions of the law. The rare minors recognized as victims, they have been at the moment of the trial, and only in the cases of sexual exploitation. This gap prevent the quasi-totality of the minor victims to access an adapted protection, this lack has been highlighted during the “Hamidovic” trial in April 2013. Indeed, 11 persons have been sentenced because of the exploitation of almost 70 minors, forcing them to steal wallets in the Parisian subway during several years. Despite this trial none of the children benefited from a protection, none of them have been recognized as a victim. All of them are still considered and treated as criminal. During their trial it has been demonstrated the restraints undergone by the minors but anyway some of them were sentenced to jail once the case judged.
NATIONAL RESEARCHES ON FORCED CRIMINAL ACTIVITIES AS A NEW FORM OF EXPLOITATION IN HUMAN TRAFFICKING

2) HUNGARY

1. GENERAL FRAMEWORK ON TRAFFICKING

a) Definition

Trafficking of human beings, amongst that of drugs and weapons, is one of the most thriving and least risky fields of organized crime in Hungary. Since it is difficult to provide evidence and only light sanctions exist, vulnerable victims are often criminalized. Perpetrators frequently force victims to commit illegal activities, keep them in abnormal living conditions or, in case of migration, make them believe that their residence status is an irregular one. Therefore victims are under pressure, traumatized and quickly lose their autonomy and power to make decisions. Most of the time, at the end of the judicial procedures a case concerning human trafficking is not supported by evidence, and perpetrators, if convicted at all, receive court penalties for crimes other than human trafficking. Although a person affected by trafficking could still consider himself a victim of the court even if she or he does not testify and no direct legal action is taken against the traffickers, the lack of willingness of victims to testify seriously hinders the court procedure.

Victims are constantly under pressure and frightened of being abused and threatened by traffickers. In case of children, most often, they join or are captured in a special closed community, called “galery” that keeps them very isolated and forms them a micro social milieu to live in and keep their own rules.

The Criminal Code provides more details of stronger penalties for the crime of human trafficking. Exploitation was added as a new element. The increase it had not been part of the previous Article concerning Human Trafficking. This first development was essential for the effective improvement of combating human trafficking in Hungary.

Trafficking in Human Beings (Criminal Code of Hungary 2012) Section 192

(1) Any person who: a) sells, purchases, exchanges, or transfers or receives another person as consideration; or b) transports, harbors, shelters or recruits another person, including transfer of control over such person, is punishable by imprisonment not exceeding three years.

(2) Any person who, for the purpose of exploitation - sells, purchases, exchanges, supplies, receives, recruits, transports, harbors or shelters another person, including transfer of control over such person, is punishable by imprisonment between one to five years.

(3) In the application of this Section, exploitation shall mean the situation where the penalty shall be imprisonment between two, in some cases, to fifteen years if trafficking in human beings is committed.

There are more and more Hungarian victims of trafficking migrating to Western European countries. Labour exploitation is rising; however, the vast number of unreported cases is a severe problem in cases of men in forced labour and labour exploitation. Forced criminal activity is not considered as a form of trafficking, it only occurs as an associate activity while one is being exploited as a servant.

In Hungary the group most at risk of being trafficked is those who live in gang and grow up in foster homes, as well as those who live in extreme poverty in different regions of the country. Poor living conditions, a low level of education and the lack of a promising future are risk factors where human trafficking is practiced.

Hungarian victims

The are many cases of victims of human trafficking within Hungary, as well as those who return to the country after having experienced forced labour abroad. Passports or personal documents of victims, even Hungarians living in the country, are often taken away or destroyed by traffickers.

Both locally trafficked and returning victims need to have the benefit of assistance measures and protections since they are vulnerable.

The reflection period provided is independent of proceedings against the traffickers.

Service providers have to work with severely traumatized victims. They need long term special care to stabilize their mental health issues associated with the traffickers' physical and emotional abuse. The aim of the long term assistance is to reintegrate victims into society and to provide them with skills, so they are able to live independently.

e) Government Involvement

The mechanism ensures that the service provider is entitled to assist the presumed victims of trafficking. It involves the Office of Justice and Administration Victim Support Service, which operates nationwide, the National Family and Social-political Institute under the Ministry of Human Resources, the 24 hours hotline in the National Crisis Management and the Information Telephone Services (OKTÉS). Furthermore, employees of the Ministry of Foreign Affairs assist victims abroad. Presumed victims of forced labour have been requesting travel support more so that victims of sexual exploitation.

Lately, there were some cases of repatriated victims of forced labour, exploited in England or Belgium, who were assisted by the consulates, IOM and NGOs.

In Hungary, the cooperation among different organizations is stated in the Memorandum of Understanding (MoU); however, the National Referal Mechanism and other governmental agencies do not support service providers financially. Therefore the assistance measures and services are often deficient and unsatisfying.

f) National Legal Background

The framework of government action was stated in the 2008-2012 national strategy against trafficking in human beings in the 1018/2008 (II) OJ 182 and further facilitating international cooperation in combating human trafficking.

Trafficking in Human Beings Section 192

(1) Any person who: a) sells, purchases, exchanges, or transfers or receives another person as consideration; or b) transports, harbors, shelters or recruits another person for the purposes referred to in Paragraph a) including transfer of control over such person; is guilty of a felony punishable by imprisonment not exceeding three years.

Forced Labour

(2) Any person who - for the purposes referred to in Paragraph b) transports, harbors, shelters or recruits another person, including transfer of control over such person; is punishable by imprisonment not exceeding three years.

b) by causing a significant injury of interest, or by force or by threat of force, to perform work against his will, is guilty of a felony punishable by imprisonment between one to five years.

(2) The penalty shall be imprisonment between two to eight years if the crime of forced labor is committed:

a) by torturing the victim; or
b) by causing a significant injury of interest; or

c) against a person under the age of eighteen years.

Durus Section 193

Any person who compels another person by force or threat of force, or by force, or by threat of force, to perform work against his will, is guilty of a felony punishable by imprisonment between one to five years.

The mechanism fulfils the expectations of the Palermo Protocol, the Council of Europe Convention on Action against Trafficking in Human Beings CETS No. 197 (thereafter: CETS No. 197) and the 2002 Framework Decision 2002/629/JHA. Hungary prepared the modification and ratified the new law instrument in time on 6th April 2013. The Criminal Code came into action on 1st July 2013.

On the level of the European Union, the Directive introduces minimum regulations about human trafficking, and defines crimes and sanctions. It regulates the implementation of effective prevention and victim protection.

Modified Criminal Code of Hungary 2012

The new definition regulating human trafficking, part of the Criminal Code, fulfills the expectations of the Palermo Protocol, the Council of Europe Convention on Action against Trafficking in Human Beings CETS No. 197 (thereafter: CETS No. 197) and the 2002 Framework Decision 2002/629/JHA. In Article 192 of the Criminal Code, exploitation was added as a new element of the crime of human trafficking.

The CETS No. 197 consists of provisions about law instruments concerning the prevention, prosecution, criminal law, prevention, victim protection and support. Transposing the Directive 2011/36/EU made the ratification of the law XVIII 2013 possible. The agreement was accepted on 16th April 2005. The aim of the agreement is to improve the prevention and combating of human trafficking; while ensuring gender equality, protecting human rights of victims and further facilitating international co-operation in combating human trafficking.

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According to the victim support services, many cases of victims of human trafficking are not referred to the Home office of Justice and Administration Victim Support Service, which operates nationwide, the National Family and Social-political Institute under the Ministry of Human Resources, the 24 hours hotline in the National Crisis Management and the Information Telephone Services (OKTÉS). Furthermore, employees of the Ministry of Foreign Affairs assist victims abroad. Presumed victims of forced labour have been requesting travel support more so that victims of sexual exploitation.

Lately, there were some cases of repatriated victims of forced labour, exploited in England or Belgium, who were assisted by the consulates, IOM and NGOs.

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g) Victim support and compensation

Act CXXV of 2005 (hereinafter: Act) on supporting victims of crimes and on state mitigation of damage, came into force on 1 January 2006 and is aimed at implementing Council Directive 2004/80/EC of 29 April 2004 concerning the compensation of crime victims. Victims of trafficking can only receive victim support according to Article 1(1) of Act. Article 9/A and Article 43(3), which came into action on 1 July 2007, and implemented sections 5 and 6 of the Council Directive 2004/81/EC. These concerns the residence permit of third country nationals who are victims of trafficking or immobilized irregu- lar and are willing to cooperate with the authorities.

h) Gender aspects in exploitative situations

Hungarian authorities are aware of the fact that gender is an aspect that needs to be taken into consideration when looking at different forms of coercion and exploitation, and when working with victims. Available for victims protection and assistance, the different natures of traumas and results of being forced to do something makes a difference in terms of gender. A vast majority of female victims were victims of sexual exploitation and there are some victims of domestic violence and slavery. Men are mainly victims of forced labour in the constructing or agricultural industry. More men have been becoming victims of forced begging and victims of domestic servitude. Elderly and retired people with low pensions are at high risk. Other groups who are at risk are unemployed persons, and people living with physical and/or mental disabilities. Children (mostly female) are mainly victims of sex trafficking and forced to commit smaller crimes. Drug addiction is very common among them.

i) Accommodation possibilities

Shelters for victims of trafficking are designed to host adult women since they represent 90% of the identified victims. Apart from them are Hungarian nationals. There are no shelters specialized for un- derage victims of trafficking. They are placed in children foster homes or special res- idence homes for children. Men are placed in other facilities.

It is no data available showing whether third country nationals were provided special protection or assistance as victims.

j) Public policies, National Referral Mechanism, National Rapporteur

The National Referral Mechanism was established by a Memorandum of Understanding (MoU) in 2005. It involved the Ministry of Interior (MoI), the Ministry of Foreign Affairs, the International Office of Migration (IOM), Ministry of Social Affairs and Labour and the Hungarian Baptist Aid (HBAid). The Mechanism was added to an NGO coordination roundtable on 20 December 2011. It is a consultation working group which includes several civil members.

The Ministry of Interior is the lead agency on all trafficking issues, and the Deputy State Secretary for European Union and International Affairs is the appointed National Coordinator for THB. The Coordinator ensures the cooperation among different governmental and non-governmental organizations. It is responsible for taking steps in the fight against human trafficking on an international, European and national level.

The framework of government action against human trafficking was laid down for cooperating actors in Hungary by the Government Decree 1008/2008 (III.26.) on the national strategy against human trafficking for 2008-2012 which has expired on 31 December 2012. Government Decree 1351/2013 (VL. 19.) sets the national strategy against human trafficking for 2013 – 2016 has been published on 19 June 2013.

Other state agencies involved in trafficking issues include the Ministry of National Resources (MNR); the Ministry of Foreign Affairs; the Crime Prevention Department of the National Police Headquarters; the National Bureau of Investigation (NNI); county police headquarters; the National Court Administration Office (OH); the Office of the Prosecutor General; the Office of Immigration and Nationality (OIN); the Victims Support Service; and the National Crisis Management and Information Service (OKIT). Domestic THB investiga- tions are launched and conducted by county police headquarters. Investigations are only transferred to the THB Department of the National Bureau of Investigation if the case shows elements of organized crime or has an internationa- l connection. The THB Department in the National Bureau of Investigation added two new police investigators in 2014, bringing to 14 the total number of police. THB investigations are con- ducted under the close supervision of the prosecutors’ offices.

The National Trafficking Coordinator chairs the National Coordination Me- chanism (NCM), which holds sessions in every 3-4 months of the year. The NCM includes representatives of the above state agencies, IOM, the Chance for Families Foundation (an NGO operating the shelter for THB victims) and the Hungarian Baptist Aid (HBAid), and aims to coordinate the anti-trafficking measures of the various stakeholders, as well as monitor the implementation of these measures. The identification procedure has to follow the Government Decree in effect since 1 January 2013. There is not much relevant experience in practice about this new regulation. There has been cooperation among the representatives of civil and governmental sectors since 2005. There had been no official indica- tors issued that were in use for official and non-official organizations.

In practice, those civil organizations that provide assistance to victims, have been accommodating, protecting and assisting identified Hungarian victims, trafficked in country and/or those who are repatriated Hungarian victims.

The official agencies are the fol- lowing: health care services, state agen- cies in the field of health care, agencies providing educational institutions and agencies, the police, labour authorities, consulates, OIN, this coordination authority, and organizations providing assistance to victims.

The identification procedure is simi- lar to men and women. The Government Decree does not distinguish genders in identification. In practice women are victims of sexual exploitation which means the 90% of victims in Hun- gary are women. Men are subjected to torture or her/his life would be endangered for other reasons, than s/he has to return to her/his country of origin. There is no relevant data about child victims of human traf- ficking.

In case of third country nationals International protection procedures are conducted by the OIN. Third- country citizens have a possibility to self-report themselves as victims; also, the OIN has been practicing non-official identification procedures with presumed victims at the first interview. The offi- cers examine the travelling route of the asylum seekers which they used from their home country to Hungary. There are some regions and routes where they might meet traffickers.

Most of the third-country nationals use Hungary as a transit stop. Smugglers nets transporting migrants to Europe and beyond. These persons trying to reach Western Europe cross the Schengen bord- er or travel as far as the USA or Canada. There is no data available about vic- tims of THB identified in these flows for the international protection procedure if a victim is detected by the OIN, normal- ly they do not change the procedure of an asylum seeker. There are no special facilities (protected houses/shelters) for third country nations victims of THB. The OIN issued data about the numbers of asylum seeker unaccompanied children in 2004. There is no data availa- ble about unaccompanied trafficked children victims of third country nationals entering Hungary. Hungary is also only a transit stop for alien children. They do not even know in which country they are and are often found by the competent authority. If the application of the asylum seeker is rejected by the OIN, the asylum author- ity or the court or if the applicant cancels the application during the proce- dure (a preliminary examination procedure) can’t determine that in case of return to her/his country of origin she would be subjected to torture or her/his life would be endangered for other reasons, than she has to return to her/his home country or to a country that admits her/him.

If after rejected the person submits a new asylum application, than the Hun- garian asylum authority examines (in a preliminary examination procedure) if there any facts or circumstances oc- curred that indicates the entitlement for international protection. In case the asylum authority considers that the new application doesn’t include any new ele- ment compared to the first one, then declares it inadmissible.
I) Identification Procedure in the Practice

The Identification Questionnaire (hereinafter: Questionnaire) in the Government Decree is used to help in the identification of victims of trafficking. The Questionnaire is also a written agreement of the victim to be assisted, provided with health care and shelter placed to the victim agrees with being officially identified as a victim of trafficking. Third-country nationals stay in international protection procedure. They receive residence permits for humanitarian purposes for the duration of the procedure and if they are victims of trafficking they have to cooperate with authorities.

Indicators for identification: according to the Questionnaire personal data is collected first; after that there are several questions to make during an interview to identify a presumed victim. It examines the victims’ health condition, possibility of being a child, sign of abuse and violence, physical condition and other signs such as poor clothing. It examines the sign of restricted personal freedom, living conditions, accommodation, and number of abandoned children and working conditions.

If an eligible organization detects a Hungarian citizen or a person having the right to freedom of movement and residence within the EU who is a presumed victim of trafficking, it immediately notifies the police, OKIT the National Referral Mechanism (hereinafter: NRM). The police, OKIT refers presumed TIP victims to the secret shelters run by HBAid and the Chance for Families Foundation if he or she needs safe accommodation. The OKIT informs the victim about the circumstances provided by the shelters. If a victim requests accommodation in a shelter, the OKIT calls the managers of the shelters and commands them to the identified victim to organize his/her secure transportation and adaptation.

It is important to note that the Government Decree after regulating the order of accommodating a victim, it dispose of the about reintegration procedure. The expression of reintegration is essential at this point for we may say that the Regulation focuses on repatriated Hungarian citizens, which is a specific and particular remark of the country in comparison to other European countries. The mentioned civil and governmental organizations in the Mechanism, that are eligible to identify victims, almost with exceptions, they only meet Hungarian trafficked persons. They either become a victim inside the county or are taken abroad.

Since the official identification procedure came into force 1 January 2013 according to the above mentioned decree. There is no evaluated data on its practice. There have been no official indications of trafficking used by official or non-official organizations.

m)Referral


Government Decree 1018/2008 ap pointed the State Deputy Secretary for European Union and International Relations of the Ministry of Interior for the anti-human trafficking coordinator of Hungary in order to take steps in combating human trafficking and create an anti-trafficking national action plan. The coordinator had its first meeting in February 2009. In December, 2011, the NRM has changed its profile and invited several NGOs and civil representatives who are involved in women issues and in countering THB. The coordination mechanism has been dealing with obligated changes of legislation in THB for the EU published its 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. Hungary prepared the modification and the ratified the new Criminal Code the definition of human trafficking in the European Union in March 2013. The new Criminal Code entered into force on 1 July 2013.


The members of the Mechanism are the National Police (hereinafter: ORFK), the NNI Human Trafficking Department, the OKIT phone line, Victim Identification service, the EMMI, Ministry of Interior (hereinafter: BM), Ministry of Foreign Affairs, Consular Services, Hungarian Baptist Aid, and the Representative of the official shelter. The different actors co operate with each other in combating human trafficking. All the official actors (ORFK, NNI, OKIT, IOM, Consulates) are eligible to refer victims to shelters. The task of the BM is to coordinate and manage the Mechanism. The EMMI is obligated to keep a shelter, the OKIT has to run a 24 hours hot-line telephone service for presumed victims and refer identified victims to the authorities. If the identified victims of THB, are EU citizens, can ask for assistance at support services as they can receive it from their own Embassies.

n) Assistance

The identification of trafficked third country nationals is done by the OIN during the first interview of the international protection procedure. There is no particular facility for sheltering or accommodating alien victims in Hungary. Victims are entitled to be provided with all assistance and support, which persons were hardly ever get to payments in damages or compensation. According to the minimum standard received, it was a very little amount.

o) Assistance and Referral in Practice

HBAid provides accommodation to trafficked persons so as the other shelter run by EMMI. The two organizations provide accommodation and support in re habilitation and in reintegration procedures for victims of THB. The shelters not only guarantee safe accommodation for victims of trafficking, but they also provide social services, job consultations, job placement support, medical, legal, psychosocial counseling, competency development, educational and vocational trainings in hand. The aim is to help victims to be able to live individually. The HBAid finances its services and assistance by non-state grants. The two organizations host, protect and assist presumed victims, who are not identified by official actors in the Mechanism. In the case the hosting organizations do the emergency protection in their shelter. Furthermore, it also happens that church organizations, child welfare institutions, and other organizations refer victims to shelters. Provided assistance does not depend on the cooperation of victims with the authorities.

HBAid was the first protection and assistant provider in this field in 2005. Ever since the organization has accepted its shelter was declared her/himself as a VoT and provided proper services. HBAid considered and treated presumed trafficked persons as victims even before the competent authorities had the slightest indication that the person a victim of THB. During the identification process the presumed trafficked person has access to assistance and support, regardless of whether s/he is able or willing to testify. HBAid provides assistance and protection for long term period even if a VoT is not willing to testify. Reintegration of victims starts
after the first 6 months; victims may stay in shelters for up to 3 years to be able to start a monitored life independently. According to a Memorandum of Understanding (MoU) going back to the time when HBAid operated the official shelter the Government further determined a presumed victim needs recovery and reflection period for not returning to the country of origin.

The Mechanism of Foreign Affairs issued a directive that contains guidelines to the Hungarian Consular Services on how to provide consular assistance to the victims of TIP. The directive underlines the importance of the protection of victims and instructs Consuls on how to repatriate victims safely, or place them in shelters with the assistance of the governmental or non-governmental organizations of the receiving countries. The directive has an attachment with the contact details of such organizations in Hungary and abroad.

The Victim Support Service can secure psychological assistance or crisis intervention when identified as a victim of human trafficking. Article 29 (1) e) of Act II of 2007 by initiative of the national security or law enforcement agency – to any third-country national, or other affiliated third-country nationals on his/her account, who has cooperated with the authorities in a crime investigation and has provided significant assistance to gather evidence is entitled to receive residence permit for the period of cooperation with the authorities.

The Office of Justice and a psychologist. There is a need to facilitate illegal immigration for the purpose of obtaining illegal benefits, allowances and opportunities to assert the victims’ rights. The Office of the Prosecutor General is responsible to implement protective measures. Trafficked third-country nationals are placed in reception centres in order to be available, and to limit their movement. Therefore, the aliens cancel their international protection proceedings.

The migration authority will place the migrant for the period of the procedure to private accommodation or to reception centre except for the migrant who is under a measure restricting personal liberty, penalty or measure restricting personal liberty enacted in immigration proceedings. Unaccompanied minors will be placed in child protection institution.

Traffic victims other than cooperating with the competent authorities have to inform the authorities about the presumption of human trafficking. The official identification procedure is conducted. The competent authorities have to inform presumed foreign trafficked persons that they have one month to consider whether they are willing to cooperate with the law enforcement authorities, are entitled to a residence permit for the period of cooperation with the competent authorities. Article 29 (1) e) of 2007 provides that any third-country national, or other affiliated third-country nationals, who cooperated with the authorities throughout the investigation and contribute to gather information and evidence is entitled to receive a residence permit for humanitarian purposes.

According to Article 29 of Act II of 2007 third-country nationals have to be placed in child protection institution or to private accommodation or to reception centre except for the migrant for the period of the procedure.

The Act on Crime Victim Support and State Compensation provides the following services to victims of all types of crimes: providing information; securing psychological assistance; providing help for assertion of interest; legal aid; a maximum of approximately €380 annual monetary aid; and state compensation for indigent victims of violent crimes. There were approximately 60 regional and local victim protection offices and 11 regional crisis centers where trafficking victims could receive short-term psychological, social, and legal assistance. Victims other than cooperating with the state budget but may be administered at the county level.

The enforcement of the Act CXXXV of 2005 in the event the victim supporting authority establishes that the victim has been identified as trafficked victim support is a victim of trafficking in human beings – besides those specified in Article 9 (1) – the authority could inform him/her on the followings a) the victim has one month to consider whether s/he is willing to cooperate with the law enforcement authorities; b) “the victim is entitled to certificate of temporary residence for the reflection period, and to receive residence permit for the period of cooperation with the authorities.”

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This Right has based its research on interviews with victims and experts of the assisting area, relevant official authorities from the area of crime, justice and jurisdiction and on relevant stakeholders. Existing cases were also used and a research concerning the legal background was also established. The victims only occurs as an associate activity in other forms of trafficking issues.

Concerning the field research decided to focus on Roma children institutionalized in juvenile correctional center for deviances or for different criminal activities who are also victims of sexual exploitation and on victims of forced labour and domestic servitude. To collect information on it we conducted:

- institutional stakeholders interviews,
- semi-guided interviews with victims of forced labour and domestic servitude,
- informal interviews with Roma children at risk.

2) The Research Methodology and Sources

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a) List of interviews

- 32 Children in juvenile correctional centers and foster homes (age 14-18)
- 3 VoT’s in shelters
- the Office of the Prosecutor General of Hungary (5 prosecutors)
- National Bureau of Investigation
- National Police (2 policemen and the Director of Children and Juvenile Crimes Department)
- Service Providers and social workers at Children Protection Services, Family Welfare Institutes
- Substrate Director, Educators and Psychologists of the Juvenile Correctional Center
- 2 Guardians of children and adults
- Chair of Criminology Department, Law School, Budapest, Hungary

b) Bibliography, documents and reports:

Banos szegények (Fehérentek) (Hungarian Edition) by Katalin Goncz (1991)
- A védetlen gyermek (Erőszak és elhanyagolás a családban) Hungarian Edition by Klara Kerezsi

- Lişec Kata: Trafficking in human beings - the Hungarian perspective. In: Weyenberg A. (ed.): Trafficking in human beings in Europe. IEE, Brusse-

- Agnes De Ccoli: IOM-Pariis "Foster and Improve Integration of Trafficked Persons (FIT) " Evaluation of the effectiveness of measures for integration of Victims of Trafficking (VoT)" (2012)

Hungary is primarily a country of origin, the research on Hungary rather shows typical situations of victimization and introduces potential victims. It introduces special environmental conditions, so that victims are surrounded with. It gives a great picture on victims typology based on empirical experiences. There is a review on legal aspect which is rather a cognitive aspect. Hungarian legislations on identification, forced labour and labour exploitation are brand new, therefore, there are no closed cases/conviction on trafficking or enough experience in legal issues on e.g. forced labour. Before July 2013 labour exploitation was a qualified type of the felony Violation of personal freedom (former Criminal Code Article 175 Section 2). There have been no data available in forced criminal activities, so we have no chance to see results of investiga-
tions and reinforcement of working legal issues.

Even though, there is no official data or consideration about the phenomenon as a trafficking issue, the research shows a most relevant need of attention to this form of exploitation. Hungary has a fresh experience of reinforcing trafficking cases in legal processes according to the new legislation. Consequences and the recommendations are highly suggested to take under consideration specially at the time of changing and introducing the advanced and improved trafficking legislation.

The unnotice researched phenomenon is even more severe than the grey zone at ease of forced labour and such forms of modern slavery and domestic servitude. Identification suffers from seriousness and there are not many successfully closed cases. Assistance and availability of help need more publicity and support, furthermore the awareness of the society is essential. It is necessary to mention that there are no proper shelters available specialized for children in Hungary.

3) CRIMINAL FORCED ACTIVITIES AS A NEW FORM OF TRAFFICKING

- Number of estimated victims (identified, presumed)
- There are no official data available on forced criminal activities, moreover; it is not considered as a form of exploitation or trafficking in persons in Hungary. In case of force the perpetrator of the activity is released and the case is closed. According to interviews with police, cuman and children welfare institutes, they all estimated about 1 victim out of every 100 people in Hungary. They meet children and adults as well who are involved into forced criminal activities.

Children belong to different very close “galleries” and very difficult to reach them. It is almost impossible to get into touch with these children for the group is protecting them and is very careful not to let the children to get in touch with others outside of the group of the small community.

In cases of adults, it is very hard to prove the forced criminal activities, specially for victims who would not testify. Both children and adults are either afraid of the traffickers to linked them, therefore they would not file a report against them. This situation is very similar to pimp and prostitutions relations.

- Groups involved / minors / adults / Roma minors (specifically, but not only Roma community, not only minors), age and gender

There are mainly non-Roma male persons involved in forced criminal activities as a victim of this form of exploitation. They are usually victims of domestic servitude and forced labour. Most of them are individually (rarely two of them) kept in a Roma family. This form of exploitation and humiliation in persons have been existing for several decades. Roma families in the villages and properties in the desert, isolated areas have always had slaves around their house. These victims usually forced to do farming and agricultural work. It is very common that they are sent to steal fodder for the animals like (corn, straw and hay) and wood to heat with in the house of the trafficker. Domestic slaves are most of the time forced to commit crimes against wealth.

- Countries of origin / Travel map
- Breakdown of countries of origin for victims of trafficking transiting through Hungary are Romania and Bulgaria. However, there are no such special information from the organizations it can be established that due to the geographical situation of Hungary and due to the fact that Romania and Bulgaria are countries of origin for victims of trafficking.

- Trafficking/exploitation: cause for leaving the country, degree of vulnerability in the destination country
- Victims of labor exploitation were trafficked internationally from Hungary primarily to the United Kingdom, the Netherlands, Belgium and Canada. Unemployed and low-skilled men have become more vulnerable to labor trafficking, especially in the United Kingdom, which was the primary destination country for labor traffickers.

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Victimization in Hungary has sev-
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for help or even if they ask and report the crime later they decide to withdraw it and disappear.

According to Hungarian foreign missions in 2014 especially underage or young adults turned to Consulates and Embassies for assistance. These presumed victims grew up in general in state-provided welfare homes and the majority of presumed victims forced to prostitution are Roma. Vulnerable groups of labor exploitation are usually unemploye 35-35 years old men and women, low-skilled or unskilled people deriving mainly from Eastern and North-Eastern Hungary. Suspected victims of drug-smuggling are usually undere ducated and women suffere ring financial problems. In most cases these people travel to South-America after a Hungarian recruiter off ers them quick and easy packing work opportuni ty with high salary.

b) Forms of recruitment and subjection and information about the criminals and criminal organizations

The profiles of the perpetrators or in their methods of trafficking in per son. Hungarian authorities encountered cases of human trafficking for sexual exploitation, as well as for labor exploitation. According to government oﬃcials and NGOs, young Hungarian victims are typically recruited by acquaintances, relatives, or people with whom they have lived in close physical and social proximity, usually within the same area. Moreover, groups of trafﬁckers were individuals or small, family-based groups. There is evidence that women are sold into prostitution by their partners and their families. Such women usually live in extremely low-income households. In most cases, trafﬁckers are members of organized crime groups involving drug and sex-oriented businesses. Hungarian perpetrators often remain in contact with their victims after the victims leave the country and continue to exert pressure on them, as opposed to recruiters who sell their vic tims and do not remain in any contact with them after the transaction.

Some of the recruitment methods used by sex trafﬁckers involve circula ting promises of well-paying work for waitresses or dancers in free weekly publications, on the internet, or word of mouth. These trafﬁckers most of the time make young girls and boys to com mit smaller crimes in association with sexual services. Some victims are aware that they are being recruited to perform illegal work, but do not expect to have to perform sexual services or other il le gal or criminal activities. Trafﬁckers use threats, force, and emotional attachment to ensure compliance. Most of the time “loveboy” phenomenon occurs using “boyfriends” to create an emotional at tachment with young girls and women, and then threaten and prostitute them. This form of recruitment methods are used in forced criminal activities as well. “Loveboys” persuade minor girls or boys to commit small crimes such as stealing and robbery besides providing sexual services. In the worst cases, these women are also beaten and raped by the perpetrators. Victims of sex trafficking in Hungary are forced to solicit clients on rural roads, city streets, metro under passes, brothels (disguised as lap-dance bars or massage parlors), and in some cases, departments or private homes. Victims are usually housed in apartments owned by trafﬁckers or outbuildings on their property. In most cases, virtually all the victims’ earnings as well as, in cases of international trafﬁcking into or out of Hungary, the victims’ travel do cument are taken by the trafﬁcker or others exploiting them, e.g. brothel ow ners and landlords. While government oﬃcials comment that it is not un common for trafﬁcking victims to use fraudulent documentation, a signiﬁcant number (especially among victims under 18 years old) travel with bona fide do cuments, making it diﬃcult to identify victims. Trafﬁckers transported victims in cars, trains, planes and buses.

In cases of domestic servitude in associ ation with forced criminal activi ties, trafﬁckers seeking for vulnerable individuals with no relatives or other small micro social groups. They often recruit homeless from the streets, the shelters, railway stations or pubs. Trafﬁckers start conversations with these people, by word of mouth. Sometimes they only use these vulnerable often alcohol addicted people to buy a cell phone on behalf of them. In other cases they end up in dom estic servitude in the trafﬁckers house holds.

The other jeopardized group is the re tired elderly to exploit in person. Trafﬁckers attract elderly with fake promises of taking good care of them, offering comfortable accommodation, a loving family with full service. Once victims are persuaded, perpetrators often get all kinds of loans on goods on behalf of the victim and then they keep them captured in their houses as slaves. It is very common that these el derly are abused and violated in order to make them do whatever the trafﬁckers want.

Homeless and elderly are most of the time not punishable for they have no wealth or properties or income to pay fi nes. The forced activities are hardly ever provable in the cases as not voluntary activities. Speciality in case of legal pro ceedings the perpetrator or the ones who are responsible for the living conditions better for the victim to make him/her refuse the ﬁled report. That time the victim becomes we ak again, so the case is closed. Usually at this point the trafﬁckers sell or give the victims away to someone else.

The families who keep slaves around the houses are mostly Roma people. Most of the pimps are also Roma. Even minors at the age of 16 or in some ca ses even under that. Even though, a vast majority of female children involved in prostitution and forced criminal activi ties are also Roma. “Subcontractors” who recruit physical workers to employ abroad are also mainly belong to the Roma communities.

c) In case of children

Children come from families who live in deserted areas, dead ended villages, in workers houses that remained from the former communist regime in very isola ted parts of the country. Children victims are also represented dysfunctional fami lies, extreme poverty, parents are often addicted to alcohol or drugs, being in prison or sometimes mentally disabled. Most jeopardized children are those who live or grow up in foster homes.

A very common phenomenon that Roma groups attract non-Roma children to join them. This group works as a “family”, it protects and watches the children as a form of care. Children start to drift into these groups at the age of 10-11. These groups “galleries” force children to commit all kinds of smaller crimes such as pick pocketing, shop lifting, selling of counterfeited products, fraud and also very common to involve girls and boys into prostitution. Some groups are often consist drug dealers. The new members are make to use drugs to be able to entice children to commit small crimes for drugs. In these groups, usually boys commit the crimes, mainly robberies or break into houses and other places, and girls have to watch to avoid to be found during the action.

It is also common that young girls or boys attract older men or women and ex pose them in wealth. The young make the elder persons believe that they are in love and gradually take their money.

and gaps) of the anti-traﬃcking legal framework

The Identiﬁcation Questionnaire (hereinafter: IQ) in the Go vernment Decree is used to help in the identiﬁcation procedure. The Question naire is also a written agreement of the victim to be assisted, provided with he alth care or shelter placement. S/he also agrees with being oﬃcially identiﬁed as a victim of trafﬁcking. Third-country nationals stay in international protection procedure. They receive residence per mits for humanitarian purposes for the duration of the procedure and if they are victims of trafﬁcking they have to coop erate with authorities.

Indicators for identiﬁcation: accor ding to the Questionnaire personal data is collected ﬁrst, after that there are se veral questions to make during an inter view to identify a presumed victim. It examines the victims’ health condition, identity, any sign of injury, scars, bru ise and violence, physical condition and other signs such as poor clothing. It examines the sign of restricted personal freedom, living conditions, acciden tal death, and number of abandoned children and working conditions.

If an eligible organization detects a Hungarian citizen or a person having the right to freedom of movement and resi dence within the EU who is a presumed victim of human trafﬁcking, it inter views the person for identiﬁcation. The oﬃcial authority in many cases is the Police, the National Crisis Management and Information Telephone Services (hereinafter: OKIT), National Bureau of Investigation (hereinafter: NNI) and last but not least the International Organiza tion for Migration (hereinafter: IOM). According to the National Referrel Me chanism (hereinafter: Mechanism) these actors are all entitled to refer victims to shelters. When a victim is oﬃcially iden tified, and the victim is able to provide a written consent, the next step is to notify the local victim supporter service. The Oﬃce of Victim Support follows regu lations under Act CXXXVI of Supporting the Victims of Crimes and on State Mi nigation of Damage 2005 (herein after: Asylum) to this end. This is to give the victim no secure accommodation, under the victim written authorization, the identiﬁcation organ notiﬁes the OKIT. The service of OKIT is in contact with the manage ment of the shelters and OKIT informs the victim about the conditions and the circumstances provided by the shelters. If a victim requests accommodation from a shelter, the OKIT calls the managers of the shelters and connect them to the identiﬁed victim to organize his/her se cure transportation and adaption.

The first sign of a presumed victim might occur at the OKIT which is a 24- hour, toll-free hot-line service. One pho ne call lasts for 7 minutes assisted by specially educated social workers. The re are about 50 calls per day and 20-25 of them are considered as real issues8. OKIT also assists victims of domestic violence.

Forced criminal activity is not consi dered as a form of trafﬁcking, therefore, referral units rather focus on sexual or labor exploitation, forced marriage and the different appearance of slaverries. However, this research shows in inter nacional context. But the majority of dom estic servitude that they were also forced to commit smaller crimes and were i dentiﬁed as victims by the Police.

It is important to note that the Go vernment Decree after regulating the or der of accommodating a victim, it dis po ses of the about reintegration procedure. The expression of reintegration is es sential at this moment. The focus is that the Regulation focuses on repatriated Hungarian citizens, which is a speciﬁc and particular remark of the country in comparison to other European countries. The mentioned civil and governmental organizations in the Mechanism, that are entitled to identify victims, almost without exceptions, they only meet Hun garian trafﬁcked persons. They either become a victim inside the county or are taken to abroad.
b) Specific analysis of the adequacy (and identification of obstacles and gaps) of the anti-trafficking legal framework for responding to the needs of victims trafficked for the purpose of exploitation in forced illegal activities and for combating this specific form of the crime (especially taking into account the problem that victims appear as offenders)

The official identification procedure came into force 1 January 2013 according to the above mentioned decree. There is no evaluation data on its practice. There have been no official indicators for identification used by official or non-official organizations.

c) Description of the monitoring and data processing systems in place in order to detect if and how trafficking in forced criminal activities is dealt with.

There is no data available about cases on forced criminal activities, specially not on numbers of victims about this phenomenon. Children in jurisdiction are most probably presumed victims of forced criminal activities. Specially, if we consider their social and existential circumstances and go through their family background and pay attention to possible abuses and violence in their early childhood. Therefore, the only chance to examine the phenomenon is to analyze statistics about children involved into criminal activities.

Let us see an example of a county in the South-West Hungary

Baranya county 01.01.2012 There were 53.365 children (0-14 age) and 17.488 young (14-18 age)

Total number of children and minors under 18 is 71.353 according to the Central Office of Statistics (KSH) 01.01. 2012 number of minors under protection - 1364 2012. minors taken under protection during the year - 482 12.31.2012 total number of minors under protection is 1243 Reasons of taking minors (0-18 age) under protection are the following in 2012

- parent committed a crime 50 - missing school 152 - minor broke the law 86 - parent criminal behavior 15 - parent is addicted 15 - minor assisted to mess school to minor 124 - parent to care 381 - missing school 172 - behavior of minor 112

In category of other there were 381 cases of children taken under protection for the careless behavior of parents, such as jeopardizing the health of the child, the physical, emotional, and mental development of the child.

In 112 cases there were some problems of the behavior of the children and were taken under protection in 2012

Reasons of cancelling the protection - Children committed crimes become adult (18) in 42% - children are done to the area in 17% - suspending to care in 17% - Positive result in 17 % - Moving from the area in 5% - Decision in the case of minors in 2% 25

According to this statistics we can see that in an average county of Hungary where there are about 71.000 children, 50 commit a crime, however; only 1 or 2 go to the prison for young. therefore we might assume that force or persuas-
be available for victims from abroad as well. The implementation of this project will be in 2014.

There is an on-going project about sensitizing organs in the field of identification and supporting victims and authorities working on prosecution procedures. The aim of the project is to obligate employees of authorities in the field of justice and official organization that are eligible to identify victims to inform victims about available assistance, rights, and possibilities about advocacy of theirs.


The objective of the training was to provide participants of the target and destination countries with more knowledge on the topic of trafficking in persons for labour exploitation; to discuss existing practices in the investigation and prosecution of trafficking cases and share lessons learned; to expand the network of professionals dealing with the issue at hand; to equip participants with practical tools they can use in their daily work on investigating and prosecuting trafficking cases. Target groups of training were police officers, prosecutors, inspectors, and detectives, legal experts from Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Hungary, Poland, Romania, Slovakia, Slovenia, the Netherlands, and United Kingdom. Nearly 60 participants took place in the training.

2. Thanks to the support and contribution of the Royal Netherlands Embassy several trainings have been organized by MONA Foundation for Combating Trafficking in Human Rights in Hungary which aim was the fight against trafficking in persons. 57 persons participated in the trainings “Inter-professional cooperation against the suppression of prostitution, trafficking and for the assistance to victims” during the period 2010-2012. The training intended to help and prepare law enforcement, social, health and child protection experts in identifying and assisting potential victims of trafficking, sexual exploitation and child prostitution.

3. Thanks to the support and contribution of the Embassy of Netherlands and the Embassy of Sweden a professional seminar “Combat human trafficking for sexual exploitation” was organized by MONA Foundation in 2012. 14 police officers of the Hungarian Police Headquarters attended the seminar.

4. The Hungarian Police Headquarters and the representation of the Hanns Seidel Foundation (HSA) in Budapest organized a conference called “Fight against human trafficking in unprotected victims” in October 2012. Police officers responsible for victim protection attended a professional training in 2012 which focused on the fight against trafficking in persons. The main training topics were: Victims of child prostitution in boarding schools; Building inter-professional cooperation in Hungary for the fight against trafficking in persons and prostitution; Future outlook of migrant prostitutes in Hungary and in Switzerland; Prosecution, forced prostitution, trafficking in persons; EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016); Transposition of Directive on preventing and combatting trafficking in human beings and protecting its victims; Role of the church in victim protection; etc.

5. On the occasion of the Memorial Day to Victims of Crime the Office of Public Administration and Justice organized on 1 May 2012 a professional training in Balassagyarmat entitled “Child and victim protection” in cooperation with 60 police officers working in the field of crime prevention, criminal activities, migration, economic protection, public order and safety. As it was concluded that the training was of great importance.

6. The Ministry of Interior takes part in the project “Integrated approach for Prevention of Labour exploitation in origin and destination countries” with Romania. The project’s general objective is to decrease the dimensions of trafficking in persons for labour exploitation in origin, transit and destination countries. The project partners are: European Public Law Organization from Greece, National Commission for Combating Trafficking in Human Beings from Bulgaria, Organization for Equality, Support and anti-racism (KISA) from Cyprus, Ministry of Interior of FYROM.

In the framework of the project a regional seminar “Combating Trafficking for Labour Exploitation” was organized by the Ministry of Interior to improve inter institutional cooperation and increase the capacity of fighting against trafficking in persons and for better exploitation for labour inspectors, judges, prosecutors, police officers, social workers, NGOs.

7. In the 2012 Budapest Social Service Center (BSSF) was granted by GOM a two-year project aimed at improving victims’ assistance in Budapest. In 2013 and 2014, the project included ten four-day long training sessions for victim service providers, law enforcement professionals, and the judiciary with the objective of improving interagency cooperation, awareness-raising, and prevention. These training sessions included a four-hour module on THB. In addition, a study was published by Anna Betlen entitled "The Protection and Trafficking in Persons in the Social Welfare System and Child Protection in Hungary. The study concludes that the access of THB victims to support services is limited to only a few people per year, and only victims having supplementary problems such as drug addiction, mental disorder, or homelessness have a reasonable expectation of receiving assistance."

8. On 08 May 2014 Bács-Kiskun County Police Headquarters held training in Keckeméti for 30 police officers working in the field of crime prevention, criminal activities, migration, economic protection, public order and safety. The training was focused on the working in the field of crime prevention, criminal activities, migration, economic protection, public order and safety. As it was concluded that the training was of great importance.

9. On 22 May 2014 Pest County Police Headquarters held mentor training in Budapest for the police staff in order to contribute to the proper implementation of the Government Decree No. 354/2012 (XII.13) on the identification order of victims of trafficking in persons. 30 police officers working in the field of crime prevention, law enforcement and criminal activities attended the training. The topics of training were: The current situation, tasks and responsibilities of state victim assistance; the phenomenon of trafficking in persons and regulation of victim identification, referral of victims, and prevention of victims in particularly vulnerable position. Following the training, the police officers became mentors and educated their colleagues about the above mentioned topics. Trainees of the training were colleagues of the Office of Public Administration and Justice – Victims Support Department, Ministry of Interior and Pest County Police Headquarters – Crime Prevention Department.

10. On 3–5 December 2014 Crime Prevention Department of the Hungarian Police Headquarters held training entitled “Child and victim protection” in Piliscsérenkert. 40 police officers working in the field of child and victim protection attended the training. Topics: trends and practical experience of trafficking in human beings, referral and assistance of victims of trafficking, national coordination among organizations against trafficking in local level, secondary victimization, cybercrime, the role of non-governmental organizations in prevention of victimization. Trainees: colleagues of White Ring Public Benefit Organization, Hungarian Baptist Aid, UNICEF, EURES (European Employment Service), Blue Line Children Crisis Foundation, National Institute of Criminal Investigation, National Bureau of Investigation, National Media and Information Communications Authority, Office of Justice, Ministry of Interior. The implementation of the training was supported by the Hanns Seidel Foundation.

Based on the information provided by the Hungarian Police Headquarters in 2013 and 2014 for colleagues of the National Security Service training was held on combating trafficking in human beings.

11. Based on the information provided by the Metropolitan Court of Budapest a Hungarian NGO, Patent Association, carried out a research on judges in the judicial proceedings. Thanks to this in March a sensitizing training is foresee on for judges in Kecskemét.

22-26 September 2014 training was held for the judges specialised on criminal cases:

- a presentation called „The elimination of human trafficking, victim protection the implementation of the Action Plan 2014“.

- 30 persons participated at the training.

12. 6-7 October 2014 a conference was organised in the topic of victim protection where a presentation called „The victims of human trafficking“ was held by a legal officer of the Ministry of Justice.

13. In 2013, the Hungarian Prosecution held a training on 13 October – 17 October 2014 for 34 deputy-chief prosecutors of Balassagyarmat. About 30 prosecutors attended the training. From 06 2014 until 01 2015 2014, 5 Hungarian investigator spent 2-2 months at Europol within the framework of the „Operational Cooperation for Fighting Sexual Exploitation Committed by Hungarian-based Organised Crime Groups in Europe“ project. Through this the investigators can gain practical and theoretical knowledge as well.

g) Data collection

In 2014, the police conducted a total of 25 THB investigations, including 20 cases under Section 192 of the 2012 Criminal Code and five under the 1978 Criminal Code. Based on Section 175/B of Act IV of 1978 4 proceedings started in 2013 and 1 in 2014. Based on Section 192 of Act C of 2012 11 proceedings started in 2013 and 9 in 2014. In 2014, the police conducted 16 investigations of forced labor under Section 193 of the 2012 Criminal Code. Based on Section 193 of Act C of 2012 6 proceedings started in 2013 and 10 in 2014.

- Need of and obstacles related to the implementation of trainings or parts of a training devoted to trafficking and exploitation in forced criminal activities.

During the research period, it was found out that experts from the field need more information about the phenomenon of forced criminal activities. Even though, it is very hard to prove that force is a possibly considerable issue,
Children are only placed into reception foster home for Hungarian children. A number were released at age 18. A number were sentenced for committing crimes were involved into prostitution in their past. The two men were reported to the Office of Public Prosecution. They were both kept at a Roma family in Western-Hungary. Besides working with the Police, they were often sent to steal corns and wood. The two men were especially vulnerable to exploitation as a form of exploitation. It is essential to transfer of comprehensive knowledge about the phenomenon.

High-risk groups for trafficking included under-educated young adults, at least half of them belong to the Roma community, who resided in institutions or child welfare facilities in eastern and northeastern Hungary. Most of these individuals are originated from dysfunctional families, victims had experienced various forms of child abuse. Number of not Roma victims commonly live in small villages in very basic conditions and in extreme poverty; having no electricity, water sewage and modern heater system available in their homes. A large percentage of the victims, especially underage female victims, had lived in state-provided welfare homes or juvenile correctional facilities until they were released at age 18. A number were also trafficked while still in these state

5) PRACTICES / OPERATIONAL PROCEDURES ADOPTED WITH REGARD TO THB WITH A SPECIFIC FOCUS ON FORCED CRIMINAL ACTIVITIES AND ROMA MINORS

a) Asylum seekers and refugees system

According to Article 29(1) of Act II of 2007 on the entry and stay of third country nationals, for substantial national security or law enforcement reasons – by initiative of the national security or law enforcement agency – any third-country national or other affiliated third-country nationals on his/her account, who has cooperated with the authorities in a crime investigation and has provided significant assistance to gather evidence is entitled to receive residence permit for humanitarian purposes. If this person is a victim of THB, then according to Act CXXV of 2005, Article 9/A on Crime Victim Support and State Compensation he will be informed and provided with a 30 days long grace period to decide on cooperation.

Hungarian legislation distinguishes four protection statuses: admitted persons, unaccompanied minors, stateless persons and victim of human trafficking. Eligibility for these forms of protection shall be determined on individual basis.

b) Unaccompanied minors protection system

Protocol for children is different. When an unaccompanied third-country national minor illegally crosses the border of Hungary, s/he is placed in a suitable foster home for Hungarian children. Children are only placed into reception centres together with their families. A great number of unaccompanied minors can be found at some particular regions of the country, one of the frequented area is Csongrád county as they are traveling north from Serbia. Lots of them are detected by the authorities in this area, others reach the capital city, therefore, Budapest is the other location for detecting alien children. It is very common that children have no travel documents; consequently, several adults are placed into foster homes as well as they self-report themselves as being under the age of 18 to be placed rather in foster homes. A new age assessment examination was introduced in Hungary in 2015 for avoiding these cases. If an alien child is placed in a foster home by the competent authority s/he is entitled to have a 72-hour crisis intervention procedure. During the 3-day procedure proper professionals have to try to find the parents or relatives of the child and organize a family reunification. If the family members cannot be found, a child protection procedure has to be initiated and the child must be referred to a temporary reception. The international protection procedure for unaccompanied minors is conducted by the OIN. Children have the right to use their mother tongue during the procedure and an interpreter has to be provided by the OIN. There has to be a case guardian provided whilst a child is interviewed. During the crisis intervention children have the right to be provided for pocket money and health services. Third-country national children without guardians usually stay in the foster care for 2-3 days that they travel on, most of the time with smugglers to reach their desired destination country. There is an information leaflet available for unaccompanied children in various languages about basic information and cultural traditions at Child Protection Methodological Services. Communication difficulties are a great obstacle in taking proper mental and physical care of the children. It would be essential to provide psychosocial care, crisis intervention and health care for frequently occurred latent infections and other health problems coming from the poor conditions of the children. During the procedure, foster homes have very little information about expected actions and results about the outcome of the protection procedures, therefore, the insecurity and the lack of information make children more anxious.

The Szent Ágota Child Protection Service opened its home for refugee children in 2013 in Hódmezővásárhely, Csongrád, Hungary. The home is able to host 18 children. They have only received male unaccompanied minors so far. There is a big fluctuation as it mentioned above, however, there are 7 children who have been staying in the home for longer time. 99% of these young boys apply for refugee status as soon as they arrive, even if they know that they will not stay more than 2-3 days. The OIN provides them residence permit on humanitarian grounds for one year. Children do not have to cooperate with authorities. There is no data about child Vöt’s in procedure.

c) Juvenile jurisdiction

Children as the most jeopardized group of victimization

High-risk groups for trafficking included under-educated young adults, at least half of them belong to the Roma community, who resided in institutions or child welfare facilities in eastern and northeastern Hungary. Most of these individuals are originated from dysfunctional families, victims had experienced various forms of child abuse. Number of not Roma victims commonly live in small villages in very basic conditions and in extreme poverty; having no electricity, water sewage and modern heater system available in their homes. A large percentage of the victims, especially underage female victims, had lived in state-provided welfare homes or juvenile correctional facilities until they were released at age 18. A number were also trafficked while still in these state institutions, according to local NGOs. Young women, and sometimes boys, were especially vulnerable to exploitation in prostitution and human trafficking. Underage girls in a Budapest correctional facility/care home continued to be recruited and prostituted by male pimps during the hours they were allowed to leave the facility. In turn, the victims (mostly between 14 and 16 years old) recruited and prostituted other girls in the home. When children leave these institutions at the age of 18, they may be entitled to a one-time allowance, stipulated in the Child Protection Act. The allowance is usually insufficient for an apartment lease and living expenses, but constitutes more money than they have ever had. NGOs claim that the stipend is dangerous because it attracts the attention of pimps and traffickers. There is also a mentorship program available to those over the age of 18, but it is not often used in practice, and NGOs claim it is ineffective. Persons who have resided in state-run child welfare facilities usually have lower levels of education compared to other young adults, have very few employment or higher education options, and often have very weak or nonexistent family support networks. As a result, most of these women find themselves indigent and homeless in a matter of weeks. Out of desperation, they often turn to prostitution and quickly find themselves at the mercy of traffickers and/or pimps.

Ombudsman for Fundamental Rights Mate Szabo stated in a December 2011 report that police generally treat children caught in prostitution as perpetrators, as opposed to victims of trafficking, and even launch criminal proceedings against them.

6) THE STORIES: PRESUMED AND IDENTIFIED VICTIMS OF TRAFFICKING IN FORCED CRIMINAL ACTIVITIES TALK ABOUT THEMSELVES, AND OTHERS TALK ABOUT THEM

In cases of an adult female victim, forced criminal activity was an associated activity to other forms of exploitation. She was sold by her husband and spent eight years at a Roma family as a domestic slave. She was forced to be a prostitute on the street and also to be a servant in the house. She also belongs to the Roma minority, however, to a different type of Roma group. She was threatened to death and physically abused every day for not to dare to leave the family. She was often sent to e.g. steal wood in a group of people to watch. Also, the family bought cars on behalf of her, therefore she is sought by the National Tax Office for debts. She was also forced to act in a porn movie and her salary was taken all. Since, her husband sold her and her parents passed away by that time, she had no one to count on or ask help from. After eight years, she was rescued by the police and taken to a shelter of HBAid. The trial on her case has only started in February where she is considered a witness.

The other two interviews were recorded with young boys who are victims of domestic servitude and forced labour. They were both kept at a Roma family in Western-Hungary. Besides working with the Police, they were often sent to steal corns and wood. The two men were emotionally and physically abused regularly. They were rescued by the Police and taken to a shelter run by HBAid. The two men reported a lonely and poor living conditions when they got to know their traffickers.

Further interviews were taken in the juvenile correctional facilities for girls. Those who were spending their punishment for committing crimes were all Roma girls. Most of them reported “loverboy” situations. They were all involved into prostitution in their past and also persuaded to commit smaller crimes.

7) RECOMMENDATIONS

- Establishment of shelter for child victims
- Increased awareness raising for relevant authorities is needed
- The interviews suggest that people know too little about forced criminal activity as a form of exploitation. It is essential to transfer of comprehensive knowledge about the phenomenon.
- Trainings for all authorities (e.g. Police, Guardians, Prosecutors, Lawyers, Social welfare institutions, etc.), including inter-divisional, joint trainings are necessary.
- Arrangement of (legal) counsel for affected people by control authorities is recommended.
- Further awareness raising for special interest groups is needed.
- Providing information to the jeopardized groups and to the society about the phenomenon and the possible legal proceedings
- Prevention programs all over the country for children
- Providing micro social groups to form safety and security besides spending leisure time usefully
- Training of peers to transfer knowledge in the group (among other things word-of-mouth, awareness raising materials in schools and foster homes)
- Development and expansion of cross-border cooperation.
- Criminal prosecution
This study very well illustrates that Hungary prepared the modification and the organizations fighting against human trafficking have no official contract of cooperation. The Office performs a refugee procedure in the case of unaccompanied child travelling through Hungary. The solution of this problem carries with itself the circumstance that forced criminal activity does not occur in judicial proceedings. Therefore victims are not assisted. The presently operating shelters exclusively house adult women. These women are victims of sexual exploitation; they represent 90% of victims of human trafficking. Men becoming victims of forced labour have no officially organized protected accommodation. Men are much more jeopardized to become involved in prostitution. For men, being alone and often are weaker to refuse alcohol.

Most of foreign refugees and transbordering migrants are men, almost every single unaccompanied child travelling through is a boy. Even if there are victims of human trafficking among them, they are not brought to the attention of organizations in the field that provide professional assistance for other victims of human trafficking in Hungary. The Office of Immigration and Nationality and the organizations fighting against human trafficking have no official contract of cooperation. The Office performs a refugee procedure in the case of victims of human trafficking and they are then transferred to refugee camps. The civil organizations providing special services for victims are not prepared for receiving aliens and would not be able to provide effective professional assistance for them. Homes for unaccompanied children are good examples of what kind of preparation it takes to effectively provide for foreign victims. The service for foreign refugees lacks state provided psychosocial help that would make crisis intervention and rehabilitation possible and would also help draw the attention of professionals to victims of human trafficking entering the procedure.

c) Presence of forced criminal activities

After the general country report on legislation and practice of trafficking issues in Hungary, the greatest amount of information about forced criminal activities were gathered in the interviews with victims. In three cases of domestic servitude (two men, one woman) clearly showed that all victims were forced to steal and rob. All children in the juvenile correctional facilities clearly claimed several occasions when they were forced to commit personal crimes. The methods, threats are similar to forcing one to e.g. provide sexual services.

Office of the Prosecutor General Division for Juvenile Crime Cases reported no forced cases in terms of minor perpetrator with the involvement of the Department of Child and Young criminals of the National Police. In their cases all minors were voluntarily involved into different criminal activities. The interviews with police-proven that the researched phenomenon does exist, however; they have a difficulty to prove it. Most of the time if a perpetrator is found out to be under some influence or force of someone else, perpetrators become released and case is closed. There is no assistance is provided in this case to the victim.

It is essential to educate experts in the field and bring the phenomenon in minds as a possible form of exploitation. The most jeopardized target group is minors living under satisfactory conditions and circumstances, further, those who live and grow up in foster homes. Prevention is a must with the involvement of creating proper and secure micro social communities for these children to belong to. Also there is a great need of providing future plans on several possibilities in the education.
NATIONAL RESEARCHES ON FORCED CRIMINAL ACTIVITIES AS A NEW FORM OF EXPLOITATION IN HUMAN TRAFFICKING

3) ITALY

1) GENERAL FRAMEWORK ON TRAFFICKING IN ITALY

While Italy may be considered as a destination Country for trafficked and smuggled migrants, it is also a transit State for many foreigners who are the victims of exploitation in other European Union Member States. Research on the criminal phenomenon of human trafficking in Italy shows that women are mostly involved in sexual exploitation, forced mostly into prostitution; men are often trafficked for the purpose of forced labour, while children – of both sexes – are exploited and forced into prostitution, to beg and into crimi nal activities. In the past years, the phenomenon also involves transgender in terms of sexual exploitation, male prostitution is also on the rise.

Victims of trafficking and exploitation come from different countries: Romania, Nigeria, Albania, Moldova, Russia, Ukraine, Bulgaria, China, Ghana, Bangladesh and, to a lesser extent, Belarus, Brazil, Colombia, Pakistan, Ecuador, Senegal, Mali, Turkey, Tunisia, Hungary, Morocco and other countries. Victims of trafficking for the purpose of sexual exploitation are generally aged between 18 and 30, even though more and more trafficked minors are being detected. Generally, those involved in labour exploitation, and sometimes begging, especially if disabled, are older, while the younger victims tend to be involved in the market for sex, in forced begging and forced criminal activities.

Currently in Italy, the victims of trafficking pass through the same channels and fall into the same mechanisms used to smuggle irregular and humanitari an migrants into Italy. In most cases, smuggling and trafficking operations, while legally different, are practically indiscernible. In fact, Italy has mixed flows of migrants that comprise of distinct types of migrants: economic migrants, migrants seeking international protection (asylum or other forms of protection) and victims of trafficking who are more difficult to identify and detect due mainly to the internmix of very different migrant profiles and to the limits in the laws and in social clas sification adopted today in identifying different groups of migrants. The current situation in Italy is more and more difficult to define, as its complexity and variety of social relations between irregular migrants and those who exploit them.

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While illiteracy does not seem to be a dynamic that leads to exploitation, the lack of school education may expose the child to more such environments (as the street) and contacts that, in conjunction with other circumstances of social discomfort, marginalization and a strong need to free oneself from oppressive cultural situations, increases the risk of falling into the hands of trafficking networks, especially in situations of migration of unaccompanied minors who have no support from family members.

A number of reasons may lead a child to leave his/her country/Europe. The child may be sold or rented to third parties by the family or leave without a shared project with the family; or, again, the minor may move together with the family. The presence or absence of the family in Italy is a variable that plays a significant role on the minor’s living conditions: unaccompanied minors involved in forced criminal activities, prostitution and begging, regardless of the level of exploitation, live in shared accommodation, often with poor conditions of hygiene and overcrowding. In contrast, living in such degradation may contribute to the subjugation of minors within mechanisms of exploitation. Through persuasion and sometimes violence, children are exposed to traffickers and are involved in illegal activities. Even in such case, as in the case of abuses of foreign criminal code, any attempt to commit the crime of human trafficking is also punished, whereas trafficking of minors is subject to an aggravated sentence.

Among the measures introduced by the Consolidated Law of 2000 Protocol that prevents, suppresses and punishes trafficking in persons, especially women and children, supplementing the Italian legal framework, fulfills the main principles of the legal codes. In the case of Italian legislation, according to the law that implements Directive 2011/36/EC of the European Union (the “Department of Equal Opportunities”), namely a specific law for the protection of children and young people (extendable up to three months). In general, Italian legislation, according to the Domestic Law of 2011/36/EC of the Italian criminal code, is well suited to combat human trafficking in this sense. Especially, after the adoption of Law 228/2003, which sets the specific provisions to victims of crimes of human trafficking, the Italian legislation is in compliance with EU legislation.

On the issue of protecting irregular alien workers, the law that implements Art. 13, Law no. 228 of 11 August 2003, which sets the specific provisions to victims of crimes under Arts. 600 and 601 of the Criminal Code whose aim is to temporarily guarantee to potential victims the right to cooperate with judicial and police authority during investigations and criminal proceedings against traffickers) or social path (in cases of violence or serious crimes and judicial procedures (on the need to link the systems that protect and assist individuals seeking international protection).

Recent law 94/2009 introduces a new crime, punishing the exploitation of minors in begging (Article 600-601, Criminal Code). More specifically, this provision not only punishes the person who exploits minors (under 14 or under the age of criminal responsibility) into begging or allows them to beg, but also anyone (who has a minor under his/her own authority, custody or control) who leads or accompanies a minor to exploited and forced into begging. This provision despite being connected to the phenomenon analysed herein cannot formally be considered a measure against trafficking but instead a measure against the exploitation of minors. In the past, before 2009, forced minors to beg was only a misdemeanour.

Relatively to the present human rights trafficking law, particular mention should go to the new legislative decree implementing its measures foreseen a referral mechanism linked to the international protection system, when necessary.

Italy’s reception system for migrants comprises, at the level of the EU, the Programme for Asylum Seekers (CARA). These centres provide first aid to migrants arriving by sea. After their identification, asylum seekers are hosted for an initial period (from 20 to 35 days depending on the inflow of migrants) in specific Reception Centres for Asylum Seekers (CARA). These centres are open to visitors and guests are allowed to be updated to centre the day. CARA centres provide legal assistance, Italian language teaching, healthcare, food and other essential goods. Asylum seekers housed in CARAS have the right to receive visits from UNHCR and other international and non-governmental organisations that have not been sufficiently considered in the Legislative Decree no. 24/2014; the establishment of a National Referral Mechanism, still missing to date, that defines the forms of cooperation among the State authorities involved so as to guarantee the fulfilment of obligations to protect and promote the human rights of trafficked persons, in a strategic partnership with civil society;

- updating assistance measures to respond to a changing phenomena and to victims;
- multi-agency training for different subjects who are likely to come into contact with the victims of trafficking to properly identify them;
- adoption of specific guidelines on the obligation to provide information to the victims, as set out by Art. 11 of EU Directive 2011/36, especially concerning their right to a residence permit, according to Art. 27 of Decree 286/1998 and their right to apply for international protection; such guidelines should encourage the prompt and accurate identification of victims of trafficking and those seeking international protection, also pursuant to Art. 11 of EU Directive 2011/36 and Art. 10 of Legislative Decree 24/2014.

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managed by local authorities, governed at the central level by the National Association of Italian Municipalities (AnCoM) and the Ministry of the Interior, and financed through the National Fund for Asylum Policies and Services (FNSPAS). The network relies on facilities (traffic centers, reception centers, accommodations), where refugees in need of international protection are hosted for 6 months (extendable if necessary). The network’s key features include that it is available in several languages, cultural mediation, job orientation, multicultural activities and legal aid. In 2013 its capacity increased from 3,000 to 9,500 places. By June 2014, 15,000 people were assisted and the number will increase to 19,000 by the end of the year. A special Fund of €190 million was allocated in 2013 to support the exceptional inflow of migrants. In 2013, Italy had 28,300 asylum-seekers coming from: Nigeria (3,655); Pakistan (3,353); Somalia (2,828); Eritrea (2,020); Afghanistan (2,155). Territorial Commissions examined 25,838 applications and granted refuge status, subsidies for housing and other humanitarian needs to 3,144, 5,654, and 7,458. 20 Territorial Commissions worked in cooperation with the Ministry of the Interior, and financed at the central level by the National Association of Italian Municipalities, managed by local authorities, governed at the territorial level. Be it as it may, it is important to recognize that, despite its lack of a central system to coordinate anti-human trafficking activities, in the past few years, the Government, in tandem with many local authorities, civil society organizations and other law enforcement agencies have been significantly engaged in combating the trafficking, thus protecting a relevant number of victims in the EU. The work of all those who, for various reasons, come in contact with this phenomenon, beyond the organizational, administrative and even operating deficits, implies that they need to cope with an ever growing number of victims. The main reason is twofold: firstly, in Italy, exploitation is a serious phenomenon that affects many localities and is therefore both a consistent, secondly, the political priority to fight irregular migration, at least in this particular moment in time, has put the issue of human trafficking in the forefront of the policy-making process. The synergy between the need to protect the victims and the need to fight trafficking linked to severe forms of exploitation of foreigners have gained greater legitimacy within the Italian institutional agenda compared to other European countries.

The question of bringing to the surface and the identification of victims of trafficking in cases of severe exploitation has always been crucial for an effective response in terms of both victim protection and to prevent trafficking. Over the years, despite the growing expertise of operators, the phases leading to the identification have become increasingly difficult due to the ever changing characteristics of migration, the hybridizations of today’s migratory flows into Italy, the greater complexity of scenarios and areas of exploitation, as well as the more persuasive and less explicit violent methods used to subjugate the victims.

If on the one hand, a distinction must be made between victims and irregular migrants, between trafficking, smuggling and other autonomous forms of irregular migration, on the other, these categories prove increasingly inadequate to represent today’s phenomenon. More and more frequently, it is after their arrival to Italy that individuals become the victims of conditions of vulnerability that will lead to severe forms of exploitation; alternately, individuals may become victims of trafficking while on their journey to the destination, or while remaining in their country they may have qualified as humanitarian or economic migrants.

The identification phase is therefore difficult, the risk is that, at a certain point, the victim will not be identified at all. However, this does not prevent properly trained operators to correctly identify, already in the first phase, a number of indicators that may point to a situation of trafficking. The procedures and practices that allow the identification of the victims to surfaced are crucial to develop social protection programmes. The identification process is therefore crucial for any further criminal investigation and to adopt the most suited protective measures ensured by law, and, in some cases, the activation of investigative measures. The criminal case file generally still under cover or still in the preparatory phase. But it is not until exploitation takes place that trafficking often becomes “visible”. As criminal organizations cannot

March 2014, implementing EU Directive 2011/36/UE.

Moreover, differently from what is provided for in the CoE Convention, Italy still lacks a national coordinating body on human trafficking. Art. 7 of the recently adopted Legislative Decree 24/2014 establishes that the Ministry of Equal Opportunities is the only Ministry of Equal Opportunities of the Prime Minister’s Office is the body that coordinates functions, more specifically: a) addressing and coordinating preventive interventions addressing the social dimension of the phenomenon of trafficking in human beings and assistance to victims, as well as managing the financial resources to implement assistance and social integration programmes; b) assessing the trends on the phenomenon of human trafficking, through an adequate monitoring system that gathers and collects data, in collaboration with other public authorities and with civil society organizations working to contrast human trafficking; c) presentation of a biannual report to the EU Anti-trafficking Coordinator on the results concerning the monitoring that was carried out, based on the data provided through the above-mentioned system.

In other words, in implementing the EU Directive 2011/36, Italy opted not to support the “non-punishment provision”, which is also enshrined in the CoE Convention. Both legal instruments confers each Member State the possibility of not imposing penalties on victims for their involvement in unlawful activities (that is in so far as they referred to in Article 2 of the Directive 2011/36), to the extent that they have been compelled to do so, in accordance with the basic principles of its legal system.

The Praesidium project (implemented together with UNICEF, IOM Save the Children and the Italian Red Cross, with the support of the Italian Ministry of the Interior) continues to contribute to the creation of a specific referral system for aliens arriving by sea, in the context of irregular migratory flows to southern Italy. Launched in 2006, the Praesidium (operating since 2012 in all Reception Centres) has proved to be an effective operational model and is regarded as a benchmark. In 2014, 15,223 requests were recorded, twice as many compared to 2013 (6,515).

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help but to put their “assets” onto the market to generate profits, making the victims the "weak link" of the criminal circuit.

Based on the above considerations, operating practices, designed to promote an integration between public and private networks (i.e. “multi-agency work”) should be based on a shared common assessment embodying all the different elements gauging the presence of possible child exploitation and bringing them into contact with the potential victim. This activity requires an initial interview with social workers and often the presence of a language/cultural mediator to ensure, on one hand, that investigators make a preliminary evaluation to ascertain the reliability of the interviewee and gather any supporting evidence, on the other, to give the potential victim access to first assistance. This is instrumental in delivering to potential victim temporary assistance programmes (Article 13, l. 228/2003) or for long-term assistance and social inclusion (Art. 18, Legislative Decree 286/98), both associated to activities aimed at the issuance of the residence permit for social protection or, possibly, assisted repatriation.

At the local level, a number of operational protocols among police forces, public prosecutor offices, health services, NGOs and other relevant actors have been signed. Such agreements contribute in defining the guidelines for the identification and referral of victims of severe exploitation. With regards to some specific areas of intervention, the protocols define standard operating procedures for the identification, referral and protection of victims of trafficking. In Italy, the system structure is devoted to safeguarding those who are vulnerable and are subjected to exploitation which reflects the measures of the welfare culture, which sees a collaboration between public and private agencies. The programmes, established under national law, allow victims of trafficking to receive adequate, multifaceted protection, including personal safety, protection of the property and access to services. If the cooperation among the different actors and institutions involved in effective, the importance of guarantees in terms of protection and social reintegration.

At present, social protection programmes are assisting a consistent number of male victims of trafficking, involved mostly in labour exploitation, forced begging and illegal criminal activities, while women and girls remain the largest group that is being assisted, trafficked mostly for sexual exploitation.

d) State of the Art: Trafficking for the purpose of forced criminal activities

Trafficking for forced criminal activities involve people – both minors and adults – who are mostly forced to deal drugs, pickpockets, steal in houses and apartments, sell (often counterfeit) products on the street, favor illegal immigration, and, especially when a child is the victim, to commit social benefit frauds.

To date, in Italy, these forms of exploitation were not been appropriately monitored as it was not until recently that they came to the forefront, owing perhaps to the obligations deriving from EU law as well as European Union guidelines on human trafficking. The data provided by the social protection programs and from police investigations has made it possible to identify and outline the generic features of trafficking, although further research and monitoring are still needed. At present, there are still no studies or sources to elaborate the profiles of adults victims trafficked and exploited for the purpose of forced criminal activities. A little more information, although not exhaustive, is instead available on children. In most cases, the minors involved in illegal activities are mainly foreigners from Eastern Europe, North Africa and South America. The number of female minors is lower, for the most part, they come from Romania, or have Roma origins, and are forced into stealing.

While children from Eastern Europe are predominantly involved in pick-pocketing and property thefts, minors from North Africa and South American seem to be used mostly for drug dealing in metropolitan areas. Recent observations point to the involvement of young Nigerian men for drug dealing in some Italian cities, while young Albanians involved in drug dealing tend to be managed by criminal organizations that come from that country. Recruitment methods and the areas of exploitation seem to vary based on nationality and, in the case of minors, on age. A sort of continuum of criminal activities often sees the same person simultaneously or periodically exploited for different purposes, in different sectors, depending on the needs of the criminal organizations. Strikingly certain groups of victims may involve a mix of male prostitution (executed by underage or young individuals) and criminal activities or forced begging. Conversely, for other nationalities both prostitution and begging are excluded or at least significantly limited. In considering human trafficking associated with begging, the minors involved in illicit activities may arrive in Italy with their family, either alone (mandated or not by the family), or be related to relatives or a third party, generally after payment. The living conditions observed among the different nationalities appear to be rather similar.

The presence or absence of the family will influence the conditions experienced by children. For example, Roma children generally live with their family in camps, while those from Morocco usually live in apartments with their families. Unaccompanied minors from North African and Romanian origin instead live in small groups and generally sleep in abandoned houses or on streets or under bridges. The precarious living conditions favour the involvement of such minors in illegal activities. Exploitation, thus, begins shortly after the child’s arrival to Italy, as she/he tries to find a way to live. Studies have shown that specific migration in the cases of unaccompanied children with little or no contact with their own compatriots or under the control of a third party, they tend to be most severe forms of exploitation or trafficking.

Even in the specific form of trafficking for the purpose of illegal activities, coercion is often exercised as the family incurs debts and must repay them in order to finance the migration project, as well as cover the cost for the room and board. Often, therefore, they are obliged to collect a daily amount of money set by the exploiter. The use of violence and psychological pressure is documented in many cases, for instance when someone is forced to steal, beg or deal drugs, or does not collect the amount of money required, or breaks the rules. In some cases, sexual abuse was also observed, which manage forms of trafficking that involve children are generally smaller and less structured than those dealing with other forms of trafficking. After a certain period of time, there may also be cases where the person who was first exploited starts taking on, even if partially, the role of controller of the “new generation” of victims.

Undoubtedly, exploration of this multifaceted phenomenon is by no means easy to distinguish. In fact, many situations of exploitation are being classified as trafficking cases. Undoubtedly, further investigation of this form of trafficking is necessary, which focuses on the difficulties in identifying appropriate boundaries between the different types of exploitation and trafficking, cultural and family practices, and the respect for human rights. Only greater in-depth knowledge – related to shared interpretive categories- of the various constituent elements of the phenomenon of trafficking for the purpose of illegal activities will enable a distinction between cases of trafficking from other forms of exploitation.

e) Analysis

The Italian legislation complies with most of the requirements set out by the Council of Europe Convention, recently the EU Directive in trafficking in human beings is a distinct criminal offence with distinct penalties for all forms of the crime. This measure ensures that all potential situations of trafficking are punished. In Italy, however, the distinction between the severe offence of trafficking in human beings, which constitutes a violation of human rights, and the less severe form of trafficking is not codified, which facilitates illegal immigration, which is first and foremost a violation of Italy’s integrity as a State. Slaveeys represent another important aspect of the problem.

In practical terms, the offence of trafficking cannot be applied in the same way throughout the country due to difficulties in proving this crime, especially in the case of specific nationalities of migrants and situations that cannot be classified as exploitation for the purpose of prostitution. Consequently, a public prosecutor will sometimes consider charging other offences that are easier to prove and which guarantee a heavy punishment which at the same time is not as heavy as the crime of trafficking.

In reporting data, the biggest bias that can occur in collecting data on trafficking is that it may be sketchy and not very useful. Moreover statistics are not easily available and the experts dedicated to gathering and processing the data are limited.

The National Antitrafficking Agency (DNA – Direzione Nazionale Anti-mafia) gathers data on criminal proceedings against trafficking in human beings, slavery, sex trafficking and illegal immigration, and statistics are not easily available. Moreover statistics are not easily available. Moreover statistics are not easily available.

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2) THE RESEARCH METHODOLOGY AND SOURCES

Research activity can be regarded as the starting point that connects the various areas of the TEMVI project. Our research on criminal forced activities therefore provides functional information and constitutes an initial overview on this specific form of severe exploitation.

The study, carried out in each County involved in the Project, involves comparing the various practices used to discover, identify and assist the victims of trafficking. They will prove instrumental in developing an ideal-type prototype shared among each partner with the aim of improving the operative strategies and procedures aimed at protecting the victims of forced criminal activities. On the one hand, research activity therefore strives to improve the knowledge on the current trends in human trafficking, on the other, it seeks to work towards the adaptation of an intervention system which must come to terms with an ever more complex situation, as in the Italian case, of contexts where the group is made up of different national identities.

The research is based on available databases in Italy. In particular, the analysis hinges on the databases of assisted trafficking victims and severe exploitation of children and of judicial cases - especially on children. The objective was to collect as much new information and data available on this phenomenon, existing research and insight and, to accompany those facts with a series of interviews and testimony of privileged witnesses and victims. Given the scant literature and information on the specific issue of trafficking for forced criminal activities, our research is exploratory. It merely seeks to broaden the spectrum of analysis as much as possible to gain greater insight on the gender, age, sector, data show that 30% are aged between 18-23, 23.6% of victims, are minors (18 males and 37 females).

In addition, our research focused on the forms of recruitment and subjugation which are instrumental in understanding the modus operandi of exploiters and the level of organization of the criminal networks involved in this particular form of exploitation.

With regard to social operators, the study seeks to shed light on the services that the victims of trafficking use most commonly (outreach, low threshold services, public canteen, public showers) in order to understand the circumstances that lead to their emergence as well as the services they need.

The approach adopted to develop this report is based on the indications of organizations that, at different levels, work on promoting and protecting the rights of all people, in particular such groups as the Roma communities, together with a multi-agency approach.

The specific objectives of this research include: gaining insight on the phenomena of severe exploitation and trafficking generated for forced criminal exploitation in the various Countries; start a first monitoring of intervention systems designed to protect the victims of trafficking for the purpose of forced criminal exploitation to be able to identify the measures that effectively combat trafficking which can be included in a transnational prototype of best practices. Although the prototype focuses particularly on Roma minors, it can be adapted to different contexts and situations, depending on the situation of each Country.

According to participants, improved knowledge and instruments enable potential victims of trafficking and severe exploitation in forced criminal activities to come in contact with operators that work for the protection system as well as promoting the development of operative protocols that had to be preceded by research activity.

Obviously, a significant part of this activity is based on desk research, namely going through secondary sources such as specific literature, case-law and existing reports on trafficking for the purpose of forced criminal exploitation.

In drafting the report, particular attention went to the different, national and local actors involved in the topic that is being explored (national coordinating structures, services providers, law enforcement agencies, the judiciary and so on) operating in different sectors such as:

- Anti-trafficking system (at the national level);
- National coordinating structure;
- Ministries, departments, etc.;
- Anti-trafficking system (at the local level);
- Geographic area must be outlined;
- Services providers, law enforcement agencies, the judiciary, health services, labour inspectorate, trade unions, etc.;
- Protection system for unaccompanied foreign minors;
- Protection system for refugees and international protection seekers;
- Juvenile justice facilities.

The selected experts or agencies were interviewed or asked to fill out a written questionnaire (sent by e-mail). Their response is twofold and it serves to differentiate the stakeholders involved and give due consideration to the relevance of the specific institutions working in the field of human trafficking or other related issues.

The scheme of the interview/questionnaire, handed out to the various experts and operators involved, touched upon many aspects of the phenomenon as well as existing practices. Questions concerned among other things, the victims’ country of origin, travel routes to Italy (points of departure, countries of transit, characteristics of the journey), reasons for leaving their Country, description of the first stage of exploitation and the main conditions of vulnerability in the destination country. What was important for us, was to understand whether the exploitation in criminal activities constituted the main purpose of victims migratory project or, if instead, it was secondary to other forms of trafficking.

Concerning the victim’s profile (minors and adults belonging to the Roma community but also other ethnic groups), our investigation set itself the goal of gaining greater insight on the gender, age, sector of illegal activity (pick-pocketing, shoplifting, selling of counterfeit products, fraud, drug dealing) as well as other forms of exploitation (forced begging, prostitution, labour exploitation) that they may have been subjected to.

3) CRIMINAL FORCED ACTIVITIES AS A NEW FORM OF TRAFFICKING

a) Number of estimated victims, the groups involved, age and gender

According to SIRIT’s database (Sistema Informatizzato per la raccolta di informazioni sulla tratta), the number of identified victims of trafficking for forced criminal activities in Italy stands at 233 (January 2010-February 2015). Of these, 178 are adults (109 males and 69 females) and 55, thus 23.6% of victims, are minors (18 males and 37 females).

While in the adult population, female victims account for 38.8%, in the minor population the percentage is much higher, that is 67.3%. Moreover, in the total male population, minors account only for 14.2% while in the total female population females account for 39.4%.

In relation to the age of the victims at the time their lives entered SIRIT’s database, data show that 30% are aged between 26-34, 21.5% between 35-45 and 19.7% between 18-21. As for minor victims, 92% are aged between 15-17 while only 8% are aged between 12-14.

Interestedly, it can be noted that nationalities vary according to gender and age. In particular, when considering only the female victim population, the top 5 countries are Romania (26.4%), Nigeria (20.8%), Morocco (9.4%), Italy (5.7%) and Ukraine (5.7%). Whereas for the male victim population, the top 5 are Morocco (26.0%), Tunisia (16.5%), Egypt (12.0%), Nigeria (10.2%) and China (6.3%). As for the country of origin of minors victims, data show that 44.4% of the male victims come from Tunisia, followed by Morocco, Romania, Egypt and Bangladesh (11.1%). Female victims, instead, come mainly from Romania, Nigeria, Croatia and Italy.

b) Countries of origin / Travel map

As for the nationality of victims, the top 5 countries are Morocco (18.5%), Nigeria (15%), Romania (14.9%), Tunisia (19.9%) and Egypt (6.9%). The number of Italian victims stands at 6.

For 92% of the victims, from the outset, Italy was considered the country of destination, while for only 5% of them, it was regarded as a country of transit. In terms of journey, 60% of adult victims travelled alone, while the percentage decreases to 24% in minor victims. The victims that entered Italy irregularly stands at 51%. The data on the region of entry in Italy, relates to only 79 victims out of the 233. The region of entry for 25% of victims is Sicily, for 19% of them is Friuli-Venezia Giulia and for 13% is Lombardy.

Data on the transportation is available for 162 victims. Not surprisingly, 30% of the victims reached Italy by sea (33% of them came from Tunisia and 17% from Morocco), 25% by car (55% of them are from Romania and 25% from Morocco).
As clearly evident, while some nationalities are linked mostly to one or two specific forms of criminal activity (Tunisia is linked to drug trafficking, Romania to theft/fraud and robbery/bag-snatching, Nigeria with illegal trade of fake goods and drug trafficking), while other nationalities can be commonly found in all sectors (Morocco).

Out of the 233 victims of forced criminal activities, 156 (67%) are subjected to just one form of exploitation, 70 (30%) to 2 forms or exploitation and 7 (3%) to more than 3 forms of exploitation. Data show that those who are victims of more than one form of exploitation often end up combining their main criminal activities with sexual exploitation, exploitation in begging, and labour exploitation.

In terms of types of recruitment, 54% of victims were recruited through fraudulent promises, 41% through a fake job offer, 3% were sold and 1% was abducted.

While 78% of victims were exploited by members of the same nationality.

d) The services used and outcomes

It is worth noting that 60% of the victims who exited an exploitative situation did so through the contact and support of law enforcement agencies (40% with the Police, 12% with the Carabinieri, 6% with the Local Police and 2% with the Financial Police). Among those who exited an exploitative situation 14% managed thanks to a “regular conversation/language/cultural mediation”, 9% were assisted “through the Local Police and 2% with the Financial Police, 12% with the Carabinieri, 6% with the Financial Police.

Of the 233 victims, 42 (18%) were charged with some criminal offence (no data is available on the charges) and 54% accused their exploiters.

Of the 86% who accused their exploiters, they did so because they had entered into a social protection programme. At the time of entry into the assistance programme, 61% of victims did not possess a valid residence permit, and 10% already had a residence permit to guarantee justice.

With reference to the duration of their stay in assistance programmes, 20% stayed in the programmes for only one month and 9% even less time. The outcome of protection programmes varies considerably based on gender and age.

While 77.4% of male adult victims concluded the programme, the percentage significantly decreases when we consider female adult victims (38%), male minor victims (35.3%) and female minor victims (32%). And, yet, in considering the percentage of victims who “leave or run away from the programme”, those who were “excluded from the programme for disciplinary reasons” and those who “left the programme after having started it”, the failure rate of individual assistance is quite high, especially for female minor victims (57%) and male minor victims (53%). For adult female victims the failure rate is 39%, while for male adult victims it stands at 17%.

As to the services, the most frequently used ones are “regular conversation/language/cultural mediation” (45%) and welfare services (45%), legal counselling (42%) and language/cultural mediation (42%).

4. INTERVIEWS

This part of the report, and the considerations proposed herein are based on the information, comments and suggestions coming from the stakeholders interviews. The main assumption was that those who were interviewed, working in the field, can contribute, from their specific viewpoint, to outline the general framework that characterizes the phenomenon of trafficking for the purpose of forced criminal activities, integrating the literature and the data collected from existing databases. The following considerations are therefore based on the information provided by members of the judiciary, law enforcement operators involved in this project,37 operators of the juvenile detention system, as well as operators of the anti-trafficking system, both in the public and private sector.

Firstly, the composition of foreign minors who enter in contact, at different levels, with the Italian judiciary system has changed. Over the years, the rate of unaccompanied and irregular minors has decreased. The same is true for Roma minors in juvenile detention centers. In fact, of the latter group, most of those who enter into juvenile systems today are, in most cases, Italian or were born in Italy, with grandparents coming especially from Serbia, Croatia or Bosnia.

The phenomenon therefore involves both first and second generation migrants who have a specific bond within the Country. The ones with no contacts are very few.

The minors involved are predominantly aged between 17 and 20 and, at least for those held in juvenile detention facilities, the level of education is higher than it was used to be. As for gender balance within the juvenile system, a certain balance is observable, with perhaps a female prevalence, in relation to Roma minors, while minors of Italian or other origins are predominantly male (85%).

According to the information provided by the interviews to the stakeholders, little is known about whether these minors had already been involved in criminal activities in their country of origin, one can only assume that certain cases of involvement of minors in illegal activities results from a cultural learning process which, until a few years ago, represented an almost unavoidable passage in certain social dynamics. It is only recently that operators have observed minors committing their first offense at the age of 17, whereas in the past the criminal “career” would begin even before the age of criminal majority.

In the case of Roma, these situations are more prominent than, for instance, minors of Maghreb origin. Both groups, however, are characterized by situations of simultaneous involvement in illegal activities with other forms of exploitation such as begging, sexual exploitation and labour exploitation.

For Roma children, their departure from their country of origin may also stem from an autonomous choice, sometimes even against the will of the family. Conversely, the latter seems to play a crucial role in cases of minor girls sold to the husband’s family. The amount to be paid in such cases is established on the basis of different such canons as beauty (in the past) and the capacity to steal. In such situations it is very difficult to discover who the true parents are...
are or to rebuild family bonds, especially when one or both parents are detained or are sick and minors are placed with cousins or other relatives, especially grandparents.

For certain segments of the Roma community, illegal activities were often a dominant reality. Recently however, there have been some developments in this area, with some families being involved in drug dealing, but unfortunately, they are still a minority. The involvement of minors in illegal activities can be likened to a family tradition, as the act is often perceived as the only alternative.

Case studies on the Roma population living in southern areas of north-eastern Italy, revealed that criminal activities are considered a normal source of income. This, however, does not always mean that exploitation into forced criminal activities was the purpose of the migration project.

Often, in fact, the exploitation starts at a later stage in the Country of destination or transit.

While there are children whose arrival in Italy is facilitated by following the instructions provided by acquaintances who live in their country of origin, others migrate with the idea of being able to econo-
mize. Among the Roma, illegal activities are considered a normal source of income.

In Roma communities, the great de-

and loyalty that members have to-wards family members makes it unlikely for them to be exploited by other groups as they operate within a family system. Roma children often live within an extended fa-
mily and they do not appear to be victims of trafficking. Their journey to Italy is of-
ten organized by their family of origin, mo-
sify by grandparents. These children move within different regions of the North, between the North and the Centre of Italy, rarely to the South, sometimes heading to France, or often settling down in rural areas of the Veneto region.

The possession of identity documents is very delicate. There are a number of mi-

ors that, while born in Italy in Italy, are without Italian documents. Many of them report having lost their grandparents in the Yugoslav wars. Only some of their parents had regularized their position, acquiring either Italian citizenship or that of other former Yugoslavian countries. As a matter of fact, many Roma minors in Italy are “stateless” with no identity documents.

In preparing and implementing the journey, Roma adults sometimes report difficulties in getting the necessary doc-

ments or corruption in the countries of transit. The most significant movements are registered in the summer (by sea), often coinciding with their return to Italy (by air) to their country of or-

gin for trade purposes. On those occasions, children are often left with grandparents or older brothers. As for accommodation fa-
cilities, children from the Roma group are generally housed in buildings which they either restore or they live out of caravans in gardens.

The most plausible explanation for the exploitation of Roma children by their own family members is the need to contribute to the family’s livelihood. Property thefts (in houses and shops) are the most commonly committed crimes. Should a victim react, their behaviour can degenerate into more serious offences such as robbery. Most of-
ten, however, the crime will be committed by relatives, who avoid any reaction on the part of the victim. Roma children are also known to steal copper, but have never been related to drug dealing crimes.

Interviews confirmed that all these children generally come from highly pro-
blematic family and social conditions, not only from the economic point of view, but also from the point of view of the deteri-
oraition of family relationships.

One aspect that emerged from the sta-

keholder interviews is the scarce knowledge-

on this phenomenon which, unlike other forms of exploitation, is peculiar for the lack of fu-
cus of the investigation underscores the illegal activities committed by these ex-
ploited victims rather than on its perpe-

trators, their exploiters. Firstly, there is the involvement of minors, considered per se as vulnerable under the Italian justice sys-

tem. Moreover, in these circumstances, the minor presents a double edged vulner-
geability given the bond, as illustrated in the example presented herein, with the explori-

cr co-perpetrator, from whom the minor, is vulnerable and cannot dissociate.

In similar cases, there is also a status that strengthens their vulnerability since the legal system investigates the offender together with the author/victim of crime, forcing the latter to adopt a defensive sta-
cce. What may break this vicious cycle is the realisation, on the part of the author/ victim of crime, at some point, of the need to break ties with those who are only apparently a co-perpetrator, but in reality are the exploiters. To do so, an intervention from the Juvenile Prosecutor in the field of trafficking, the law enforcement agencies and the Judicial Police, is required since they can force the latter to adopt a defensive stance.

Clearly, whenever a child is involved, specific forms of assistance and protection should be taken into consideration. Interven-
ing procedures in force at present do not have the degree of specialization that such situations need. This explains the lack of a methodological approach that is not normally put in pla-
ce when dealing with offences such as drug smuggling.

An area that also emerged is that currently, victims are forced into illegal sexual ac-

vities. In many cases, investigations saw the involvement of a woman, at times un-
derage, who aided and forced another girl into prostitution. In such cases, paradoxi-
cally, thanks to a well-consolidated inter-

vention system for this specific context, a twofold objective could be pursued: on the one hand, to fight all forms of exploitation and, on the other hand, to identify a victim that had emerged as exploiter; in such ca-

ses the experience of multi-agency gained over the past few years allows to operate selectively.

On the contrary, in the field of forced criminal activities, which are traditionally not considered among the areas of explo-

tation, the situation is much more complex. Differently from drug dealing and robbery, they are not usually tackled and pursued by law enforcement agencies for purposes other than the pro-
tection of the potential victims of explo-

sion, not only because this is objectively beyond their mandate, but also because the operators involved in fighting these pheno-

mena have a different approach and know-
how when responding to such acts.

These are situations for which in Italy social intervention is effective if its for-

t is not structurally envisaged. These situa-
tions should have a law enforcement ope-

rator with previous experience in the field of trafficking. One that is capable, in this particular context, of a structured activity to fight those groups that commit robberies and burglary and can intervene and identify the conditions of vulnerability and the sta-

tus of victim of a co-perpetrator who is ac-

ually forced to perform those acts. These scenarios, until now, did not foresee the in-

ervention of social actors as their presence was not needed to fight predatory offens-
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code sets out the general rules that exempt an individual from criminal responsibility when he commits an offence under coercion, seeing that there is no mental element in the act. These norms, however, need to be interpreted by the relevant Offices, which may express different orientations. All the same, such provisions are far from the standards that have been set at the international level concerning the non-criminalization of victims forced to perform certain activities.

Certainly the incorporation, nationally, of specific and mandatory rules on the above mentioned point would avoid any misunderstanding or different interpretation. Prospects that serious forms of exploitation, emerging in connection to situations examined by the Juvenile Prosecutors will require further investigations carried out by the ordinary or the Anti-Mafia Prosecutors. In addition to an institutional problem concerning the distribution of competences among the various prosecution offices, there are also issues of different professional and training background of the various operators working in the judicial system. In fact, investigations carried out for crimes other than human trafficking have been found to lack the proper sort of sensitivity needed to identify the victims of such crimes. This is why it would be essential for the various offices to work in a coordinated manner. The sensitivity of Juvenile Prosecutors is still quite low.

This aspect also emerged from interviews with operators of the juvenile detention systems. When confronted with this phenomenon, as on one hand there is an activity that generates quick and easy income, on the other, a much more difficult path. In other words, the opportunities offered by the system of interventions can only increase potential success when individuals who are severely exploited or in slave-like conditions meet a situation of security measures (administrative or criminal). But in case of a condition of vulnerability, linked for instance to being underage or, for adults, to a disadvantaged situation afflicting the family in origin of origin, the relationship with the exploiters assumes a different connotation, making the situation much more complicated. On this issue, the comments of the operators who were interviewed are significant. They seem to agree that, the physical detachment of minors from the family, their exposure to situations of exploitation, and significant situations of ambivalence between fear and gratitude are pathological and psychological violence which are often the result of a highly intrusive exploitation and in the previously carried out illegal activities.

Departure from one’s country of origin is an autonomous choice for women, who are often bought by men of Roma groups, who in turn may have been sold by their own family (or by the members of their children) to organizations that will in turn exploit them. Obviously children have no idea that they are participating in illegal activities such as sexual exploitation or begging.

On their journey, forms of abuse and violence anticipate what will happen later, in the place of destination. Physical violence, food and sleep deprivation are the most common forms of violence which are often accompanied by forced begging or prostitution. The movements in different cities are driven, prepared and controlled by the exploiters who, as it often happens in cases of severe exploitation, become their only point of reference.

The concept of ownership limits any interaction of victims with other people in general and frequently even with other exploited victims so that, in the case of a woman, she will be known to have sex with other men exploiting the same group of people, or not, belonging to the sphere of exploiters and that the activity was decided by the man in charge of the group. The victim can be left entirely alone, as occurred in the case of a girl stealing from the garbage bins because she has nothing to eat.

Among the many forms of violence which are often victims of human trafficking, violence and exploitation, a prevailing trend is present in relationships based on violence and exploitation, a prevailing trend. Psychologically, exploitation is generally sexual as well, the victim’s position of vulnerability is so great that it does not allow the individual to conceive the idea of exploitation. In the cases considered herein, the exploiters are mostly male, especially men. In such cases, the fear of violence and exploitation is general. Paradoxically, exploiters are the only people victims can trust. Moreover, the victim’s position of vulnerability is so great that it does not allow the individual to conceive the idea of exploitation. In the cases considered herein, the victims were, in some cases, aware of their exploitation and abuse but in their moments of “rest” even in their place of accommodation.

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the cases, at least one parent and sibling is serving a prison sentence or an alternative measure of detention. These children started committing crimes as part of a cultural or learning process which, until a few years ago, was mandatory. It is only recently that this phenomenon has partially diminished as the average age at which children begin to commit a crime (around 17 years) has significantly increased, whereas before minors began even before having reached the age of criminal liability.

In Veneto and Emilia Romagna had individuals coming from the Balkan wars, which coincide with the greatest exodus from these countries of origin. Since the 1990s, these groups permanently resided in Italy, so much so that children and grandchildren never returned to their country of origin. On the contrary, recent Roma migration flows are not a significant phenomenon in the context of criminal forced activities, differently from what people generally tend to believe also in order to criminalize this target of Roma community. The family ties are sometimes difficult to understand, for instance, at times it is hard to tell who the parents of the minor are and to rebuild the network of relatives, since the father/mother of the child may be detained or ill so that the child is supported by aunts, cousins, other relatives, especially grandparents.

The act of committing an unlawful activity and that of avoiding the consequences who can “boast” of not having committed any offense is unfortunately a minority as Roma groups living in these regions rely on criminal activities as normal source of income. As for the phenomenon of “selling” a person, the only case observed is that of girls sold to the grocer’s family on the basis of a previously agreed upon sum of money calculated using such criteria as the average age at which children begin to commit a crime (around 17 years) has significantly increased, whereas before minors began even before having reached the age of criminal liability.

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the criteria adopted by criminal organiza-
tions that manage Nigerian prostitution. Nonetheless, according to police reports, there is little evidence to support the above-mentioned statements.

Privileged witnesses have referred to the importance of a spiritual dimension, that played during the shift in migration ele-
ment in the community, even for the male side of migration. The pressing need to provide economic livelihood for himself and his family appears to be the main fac-
tor that drives them into the networks of traffickers as they see better prospects in Europe. When they arrive to Italy, they find themselves in homes with young compa-
triots sharing accommodations with those who organize the exploitation activities. To repay their debt, at first, they are offered to peddle drugs or as an alternative to pro-
stitute themselves (the latter has not been confirmed by law enforcement agencies).

A third alternative (less remunerative) con-
sists in begging, mainly near supermarkets and other business activities. The activities are organized and managed by all those who are playing an active role in the ex-
ploration of victims in order to maximize the substances, organize the sites where they will paddle, procure contacts with clients in the case of prostitution, and promote control shifts and locations for alms beg-
ging etc.). It is believed that the difficulties to enter Italy legally determines the risk of trafficking for these young people. In the role of begging, the former prostitution activities. Witnesses showed a poor perception of the conduct of their compatriots alternates under the protection of the services, and is often the case of the emergence of the adult of reference (an uncle or cou-
in the context of the Bengali community residing in the Naples area, the localized strong presence of family groups, friends or community members, especially in terms of the sense of belonging that the minors and for the type of migratory projects that this community is implementing. These bon-
dons can be a resource but also a risk factor, especially when the "group" is characteri-
ized by activities or behaviours at risk of exploitation.

5) GENERAL ANALYSIS OF THE ADEQUACY AND IDENTIFICATION OF OBSTACLES AND GAPS IN THE ANTI-TRAFFICKING LEGISLATION, REFERENCE TO THE NATIONAL AND LOCAL REFERRAL SYSTEM AND A BRIEF DESCRIPTION OF THE MONITORING AND DATA COLLECTION SYSTEMS AND ON HOW TRAFFICKING IN FORCED CRIMINAL ACTIVITIES IS DEALT WITH

Italy’s evident lack of a specific exemption from responsibility of the indi-
viduals who commit criminal offences in circumstances of trafficked victimization or other serious forms of exploitation, does not encourage the emergence of this target group.

Results gathered during the interviews reveal that the subjects that got caught in this area of trafficking, are often indivi-
duals who are moved away from the fa-
mily context. This is an important factor in the management of exploitation or in any case in guiding the minor (but not only) towards illegal activities.

Obviously this data is relative, but considering the events related to Roma children, the family or the parental or in-
stitutional vulnerable of this subject who, in the circuit of criminal justice, can take advan-
tage of much more important structured services for their rehabilitation and social reintegration rather than the (scarce) ones provided for older people.

In Italy the lack of a national referral system should be noted. There are however some systems incorporated into some local governments, as already mentioned previously, in another part of this report, that are very structured as in the case of Veneto and more extensively in the Triveneto area, whereas the Municipality of Venice could be considered a unique case at the national level. Indeed, unlike many local govern-
ments, the Municipality of Venice has al-
ways managed the assistance to victims of trafficking thanks to a staff with different roles and skills, nationally and internation-
ally appointed. It carries out activities such as:

- Development projects to monitor the phe-
nomenon, contact and report potential victims of trafficking ( sexual, labour, begging, illegal economies, adoptions, organ trafficking )
- Implement tools and models for the iden-
tification of potential victims with the aid of multi-agency networks linking social action and the police, applicable throu-
gout the territory of expertise territo-
rial jurisdiction
- Codified procedures for reception facili-
ties for the safety and protection of per-
sions and anti-trafficking devices;
- Define the procedures to issue residence permits on humanitarian grounds.

sources to locally monitor the trafficking network and provide the qualified know-
how that is needed to successfully im-
plement the subsequent interventions of support to potential victims of trafficking and severe exploitation;

- Identification activities and first assis-
tance to victims of exploitation, orien-
ted in accordance with the principle of non-discrimination to give all potential victims identified in the Triveneto terri-
tory equal treatment in terms of rights and protection (as a matter of fact such activities correspond to the so-called re-
flection period for victims of trafficking established under law and realized in Italy in the context of Article 13 projects)

- Social inclusion activities and compen-
sation of victims of crimes (assistance projects and social integration under article 18; and assisted voluntary return programs in the countries of origin of the victims );

- Monitoring the phenomenon and eva-
uation to establish the interventions.

Therefore what is needed is a local re-
feral system that takes into account all the human rights of the victims of trafficking and serious exploitation to enable effecti-
ve prosecution of those crimes responsible for the crimes. This implies cooperation be-
tween the police and civil society with regard to:

- Developing systems to monitor the phe-
nomenon, contact and report potential victims of trafficking ( sexual, labour, begging, illegal economies, adoptions, organ trafficking )
Over the past years governance capability of the “system designed” by the Ministry for Equal Opportunities, set up within the Presidency of the Council of Ministers, involving other sectors of the central government, the Inter-Ministerial Commission and the Technical Board, was rather weak, both in terms of its contribution in defining a National Anti-Trafficking Plan (which will hopefully be adopted soon, being expressly provided for in the Legislative Decree transposing the European Directive 36/2011), both relatively to the assumption of responsibility, on the part of other relevant ministries, to support and implement a National System of interventions to help the victims of trafficking and serious exploitation.

The existing governance mechanism of this system, need to be reviewed and strengthened, at least at the central level through greater involvement of ministries that have an interest and institutional obligation in combating the phenomenon of trafficking and serious exploitation. It is therefore critical to build a National System of interventions capable of helping the victims of trafficking and serious exploitation.

It should be noted that no national system of intervention supporting victims of trafficking and severe exploitation, in its threefold division (emergence, identification and first aid; social inclusion), can survive without an investment in emergence activities that is equal or greater than the one on assistance or social inclusion activities. In this connection, it would be strategic to support contact activities with of populations at risk of trafficking and severe exploitation during the emergence phase. Secondly, with reference to local authorities, in order to safeguard single human rights and the multi-agency approaches, it would be important to develop national guidelines for actions in the field of reporting and referral, identification and first assistance, protection and social inclusion to be implemented, managed and monitored at the territorial level by operators working in local authorities.

A model of multi-agency cooperation that strives to safeguard human rights and encourage a synergic harmonization of the social sphere as well. The police and judiciary that counter trafficking must develop a structured system where the reporting, identification, a prompt first reception of potential victims integrate the rich knowledge and experience on the field in order to guarantee access to all victims of trafficking and severe exploitation to the systems of protection present on the operative territories of competence.

Based on such methodological premises, the local referral system developed by the working group in the Veneto Region includes the cooperation of operation-oriented human rights and the work of multi-agency networks as illustrated in the following page:
The scale and nature of THB for forced criminality in the EU is not easy to define because of very fundamental reasons. Criminal activity related to trafficking in human beings is hidden within other criminality, such as thefts, fraud, illegal adoption and forced begging. This often results in instances of trafficking being not investigated or recorded as such. The EU Directive 36/2011 considers forced begging and the exploitation of criminal activities as forms of labour exploitation, whereas the expression “exploitation of criminal activities” should be understood as the exploitation of a person to commit, inter alia, pick-pocketing, shoplifting, drug trafficking and other similar activities which are subject to penalties and imply a financial gain.

In addition, the phenomenon of trafficking for forced criminality purposes, as forms of labour exploitation, has been many contributions to the development of human rights law, both in terms of their proliferation and specification and in terms of guarantee schemes. In Italy, in relation to the trafficking of human beings and serious forms of exploitation has distinguished itself internationally on protecting the victims, and at the same time effectively countering this phenomenon. As generally known, in many circumstances it is not easy to identify the victims of trafficking, and sometimes because of technical problems related to the exploitation of prostitution there are more severe crimes below the surface.

Clearly, the non-visibility of such phenomenon does not imply that it does not exist, nor does it mean that it is irrelevant in terms of numbers. What is needed to resolve some social problems goes beyond measures of public order and criminal repression because it violates the rights of the most vulnerable individuals, who fall under the court system, and diverts law enforcement from fighting real forms of criminality. In recent years the work of volunteers and the third sector, together with local government and other social actors, brought significant knowledge and best practices, guaranteeing assistance and promoting “social security” and human rights, conflict mediation and integration.

The need to consider the phenomena associated with severe forms of exploitation and human trafficking in the light of the human rights paradigm, is currently enriched in many soft law instruments and adopted in the United Nations treaties as well as in the Council of Europe Convention of 2005 against human trafficking and in the recent European Directive 2011/36. The complementarity between fundamental rights and democracy is now more than ever anchored to the legal dimension of human rights and to the process of positivization, that is to say, the process by which the rights are turned into subjective situations guaranteed by rules and legislation. Undoubtedly, in recent years there have been many contributions to the development of human rights law, both in terms of their proliferation and specification and in terms of guarantee schemes.

In addition, to enable any other potential condition of exploitation against foreign minors to emerge may not be an “easy” cause to pursue nor to institutionalize as it implies conforming to a foreign minor, especially if unaccompanied, the status of victim of trafficking. This calls for the involvement of a greater number of institutional actors. This in turn may trigger a jurisdictional conflict among those working respectively within the system to protect minors, the system to protect unaccompanied minors and the system to protect victims of trafficking. This often only stay in the shelter for a very short span of time, which may even be just a few hours.

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6) TRAINING, AT THE HEART OF THE HUMAN RIGHTS APPROACH AND MULTI-AGENCY WORK

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drug transportation: men and women are of criminal activities as their traffickers. Maria was repatriated to Romania as part of Operation streets throughout the winter months she returned to Lithuania to be sold for a profit as second-hand goods. Romanians have also been reported in this but to a lesser extent.

Counterfeit goods: using Asian personas coerced to produce, distribute and sell counterfeit DVDs and other goods. Romanians are also involved in such activities but to a lesser extent.

The same GRETA report, under point 3.3.2. of the newness of this type of trafficking, the study identified 102 presumed child trafficking victims, 24% were criminally exploited. Since 2011, in the UK, 3,318 children had been arrested for theft, and 28% of those came from Romania. It was noted that there was significant disconnection between the number of children arrested for theft and the number who are included in after-care programmes (less than 5 at the moment of research).

Secondly, on the situation in Sweden, according to Swedish official reports, the number of officially identified victims of trafficking is low, with only 170 recorded cases between 2006 and 2010. In 2012, a survey was undertaken using interview and questionnaire data from frontline staff who had come into contact with child victims. The survey identified 102 presumed child victims, aged between 3 and 17 years. Two-thirds of those identified were foreign nationals, many of whom originated from Romania and Bulgaria. Both girls and boys were identified as having been criminally exploited for pick-pocketing and theft, as well as begging. The survey findings were corroborated by a Child Protection Specialist working within Stockholm who further their noted that initial concerns regarding this issue were raised in 2006-2007 when boys, mainly from Belarus, Ukraine, Russia, Romania and Bulgaria, were observed taking part in organised petty crime and begging. Thirdly, a study identified the severity and complexity of trafficking for forced begging in Romania. The National Agency against Trafficking in Persons (NATIP) carried out a research into the experiences of 191 men, women and children who had been subjected to this form of trafficking. Romania has successfully domestic legislation criminalising trafficking for begging and victims are entitled to receive the same assistance as victims of other forms of trafficking. Despite this, forced begging is the third most prominent type of exploitation recorded by the authorities in Romania, making up 10% of those identified as being trafficked. The study recognised differences in trends between those who were trafficked within Romania and those who were sent abroad. Those exploited domestically were usually children, disabled, children or homeless and most often trafficked for begging purposes. Traffickers usually operate on their own or in small groups and many exploit their own families or children, especially young children. A number of victims (81%), however, were trafficked outside of the country as in most countries begging is not an offence. This reduces the risk to the traffickers. In the case of young people trafficked for begging purposes, the report presents a famous case of trafficking in minors for forced begging purposes from a small town in the southern part of Romania – Tandarei and nearby parts who were exploited in the UK by an OCN composed of 78 members. Apart from begging children were also forced to pickpocket and wash car windows. The children were sold by their families to the OCN, in the hope that they would earn money in the UK and help their families in Romania. The UK police had them arrested and treated them as low level criminal profile offenders but failed to investigate the case more in depth. Finally the OCN was dismantled through a joint investigation carried out with the Romanian police. The phenomenon of child victims exploited for pickpocketing is extremely difficult to be investigated and this explains the relatively small number of identified victims. Pickpocketing is often associated with begging and represents also a survival strategy used by poor families: they may even encourage their children to steal or sell to traffickers. As causes for the exploitation of children for illegal economy purposes there can be mentioned: poverty and lack of hope, negligence, large families with no income, violence, broken families, the passive acceptance of authorities and communities towards crime. To these add social exclusion, spatial segregation, illiteracy, lack of formal education, gender and ethnicity based discrimination. These findings which can explain the increased number of Roma children in the total victim population (also noted by several other researches into the phenomenon). The various sources mention Roma as one of the highest risk groups in Europe in relation to trafficking in persons. The report also mentions a certain reluctance of Romanian competent authorities in esti- mated number of Roma children, even the total victim population. Roma victims have been targeted as particularly vulnerable group by both the 2006-2010 and 2012-2016 National Anti-Trafficking Strategy. The interest on researching into the topics of exploitation of minors and on identification of the degree of the vulnerabil- ity has also increased at the level of national coordinator. According to the statistics released by NAFIP for the period 2010 – 2013, the number of persons exploited in forced begging varies as follows: 112 victims in 2010; 81 victims in 2011; 26 persons iden- tified in 2012. In 2013 25 victims have been identified to have been exploited in begging for criminality - theft and prostit- ution. For 2014, 53 persons have been exploited for begging and/or theft. Another official report indicates the following num- ber of persons specifically broken down according to the exploitation for forced criminality purposes, theft and pickpocket- ing: 2009 - 4 persons; 2010 - 4 persons; 2011 – 11 persons; 2012 - 6 persons and 2013 – 3 persons.

Trafficking in persons for forced crimi- nality purposes was not sufficiently explo- red as phenomenon in Romania. It is pos- sible that the small number of identified victims makes it difficult for the authorities to research into the phenomenon or maybe the lack of data is determined by the dif- ficulties authorities face in investigating petty crime in which children are involved. According to ICARUS project, in the UK, whenever a child is considered to be a trafficked victim, data is sent to the NIRM, institution which centralizes data concer- ning all victims. The data is then to be registered concerning Romanian children for a period of three years as follows: 2011: 22 Romanian children identified – 13 girls, 9 boys, all unaccompanied 17 were sus-pected to have been trafficked for benefit fraud; 3 for criminal activities; 1 for do- mestic servitude and 1 for sexual purposes; 2012: 20 Romanian children identified – 16 girls, 4 boys, 13 were unaccompanied, 4 were accompanied by at least a parent, in one case this was undocumented, 5 were trafficked for benefit fraud, 4 for forced criminality, 3 for domestic servitude, 2 for forced prostitution, 1 for forced begging. 2013: 19 Romanian children identified, 14 girls and 5 boys, 13 were unaccompanied, 3 were accompanied by at least a parent. In three cases this could not be determi- ned, 3 were suspected to have been traf- ficed for sexual exploitation purposes, 9 for begging, for social exclusion, for adop- tion, 1 for labour. A brief analysis points out that around 70% of these children are girls, almost 80% are unaccompanied and 50% have been used for benefit fraud pur- poses. These are also the most vulnerable children.

According to the GRETA report (2012) before the enforcement for the NIRM, vic- tim identification used to be conducted on the basis of the children’s report and on the adop- ted procedure. That was more of a react- ive than a pro-active identification, being based on the self-recognition of victims and on the effectiveness of institutions and NGOs who might have coincidently encoun- tered victims in their work. The same GRETA report, under point 100.3.1 of the report, presents measures by institutions and NGOs to tac-
kle the prejudices and stereotypes around women and Roma persons who have been trafficked, in order to address the root causes of trafficking and to foster access to education and employment for vulnerable groups. The same report (under point 105) on referring to the National Anti-trafficking Strategy for 2006 – 2010 mentions that the one of the problems faced by the Roma population refers to the lack of birth certificates as these are not issued on a free of charge basis. The report also stresses out the need to combat the “deeply rooted negative attitudes and prejudices towards trafficked victims, including those of Roma origin”.

Another reference is provided by the European report of the Roma Rights Centre and People in Need, Breaking the Silence: Trafficking in Roma Communities (2011), which mentions that “only a small number of trafficked persons of Roma origin are included in assistance schemes in Romania, because of the explanations being that they usually trust the officials in charge with providing support and prefer to avoid any contact with them”. It is highly probable that trafficked persons of Roma origin come from the very poor communities with few or no real employment opportunities, especially if dependent on social state aid (the minimum guaranteed wage and the alimony for children), from urban areas but spatially isolated or from rural areas, with limited access to education, with limited access to social services, in state of marginalization and discriminated against.

The interviewed experts (NATIP representatives and Roma intellectuals participating in informal discussions) highlight that the traditional cohesive and poor Roma community, with strict rules leading ended up trafficked for economic purposes (Healy C., Piotrowicz R., 2013). Backlog Report Research – Trafficking for the Purpose of Exploitation through Begging). The exploitation of others has simply become an acceptable way of living, women being exploited by their own families (husbands, fathers, brothers). A representative of the Child Protection Directorate appraised that the trafficked minors come both from traditional communities and from the un-traditional but poor ones but stresses out that each case is “unique”. Minors are the most vulnerable to getting trafficked for begging and illegal activities, especially petty crime. They can originate from both urban and rural areas (the data does not indicate any pattern related to this), the common element being the extreme poverty. The statistics available for 2011 and 2012 point out that these minors may come from bi-parental families (22 situations), from single-parent families (8 cases), or may not know their families (8 situations) (Ungureanu, 2013). Given the circumstances, and the ethical ambiguity, families coerce their children to beg and it becomes the sole money bringing occupation the family may have. Most common are the following occupations:

- Parents without any income or with little earnings using their children for begging. Younger children beg together with their mothers while others are sent to produce money on their own;
- Elder brothers compel the younger brothers to beg or even to pickpocket, together or on their own;
- Children left in the care of relatives – grandparents, uncles or of other persons are extremely vulnerable.

The report further mentions that the permissive attitude towards begging is less frequent in traditional communities or in those which have recently joined neo-Protestantism.

The problem becomes systemic when criminal networks identify the profitability and the “potential” of exploitable persons and acts accordingly. All respondents – institutions, law enforcement, social services, and community members describe a pattern in which OCNs simply purchase children from their families and insert those first in the local begging networks then abroad. The data collected do not allow for identifying routes of the amplitude of the phenomenon. France and the UK have been mentioned among the destinations but these can be much more diverse in fact.

The activity itself can be described differently and usually work-like activities are associated with it (e.g. car window washing, guiding parking, etc) to indicate that the respective person does this to cover expenses, but this work is usually done in agglomerated areas, at crossroads. Guiding parking implies that children and adults have “reserved” the particular parking area and are offering spaces for a certain fare. Guiding parking tends to become an industry related to organized crime networks due to the profits involved. Some of the respondents mentioned begging out of free will, indicating that the children are not carrying out the activity does it consentually.

In addition to that, begging is also associated with pickpocketing as both relate to poor communities, living in segregation. There are two major differences when considering the two phenomena, one implying the degree of social acceptance of the activity (thief is never accepted, not even as a means of subsistence) and theft is not associated with poverty. Theft may become a significant source of income and a profitable family occupation (“a certain family could gain a fortune out of theft abroad and took their children to work there together”). Getting children involved into theft follows the same patterns as begging: as lifestyle of the family and children coerced by the OCN to steal after having been kidnapped from or sold by their families.

Identifying minor victims coerced to pickpocketing is complex because of the children not responsible for the deed and often the offenders succeed to escape before the police gets them while leaving the children behind (input from NATIP). It is almost impossible to prove the parents’ involvement in exploiting their own children as in most situations children do not consider to have been victimized by their families. In such situations children may feel proud and consider themselves as representative or guardian of the family and children coerced by the OCN to steal after having been kidnapped from or sold by their families.

Developing a coherent response.

On studying the recruitment process, the interviewed experts mention: parents involved in exploiting their own children, parents directly exploiting their children on the street, in all cases parents being the main beneficiaries of the profits, while the chances of getting out of exploitation are minimal. The respondents have also mentioned that Roma minors are exposed to a higher risk of being trafficked given economic and demographic factors such as: great mobility of Roma groups, high birth rate, high rate of school dropout and illiteracy, poverty, compared to the average population.

a) Legal and institutional framework

Romania has enforced a comprehensive legal and institutional framework aiming to prevent and combat trafficking in persons.

Alongside with all member states of the European Union, Romania has ratified the Convention and the Trafficking Protocol, the main national specific legal tools transposing its contents being:
- Government Decision 123/2007 to approve the National Plan of Action on preventing and combat trafficking in children;
- Law 39/2003 on prevention and combat of organized crime. This law regulates specific prevention and combating measures to tackle national and trans-national organized crime. Terms such as “organized crime” and “severe crime” are defined in relation with trafficking in persons and related crimes.
- Law 302/2004 on international judicial cooperation in criminal matters containing provisions on the different types for international judicial cooperation, such as: extradition, handing over in the framework of an European warrant; criminal procedure transfer; transfer of sentenced persons; rogatory commissions; summoning of witnesses, experts and persons under pursuance; registration of procedures for the criminal trial;
- Law 682/2002 on witness protection establishes the measures concerning the protection of witnesses, including their residence. In the light of this law, a witness can be heard under a different identity, including by technical means allowing him to be absent from the courtroom. It also foresees protection measures such as changing residence or surveillance of the residence.
- Law 211/2004 concerning measures to ensure protection to victims of crime;
- The Criminal Code entered into force in February 2014 – does not incriminate begging but contains provisions to incriminate trafficking in persons for forced begging purposes as it assimilates it with forced criminality purposes. The former Criminal Code stated that the persons who are able to work but engage in begging instead can be sentenced from one month to three years in prison. This regulation, found in Article 326 is no longer contained by the new Criminal Code. Instead, provisions are added to the law which those who exploit minors or persons with disabilities by coercing them to beg. The fines are liable to pay fines or even get imprisoned from six months to three years. Moreover, if the deed is carried out by a “parent, curator, legal guardian or person in charge of the person used for begging, the deed is punishable by 1-5 years of imprisonment.

In addition to that, Romania also transposed into its legislation the following international legal instruments:
- The Council of Europe Convention on Action against Trafficking in Human Beings, signed by Member States of the Council of Europe on May 16 2005, in Warsaw, ratified by Lpo 300/2006;
- The ILO Convention for the elimination...
of the worst forms of child labour:
- Council Directive 2004/43/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, and who cooperate with the competent authorities;

In May 2006, the National Agency against Trafficking in Persons (NATIP) was established following the approval of the Government Decision no. 1584/2005, as a specialized public administration body, to replace the former National Office to Prevent Trafficking in Persons. The NATIP functions under the Ministry of Interior and is responsible for preventing and combating trafficking and assistance services to victims.

In January 2007, the NATIP developed SIMEV (the Integrated System to Monitor and Evaluate Victims of Trafficking in Persons) used in the data collection, processing and analysis, needed to elaborate studies and support statistical analysis. The NATIP also monitors the functioning of the National Identification and Referral Mechanism and acts as national focal point for the fight against trafficking and is active in the field of trafficking in persons prevention. The SIMEV can only be accessed by users authorized by the NATIP, the Office for Monitoring, Evaluation and Coordination, the Regional Centres of the NATIP, the DIOT, the border police. The system also collects data from NGOs, the Child Protection Unit, GDSACP, and County School Inspectors. The reporting mechanism of Romania is connected with the NIRM, in the latter being involved actors such as: the General Prosecution Office; the NATIP with its Regional Centres; GDSACP; international Organizations, the General Inspectorate for Immigration, the Labour Inspectorate, other governmental bodies, embassies, consulates, TelVerde (toll free lines), foreign NGOs and other institutions.

b) Specific procedures and provisions on the assistance & protection of children

Following the revision of the national legal provisions concerning the rights of the child and specific protection measures, terms such as "exploited or trafficked child" are no longer used distinctively. It has been assimilated to the more general expression of child that is "abused, neglected and subjected to any forms of violence". The law 257/2013 to modify and complete Law 272/2004 on the protection and promotion of the rights of the child clearly states the child's right to be protected against abuse, neglect, exploitation, trafficking, illegal migration, kidnappping, online pornography as well as to other forms of violence, irrespective of the environment he is in: family, educational facilities, medical units, centres, correctional facilities, social centres, sport environments, community, work place, mass media. Any physical or juridical person (including representatives of private child protection organizations) are obliged to notify authorities if a child should have knowledge of a situation in which a child may be abused, neglected, exploited or trafficked.

The child’s parents or legal representatives, public authorities and NGOs shall take all necessary measures to facilitate the physical, psychological and social reintegration to children who have been subjected to any form of violence, torture, or any other harm, degrading treatments.

Nonetheless, the Ministry of Internal Affairs, in partnership with the Ministry of Labour, Family, Social Protection and the Elderly, and the Ministry of Education and Research will jointly take all necessary strategic measures to ensure the effective protection of children against domestic and international trafficking in persons, including by their parents. In the National Strategy against Trafficking in Persons, including its subsequent Plan have been proposed objectives to:

A child’s parents take the charge to care after him and ensure that he harmoniously develops physically, emotionally, socially, morally and spiritually. However, they should not protect the child immaturely, fail to carry out such tasks, alternative protection measures shall be ensured to safeguard him. As protection measures available, the law mentions: placing the child in the extended family; placing the child in centres for the neglected, abused, exploited or trafficked children; placing the child in foster care; tutoring; curating; adoption. All such measures shall take into account the superior interest of the child and be implemented with respect for the child’s ethnic origin, religious practice, cultural and linguistic belonging. Protection and assistance is granted by the state social services and child protection services (territorial unit), upon assessment of the child’s situation/available resources and established plan of services. Upon the notification of a child who is presumed to have been neglected/abused/exploited/trafficked and in need of emergency placement, the social services and child protection units have 30 days to establish the individual protection plan. The main focus in setting up the assistance objectives would be to place the child within his family or in adoption and is conducted by coordinating with the child’s parents and extended family members. If not possible, the child shall be placed in a residential centre.

During the emergency placement measure, the right to exercise parental duties will be suspended until a court decides otherwise. Parental/legal guardianship duties shall be exercised during this time by the person/family/foster care/mature assistant/coordinator of the residential centre accommodating the child. The duties relate to administering the child’s property shall be carried out by the director of the general directorate for social assistance and child protection.

In terms of actual services, children for whom a special protection measure has been disposed has the right to receive food, clothing, footwear, sanitary items, school supplies, textbooks, sport equipment, toys; transportation costs coverage as well as allowance for personal needs.

The Anti-trafficking law 678/2001 with completions and modifications fororses that underage victims shall be granted special protection and assistance according to age. Their assistance is ensured by the social assistance and child protection directo- rates in residential centres and safe houses, with funding from local budgets and shall be monitored by the national anti-traffi- cking coordinator, ANITP. NGOs can also deliver protection and assistance services for children, victims of trafficking or other forms of exploitation.

c) Appointment of a (temporary) guardian

The international guidelines indicate as criteria for a person’s appointment as legal guardian of a trafficked child: to have relevant child protection experience, knowledge of child rights/human rights and an understanding of the specific needs of child victims, including those specific to gender. Guardians shall be given spe- cialized training, professional support and appropriate assistance in the performance of their responsibilities. However, such requirements are not considered in the Ro- manian specific legislation and nor is there a special legal guardianship procedure for children who have been exploi- ted or trafficked.

According to the Civil Code in force, a legal guardian (a tutor, curator, a centre) can be appointed to represent the interests of the child, on a temporary or long term basis. As far as the exceptions the legal guardian shall be appointed during this time by the person/family/foster care/mature assistant/coordinator of the residential centre accommodating the child. The duties relate to administering the child’s property shall be carried out by the director of the general directorate for social assistance and child protection.

In case there are several brothers in need of a tutor, one person will be designa- ted to act as tutor for all of them. Tutors found in the following situations may refuse to carry out such tasks and fully represent the best interest of the child.

- For minors found unaccompanied on the territory of another state, a temporary legal representative shall be appointed to represent his best interest (act in loco parentis) during the process of identifying risk, family assessment and decision- ing on the voluntary assisted return and family reunion or alternative place- ment measure or reintegration in the de- stination country.

- Therefore if the family has been involved directly or indirectly in trafficking the child, or the child is unaccompanied, an emergency placement measure shall be taken by the social assistance and child protection protection from the area in which the child had been identified in collaboration with the homologate unit from the area of residence of the child. In this situation the task to represent the child’s interests, rights and properties will be taken by the staff and coordinator of the residential centre providing pro- tection and assistance to the child.

- Otherwise, it will be assessed if the current legal guardian (parents, tutor, other) is suitable to continue carrying out such role and fully represent the best interest of the child.

- For minors found unaccompanied on the territory of another state, a temporary legal representative shall be appointed to represent his best interest (act in loco parentis) during the process of identifying risk, family assessment and decision- ing on the voluntary assisted return and family reunion or alternative place- ment measure or reintegration in the de- stination country.

- In cases involving minors who are vic- tim of trafficking in persons, the legal guardianship procedure will be followed differently according to: the assessed risk on the minor’s reintegration in the family, the family’s knowledge of or involvements in his trafficking and on the situation he is found in: unaccompanied, separated from parents, with his parents. It is important to define the legal status of the guardianship (legal guardian, temporary guardian, advi- ser, social worker, NGO representative).

Consultation and information provided to the child on the appointment of the legal guardian and related processes should be implemented at all times. The state must also put in place a mechanism for monitor- ing the quality of the guardianship exer- cise, in order to prevent abuse and ensure that the best interests of the child are ap- propriately represented. All law enforce- ment personnel involved in any other relevant official services or NGOs shall be informed of the contact details of the guar- dianship service.

d) The victim identification

Even after the Romanian government have enforced specific laws, established...
protocols, and attributed tasks to insti-
tutions to implement laws and build part-
nerships to identify victims, they are chal-
ged in making victim identification effective in practice, especially victims forced to be involved in illegal activities. To place the victim at the centre of the prosecution means considering the rights, needs, and requests of the person who has been trafficked - before, during, and after an investigation and prosecution. In prac-
tice, this approach gains the trust and co-
operation of the victim. It begins when a victim is identified and continues through initial steps to establish physical safety and meet the victim’s immediate needs. The victim-centred approach helps prevent se-
condary victimization that can occur when authorities do not treat the victim with ap-
propriate sensitivity or act in a manner that resembles the coercive methods of traffi-
cers, risking re-exposure to trauma.

The victim identification process re-
presents the first phase of a Trans-national
Referral Mechanism – TRM or National
Referral Mechanism – NRM and includes both activities related to victim’s partici-
pation in the criminal prosecution and the provision of protection and assistance. It can be divided in two phases: prelimina-
ry identification and formal identification.

This being a long term process, starting with the victim’s declaration before the police officers and ending with the court decision.

First level identification contains the following actions undertaken by profes-
sionals in relation to potential victims of trafficking in persons:

- Initial screening – the rescuing/identifi-
cation process, assessment of assistance needs
- Ensuring access to basic needs – super-
posed on the assistance in crisis inter-
vention: accommodation, food, water, clothes, emergency medical assistance, counselling/psychotherapy, information on the rights available to trafficked per-
sons;
- Assessment of risk for the person and her family if possible/on relapse into traffick-
ing, on potential retaliation from

traffickers as well as risks associated to the physical/mental state of health or available resources in the family/community;
- Ensuring communication in the victim’s native language or a language she can understand (wherever the case);
- Granting the reflection and recovery pe-
riod (in Romania of 90 days) and implement-
ing the specific assistance services, (medium term);
- The formal identification conducted by the judicial authorities investigating the traffick-
ing in persons offences.

There are actors who can identify victims in the course of their work, within the context of their function, role and re-
 sponsibilities. Thus trafficking may be detected any time and place, during the whole cycle of trafficking - recruitment, transportation, transfer, harbouring or receipt of persons. Among actors who can conduct the first level of identification, there are:

- law enforcement officers, specialized in combating organized crime; law enforce-
ment officers at border points in air-
ports, custom points of non-Schengen countries; local police; law enforcement of-
cise; working in prison or in centres for asylum seekers; immigration offic-
ials; road police; specialised police in public transport;
- international bus drivers, airline and airport staff; specialized agencies/in-
cluding helplines; domestic violence/ related helplines;
- State social assistance and child protec-
tion services;
- NGOs specialized in providing protec-
tion and assistance services to trafficked persons which also develop outreach ac-
tivities.
- State /local officials of Chambers of Commerce or similar agencies in charge of registration in the Trade Register of people who want to start a business or want to start as a self-employed entre-
preneur in entertainment;
- state /local officials of Municipalities or labour inspectors in charge of giving licences or permits for opening or in-
specting businesses, including HORECA and entertainment;
- State officials in charge of delivering re-
sidence permits.
- Health workers, regular doctors who may have victims of trafficking as pa-
tients.
- Psychiatry units/emergency medicine units receiving patients in triage;
- embassies or consulates; housing de-
partments of municipalities or private landlords;
- teachers, school counsellors doctors, so-
 cial workers; people from the neighbour-
hood;

The NIRM was approved through Joint
Ministerial Order 335/2007 and sets up the general and special principles to be taken into account with regard to the iden-
tification of trafficked persons, as well as the means to identify them, from a double perspective: the legal and the victimolo-
gical point of view. It specifies the actors involved and their tasks in carrying out not only victim identification but also in refer-
ing victims to assistance providers. It also contains a list of 70 trafficking indicators adapted after the ILO list.

The victim referral process is defined according to the NIRM as enthrusting pre-
sumed and possible victims of domestic and international trafficking in persons to the providers of protection, assistance and monitoring institutions. This can be conducted within the borders of a count-
ry or trans-nationally upon the decision to implement such services in the victims’ country, on transit or desti-
nationcountry (the National Identification and Referral Mechanism was approved by Joint Ministerial Order 315/2007).

As in the identification, there are seve-
rnal actors involved in carrying out the re-
ferral: judiciary authorities; international organizations; embassies/consular offices; institutional and governmental organiza-
tions; NGOs from origin/transit/destina-
tion states; social assistance institutions; labour inspectors; healthcare personnel; educational staff; civil society members; to a smaller extent self-referrals. The multi-
agency actors involved in the referral pro-
cess shall cooperate to ensure that identi-
fied victims are provided in due time with adequate protection and assistance servi-
ces. Each of the below mentioned partners will designate at least one representative as contact point in the victim identification and referral, and his contact data will be shared within the network.

e) The Romanian National
Identification and Referral
Mechanism (NIRM) with a focus on
referral to assistance providers and
actors involved (active protocols)

According to the institution carrying
out the victim identification as well as ac-
cording to the nature of the actors invol-
ved, there are several referral procedures:

1. The victim has been identified by judicial authorities with attributions in the
field of combating trafficking in persons.

By directorate/bureaux/services for combating organized crime; the judiciary
police; border police; DIOCT -> they will contact the representative of the Regional Centre of the NATIP.

Institutions:
- By other structures in the national de-
 fense system or public order: criminal in-
vestigations police; gendarmerie, local po-
dice, transports police -> they will contact the specialized judicial authorities (direc-
torate/bureau/services for combating or-
ganized crime) -> these will further contact the Regional Centre representative of the NATIP. The Regional Centre representa-
 tive of the NATIP (Coordinator or Inspec-
tor - Psychologist or Social Assistant) will conduct the initial evaluation of the per-
son’s needs, and ensure that the victim is immediately referred to a services provider for assistance in crisis. They will maintain contact with the Case Manager/professio-
nal assigned to coordinate the victim’s as-
sistance programme. The NATIP Regional Centre Representative will inform the vic-
tim on the rights deriving from legal status and will mediate the relation between the victim and law enforcement, should the victim decide to report the trafficking situ-
tion. They will also be in charge with the tactical transportation of the victim in safe conditions to the assistance provider, upon prior risk assessment.

2. The victims is referred and
reparticipated through the Voluntary
Return and Reintegration Programme
of the International Organization for
Migration (IOM)

The IOM Romanian Mission represen-
tative shall meet the victim at the border
point, inform her on the right to receive as-
sistance through the Voluntary Return and Reintegration Programme and, upon her response: 1) refers her to assistance provi-
ders (in residential or non-residential care); 2) leaves contact data of organizations/in-
stitutions which can offer her support, in case she may change her mind. Upon vic-
tim’s consent, he may further refer her to the NATIP for monitoring and for media-
ing the relation with judicial authorities.

3. The victim is identified and assisted before return by an NGO from the
destination/transit state. The NGO
refers her to a Romanian NGO for
reintegration assistance

The Romanian NGO representative will conduct the evaluation of the victim (risk
and assistance needs assessment) and will wait for the victim at the arrival point in Romania (airport; coach or train station) or in a commonly agreed location. In addi-
tion, NATIP, the repatriation unit may also be present at the point of arrival and safely escort the victim to the accommodation fa-
cility or to the point of departure to area of residence.

Should the victim agree the NGO will
refer the case to NATIP for informing the victim on the rights assigned to the po-
tential/presumed trafficked person status; monitoring of the assistance; inputting the Victim in the database (it can be done ano-
nymously);

4. The Romanian victim is identified with the support of the Romanian
Diplomatic Mission or of the Consular
Office from the transit/destination
country

The representative of the Romanian
Diplomatic Mission/ Consular Office will
ensure the issue of a travel title to allow
the victim return to Romania or will help in
confirming the identity of the victim, if she
no longer has identity or travel documents.
He will further notify, through the liaison
officer, the NATIP and border police on the
victim return of the victim/victims, in order for them to receive accommodation at the ar-
nal point in Romania. Upon the interview, the consul mission representative may refer the victim for assistance in crisis to orga-

isations/institutions from the destination country.

5. The trafficked victim is a foreign
citizen

According to the law, foreign citizens who are potential and presumed victims of trafficking are entitled to benefit, without discrimination from the same protection and assistance measures as country natio-
als who are victims. They shall be infor-
med, in a language they can understand on their rights, including the right to a reflec-
tion and recovery period of 90 days, with the possibility to extend the assistance upon their cooperation with judicial autho-
rities or upon them lodging an application for residence permit for humanitarian rea-
sons.

In the situation in which the foreign victim wishes to be repatriated to her ori-
gen/residence country, the representative of the GI has the tasks to: contact the consu-
lar mission of that country to facilitate the issue of a travel document (if necessary); carry out all necessary formalities to regu-
late the victim’s residence in Romania, ac-
cording to the provisions on aliens’ regime.

According to the location where the foreign victim is detected (e.g. at border
point; in Romania, in various circumstan-
ces), the actors involved are:
g) The victim/witness coordination in the criminal trial programme and actors involved (active protocols)

The programme was initiated in 2008, by the NATIP – as coordinator and the US Embassy in Bucharest and continues to be functional at national level, through the 15 Regional Centres of the NATIP.

**Partners (protocols at national level):**

- The NATIP through its 15 regional centres;
- The Romanian General Police Inspectorate;
- The Romanian General Border Police Inspectorate;
- The Romanian General Gendarmerie Inspectorate;
- The Directorate for Investigating Organizations, Criminality and Terrorism;
- The Probation Directorate;
- The General Immigration Inspectorate.

**Mandate of the Programme:**

- To maintain constant contact with the victims;
- To ensure their emotional support and accompaniment throughout the criminal proceedings and trial;
- To ensure the physical protection of victims;
- To provide trafficked victims with information on the rights they are entitled to and the services they can access;
- To update victims on the case evolution in the criminal investigations and the trial phase;
- To inform and explain victims the issues they may be facing during the development of the criminal trial;
- To prepare trafficked victims for hearings and encounters with law enforcement, prosecutors and lawyers.

**The Programme Objectives:**

- To increase the number of trafficked victims who participate as injured parties or witnesses in the criminal trial;
- To increase the level of participation of trafficked victims in the different phases of the criminal trial;
- To respect the persons’ rights related to the participation in the criminal trial;
- To build victims’ knowledge on the judicial and administrative procedures in force;
- To facilitate the access of trafficked victims who enter in contact with the investigative authorities to specialized protection and assistance services.

**Coordinating victims/witnesses in the pre-trial phase:**

- Victims are informed on the start of the trial phase as well as on the need to be heard in front of the court. The responsible institutions coordinate the handling of the summons to the victim.
- Victims are accompanied to the court premises before the actual court session to get acquainted with the environment and the court room. Victims are explained how the trial develops, as well as about the role of the parties involved in the trial.
- Protection measures are ensured to victims during the trial through collaboration with the Gendarmerie.
- Victims are accompanied by the NATIP inspector/case coordinator throughout the entire duration of the trial.
- Victims are ensured legal assistance from lawyers.
- Victims are informed on the rights they are entitled to during the trial phase, i.e. legal assistance, psychological assistance, special protection measures, the right to request the court for secret sessions, and the right to plead as civil party.

**Coordinating victims/witnesses in the post-trial phase:**

- Victims are monitored after completion of the trial as long as there are security risks for them and their families and are informed on the available protection measures.
h) National coordinator - The National Agency against trafficking in Persons

NATIP is the specialized structure under the Ministry of Internal Affairs with attributions to coordinate, evaluate and monitor the enforcement of anti-trafficking policies and practices, at national level, by institutions and organizations mandated to address trafficking in persons. The NATIP also acts to bridge the gap between trafficked persons and law enforcement and connects the first with NGO service providers across the country. The NATIP collaborates with NGO service providers in Romania and abroad as well as with intergovernmental organizations for various matters. It is structured in a central coordinating unit to which add 15 Regional Centres, established in the main developmental regions, in areas in which operate the Appeal Courts.

The Regional centres coordinate and monitor the anti-trafficking measures taken at local level, cooperate with the municipality, the specialized police and social assistance system (state and NGO). Their personnel schema includes a Regional Centre Coordinator (detached law enforcement officer and two specialty inspectors, a Psychologist and a Social Assistant). In addition, at the level of the central unit, a repatriation team was set up with attributions to participate in assisted returns, pick victims up from the airport/place of arrival and ensure they are safely transported home, to a shelter.

To synthesize, the NATIP is mandated to carry out the following activities:
- To coordinate and monitor at national level the collection, processing, storing, analysis and dissemination of data concerning trafficked persons. The data is entered in an enhanced security system called SIMEV. The NATIP also monitors the protection and assistance provided to trafficked persons;
- To participate in the establishment for indicators and criteria measuring the phenomenon;
- To analyse the evolution of the trafficking in persons phenomenon, to identify trends and vulnerability factors based on self-entered data but also on data shared by the various relevant actors;
- To produce and disseminate the official statistics, other relevant reports and studies on the various dimensions of the phenomenon;
- To monitor the functioning of the shelters and centres providing assistance to trafficked persons, based on the criteria set up in the minimum standards for the specialized assistance for trafficked persons;
- To manage the national anti-trafficking toll-free phone number and orient callers to protection and assistance providers;
- To carry out prevention activities and programmes addressing the different components of trafficking in persons.
- To implement the Victim/Witness Coordination in the Criminal Trial Programme, at national level.

In addition, other practices aiming to ensure adequate victim protection throughout the criminal proceedings are provided by Law 211/2004 concerning measures to ensure the protection of victims of crime. The law specifically mentions the access to psychological counselling given to victims of violent crimes, including those who have been trafficked. Such services are provided by the local probation and victim protection units, active under the Ministry of Justice, according to the law, free of charge psychological counselling is granted to adult victims for a period up to three months and to minor victims for a period up to six months. Similar counselling can also be provided by nongovernmental organizations, working in partnership with and receiving subventions from the state.

The same law states that victims are also entitled to receive free of charge legal assistance, the service being available both for survivors of crimes and their families (spouses, children, persons in the care of direct victims of crimes). These provisions add up to the common law provision granting access to free legal assistance for persons who cannot financially afford a lawyer, thus one being provided to them ex officio.

Another relevant actor in the implementation of anti-trafficking policies and in combating trafficking in persons is the General Inspectorate of Romanian Police, through the Directorate to Combat Organized Crime in charge with the judicial investigation of trafficking in persons cases and with interviewing victims. The Directorate contains 15 brigades and 27 county services in subordination, all corresponding to the territorial structures of the DIJCT, NAD, GAD, whose cases they investigate. The Bucharest Combating Organized Crime Brigade is divided into squads operational in the 6 districts. According to legal mandate, the Directorate cooperates with similar bodies from other states as well as from the European Union bodies, and has 120 specialized law enforcement officers. Apart from DCOC, there are other police taskforces with attributions to investigate trafficking in persons cases, as follows:
- The Public Order Directorate ensures staff and tactics to the DCOC and assistance to the local and rural police; it also supports the NATIP prevention activities;
- The Transport Police Directorate ensures security measures on air, land and sea and participates with personnel and means according to its line of competence;
- The Institute for Crime Prevention and Research participates in information campaigns as well as in law enforcement trainings.

The National Office for Witness Protection participates with personnel and technique to carry out the protection and assistance services for those who are included in the programme.

Another Directorate under the General Inspectorate of Romanian Police, the International Centre for Police Cooperation (ICPC) acts as the national central authority in international police cooperation, being specialized in exchanging operational information concerning combating international criminality and manages information exchange between the specialized structures of the Internal Affairs Ministry. The ICPC joins the following international police cooperation channels: INTERPOL, EUROPOL, Schengen Information System/SIRENE, operational liaison with SELC, with liaison officers and internal affairs attaches, both Romanians detached abroad and foreigners active in Romania. The Public Ministry through the Directorate to Investigate Organized Crime and Terrorism with its sub-structures ensures the conduct of the criminal pursuit and the notification of courts for initiation of judgements in trafficking in persons trials. DIJCT is the only structure specialized in combating organized crime and terrorism, functions under the Prosecutor’s Office near the High Court for Justice and Cassation, has 15 subordinated services and 27 territorial structures in which activate 280 specialized prosecutors.

The National Authority for the Protection of the Rights of the Child and Adoption (NAPRCA), through its specialized units carries out the investigation of victims and is active upon notification when a child is found unaccompanied at the border.

The General Directorate for Social Assistance and Child Protection ensure the enforcement of social assistance policies and strategies at county level to reach out to persons in need, including to trafficked persons, irrespective of their age.

The National Agency for the Protection and Assistance centres for trafficked persons, as stated in the law, including the activity of GIDSACP units.

2) THE RESEARCH METHODOLOGY AND SOURCES

The research methodology was designed to guide the research, based on the minimum standards as laid down in EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, the GREA, and on Action against Trafficking and other relevant international standards.

The research had two components:
- Collection of data from available literature, from studying cases in the ADPARÉ assistance programme and monitoring of media articles.
- Qualitative research - participatory research component: semi-structured interviews with victims of trafficking (VoTs) and with representatives of public authorities at central and local level, NGOs and International Organization for Migration, Mission in Romania.

Case studies – for a better understanding of the manner in which trafficking in persons for forced criminality purposes occurs but also to provide an image on how these cases are tackled from a judicial point of view. This was done by analysing ADPARÉ case files and implementing indicators documents, available on web portals.

In order to analyse the available data on victims identification and support, we relied on limited data resources due to reduced availability of relevant national sources and literature. The data used included: national reports on trafficking in persons by NATIP, GRETA country evaluation from 2012, Eurostat reports, other reports of international (governmental) bodies, and indirectly documents of criminal investigations in the field, media articles, ADPARÉ’s annual reports and ADPARÉ’s reports on cases of trafficking for forced criminal activities.

The most important component of the research was conducting interviews with victims of trafficking (VoTs) for forced criminal activities. The process of selection was not easy due to the reduced number of victims included in assistance programmes or monitoring activities. All VoTs interviewed in this research are clients of ADPARÉ. The research involved 43 Romanian victims trafficked for criminal activities. To ensure anonymity, the only registered data refer to gender of interviewed VoT and country of destination. The table below gives an overview of the sample group.

<table>
<thead>
<tr>
<th>Code: Gender, age and country of destination</th>
<th>Form (s) of exploitation</th>
<th>Age at exploitation</th>
<th>Time since leaving situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>G</td>
<td>Male, 20, Spain and Belgium</td>
<td>Theft</td>
<td>0-11</td>
</tr>
<tr>
<td>G</td>
<td>Female, 24, Ireland and UK</td>
<td>Shame marriage and sexual services</td>
<td>23</td>
</tr>
<tr>
<td>G</td>
<td>Male, 20, Sweden</td>
<td>Robbery and begging</td>
<td>19</td>
</tr>
<tr>
<td>G</td>
<td>Female, 47, Norway</td>
<td>Pick pocketing and begging</td>
<td>46</td>
</tr>
<tr>
<td>G</td>
<td>Female, 28, Romania and Italy</td>
<td>Sexual services, thefts and introducing false money in the commercial circuit</td>
<td>17-21</td>
</tr>
<tr>
<td>G</td>
<td>Female, 24, Romania</td>
<td>Sexual services and thefts</td>
<td>16-20</td>
</tr>
<tr>
<td>G</td>
<td>Male, 34, Romania, Spain, Italy, 4</td>
<td>Theft, carrying and distribution of drugs</td>
<td>10-14</td>
</tr>
<tr>
<td>G</td>
<td>Males, 29-58, Denmark</td>
<td>Bank frauds</td>
<td>The same</td>
</tr>
<tr>
<td>G</td>
<td>Female, 56, Denmark</td>
<td>Bank frauds and labour</td>
<td>56</td>
</tr>
</tbody>
</table>
The profile of the five specialists interviewed is: ADPARE’s lawyer specializing in combating organized crime and terrorism from DiOCT- the Directorate for Investigating Organized Crime and Terrorism- the central level; two policemen specialized in combating TIP from DCOC- the Directorate for Combating Organized Crime police from the Local Service for Combating Organized Crime, the head of Service for researching into TIP and VoTs monitoring from NATIP at central level and the head of IOM, Mission in Romania.

In terms of limitations, at the level of trafficking in persons for forced criminality purposes there are no coherent information or practices shared by specialists in the field, though the media records cases with clear indicators of this type of offence. Though the NIRM is functional and the existing data is centralized by SIMEV of NATIP, the available data is scarce and the number of identified victims is even scarcer. Due to this, SIMEV only registers individuals who were exploited for criminal purposes or for trafficking in persons situation, released by SIMEV, as per the Regional report of the General Police Inspectorate (GPI) of NATIP.

3) CRIMINAL FORCED ACTIVITIES AS A NEW FORM OF TRAFFICKING

a) National statistics and criminal forced activities as a new form of trafficking

According to the regional report of the IOM for 2014, the proportion of identified victims who are exploited for begging purposes is 4.0%, than those who were trafficked for lower criminal acts (3%) or who face combined exploitation (1.0%) such as labour and sexual exploitation.

Below are presented the findings of TRACE: Trafficking as a Criminal Enterprise, report special, on the relevant aspects of the trafficking act (geographical routes and modus operandi) and on its possible evolutions in response to law enforcement, from 27 February 2015. Romania is mainly a country of origin for human trafficking to other European countries. The figures for Romania identified Romanians exploited either internally or externally have registered a constant decrease from 1240 victims in 2010 to 896 victims in 2014. A cross tabulation of the age and forms of exploitation shows that: a) the majority of minor girls are sexually exploited internationally, b) the majority of adults are sexually exploited through transnational trafficking and, c) the majority of adult men are exploited in transnational human trafficking.

The majority of victims registered by Romanian authorities were female, aging between 18-25 years and to a lesser extent 26-40 years and men aging between 25-40 years and to a lesser extent 40-60 years. As regards younger or older persons identified in human trafficking, more cases of younger age than 10 years old are encountered within internal trafficking sexually exploited compared to external trafficking, while cases aging more than 61 years old are to be encountered in transnational trafficking for begging or labour exploitation in countries like Germany, Italy, Spain, Cyprus and the Netherlands. Romania is also a country of destination for human trafficking of men (domestic trafficking, 30.7%), based on official statistics evaluating the dimension, intensity, and flows of human trafficking. Domestic trafficking is not easily detected, and for one in every three trafficking cases, the exploitation takes place within Romanian borders. There is a particularity between domestic and international trafficking (69.2%) when it comes to age of the victims. The majority of minor victims, mainly girls, are exploited domestically, while adults are mainly exploited internationally, men are especially targeted in the domestic and women especially in the cross-border services.

The routes and flows of trans-national trafficking are slightly changing over years, the only constant factor being the great share of Romanians identified as victims, out of the total victim population. Concerning the concerned years (2009-2013), a share of victims exploited trans-nationally was at 69.3%. Regarding the routes, it becomes evident that trafficking in Romanian citizens takes place mainly in Western European countries, and when victims suffer exploitation in more countries, the exploitation takes place either in neighbouring countries or along the route to the final destination. The transportation of the victims is mainly done by land ways, with buses, minibuses or traffickers’ personal cars, European driving routes being used in this situation. The main countries of destination irrespective of the forms of exploitation, based on registration figures, are Spain, Italy, Germany, Greece, Cyprus, Czech Republic, France, Poland, and other Spain, Italy, Italy, Germany, Greece and Cyprus are the top 5 destination countries (50.3%) and counted a cumulative share of more than half of the total discovered human trafficking within the analyzed period.

Concerning foreign citizens identified to have been exploited in Romania, their number was small. In this period a total of 503 859 cases of victims of trafficking were recorded; in particular Romanian citizens who were exploited exclusively were in transnationally. The table below provides insight in the form of exploitation.

<table>
<thead>
<tr>
<th>Type of Exploitation</th>
<th>Transnational Trafficking</th>
<th>Domestic Trafficking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual</td>
<td>3230</td>
<td>76</td>
</tr>
<tr>
<td>Labour</td>
<td>390</td>
<td>126</td>
</tr>
<tr>
<td>Begging</td>
<td>1326</td>
<td>1216</td>
</tr>
<tr>
<td>Pickpocketing</td>
<td>46</td>
<td>371</td>
</tr>
<tr>
<td>Total</td>
<td>5038</td>
<td>5490</td>
</tr>
</tbody>
</table>

According to the report covering the period 2009-2013, concerning Romanians trafficked for the main exploitation purposes, the data analysis revealed some slight differences according to the countries of destinations. While Italy, Spain and Germany are destinations for all forms of trafficking, the Czech Republic and Cyprus are destinations mainly for labour exploitation, France and Poland for forced begging and Austria and the Netherlands for sexual exploitation.

The collection of data on the routes used was difficult due to the limited literature available as well as insufficient knowledge at grassroots level. Much of the information available related to the countries of origin and destination, without offering much insight into the channels used to get from one place to another. However, based on available data, we are able to provide an insight in the form of exploitation.

Crime and Terrorism (DIOCOT), the prosecuted traffickers are mainly Romanians; only less than five of them have other nationalities. In terms of the forms of exploitation, based on the assumptions of the Romanian Police, 75% of the trafficking investigations is related to sexual exploitation.

Trafficking related to forced begging and other criminal crimes (street crime, pick pocketing, shop lifter, ATM Thefts) have mainly developed abroad, with a ratio of approximately 88% in the case of Romanians. This evolution has been associated with the large profits obtained in trafficking for begging, in countries with high living standards, but also with a weak policy related to trafficking in persons for the purpose of forced begging or associating criminal crimes, which mitigates the traffickers’ risk of being identified.

The destination countries for forced begging and committing thefts or other illegal activities for Romanian trafficked persons were: France (76 cases), Italy (60 cases), Germany (47 cases), Spain (44 cases), Poland (24 cases), Netherlands (20 cases), Greece (19 cases), Finland (19 cases), Austria (13 cases), United Kingdom (11 cases), Belgium (5 cases), Ireland (4 cases), Portugal (3 cases), Switzerland (2 cases), Norway (2 cases), Cyprus (2 cases), Afghanistan (2 cases), Sweden and Lithuania with one case each. To some extent the destination countries for begging or other illegal activities are the same as the countries for human trafficking.

Roma people are mainly exploited for begging and committing petty crimes. The latter form of human trafficking is a relatively new phenomenon, and therefore there is only limited information available, this partly also goes for trafficking for labour exploitation. As data is lacking and as some countries lack the legal provisions to handle such cases, we have decided not to address each form of trafficking separately. However, we acknowledge that our research could only provide limited findings. Regardless of the scarcity of data regarding the routes of trafficking it is obvious that European citizens are mainly exploited in European countries.

This report focuses on different purposes of trafficking: for sexual exploitation, labour exploitation and for criminal/illegal activities. While illegal activities could involve an array of actions, the forms most often reported by the researched countries (Cyprus, the Netherlands, Bulgaria and Romania), related to forced begging and committing petty crimes. The latter form of human trafficking is a relatively new phenomenon, and therefore there is only limited information available, this partly also goes for trafficking for labour exploitation.

As data is lacking and as some countries lack the legal provisions to handle such cases, we have decided not to address each form of trafficking separately. However, we acknowledge that our research could only provide limited findings. Regardless of the scarcity of data regarding the routes of trafficking it is obvious that European citizens are mainly exploited in European countries.

On the gender and age issues, there can be noted an increase in the number of women, compared to the situation in 2013. Thus, in 2014, out of the total adult victim population (467), 283 were women (61%), compared with the previous year when the number of identified women was equal with the number of identified men. In addition, the most vulnerable age category remains from 18-25 (279 victims). Even so, a significant number of minors (aged from 14-17) is present in the 2014 data as well (51 victims).

According to the economic context, the difficulties faced in finding a job in Romania as well as the mirage of better gains and employment opportunities continues to determine victims’ sensitivity to advertisements and propositions of false jobs abroad, used as main recruitment content (44%).

Moreover, analysing on the social relation between the victim and recruiter, as well as on the recruitment method, it was observed that 89% of the victims were directly approached by the recruiter (671 victims). In the reported period, 355 persons were recruited by an acquaintance by the illiterate victims 5% (37 victims) and those with primary school 14% (106 victims). However vulnerability to trafficking is not influenced only by the lack of access to formal education, several other factors contributing to creating a vulnerability people lack of employment opportunities in the area of living (mostly in rural areas), the lack of social values, dysfunctional families, the desire to flee from an abusive or neglecting environment of an individual turn into trafficking triggers, influencing individuals to trust and accept risky proposals regarding work, travel, treatment and other coming from strangers.
and 256 by someone unknown to them.

Sexual exploitation remains one of the most common purposes of exploitation. Yet, no exploitation purpose excludes another, thus victims can be exploited for several purposes, according to the needs and criminal environment of the trafficker. Some victims would also be used in begging or in forced labour or child pornography; others were sexually exploited or subjected to other kinds of abuse. In 2014, child and internet pornography together with sexual exploitation were the most prominent, with 66% of the total number of victims, the second being exploitation for forced labour purposes, with 25% of the victim population. Only 7% of the victim population was constrained to beg or commit petty crimes.

By comparing the situations of victims coerced to commit crimes in 2013 and 2014, as these are found in the interview with the NATIP representative, we can observe their number is the same, that is 3 identified persons and their background does not differ much from one year to the other. The table below contains several characteristics of the victims identified in the last two years:

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of VoTs</th>
<th>Gender</th>
<th>Age category</th>
<th>County of origin</th>
<th>Area of origin</th>
<th>Countries of destination</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>3</td>
<td>1 female</td>
<td>1 (10-13 years old)</td>
<td>Constanta</td>
<td>1 urban</td>
<td>1 Norway</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 male</td>
<td>1 (14-17 years old)</td>
<td>Dolj</td>
<td>1 rural</td>
<td>1 UK</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1 (26-40 years old)</td>
<td>Timis</td>
<td>1 urban</td>
<td>1 Romania</td>
</tr>
<tr>
<td>2014</td>
<td>3</td>
<td>1 female</td>
<td>1 (14-13 years old)</td>
<td>Bihor</td>
<td>2 rural</td>
<td>1 Germany</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 male</td>
<td>2 (26-40 years old)</td>
<td>Iasi</td>
<td>1 urban</td>
<td>1 Italy</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Neamt</td>
<td>1 urban</td>
<td>1 Austria</td>
</tr>
</tbody>
</table>

The cases contained above seem isolated, they originate from distinct regions, have been exploited in different states. These facts do not allow for an analysis of the phenomenon but of singular cases, rendering both prevention and combating efforts limited and reactive rather than proactive. Both the interviews conducted with victims and experts pointed out that the number of victims is much more significant but that they are not identified, either being treated as offenders or the institutions working with such cases do not input data in the SIMDIEV. It is even more difficult to collect data at trans-national level when there is no judiciary cooperation between Romania and the destination countries which identify Romanian victims but fail to refer them to organizations and institutions from the origin country. Another issue is related to the manner in which the data is entered in SIMIEVE, if the victim was exploited for several purposes in the same episode, only the main exploitation type is registered.

All the interviewed victims mentioned that in the same situation of exploitation, at the same time, there were other victims from Romania. In the Wasp Nest case (2014-2015) the number of victims the respondents estimated by the respondents as well as by authorities rises to approximately 300 Romanians.

The number of persons found in the same exploitation situation differs from one case to another but what is common is that family members of the exploiters (spouses, children, etc) can be found among the victims. For instance, in the case of VoT 1 (from 2003 – 2007), the number of children exploited in the same situation and conditions was 3 (two being the exploiter’s offspring). In the case of VoT 3 (from 2014 – 2015), a young man coerced to beg and steal in Sweden, the number of victims in exploitation was 20, both children and adults, some being related to the exploiters. VoT 4, a woman constrained to beg and steal the number of persons in exploitation rose to 6, both women and men, among them first degree relatives of the traffickers.

However, in cases of mixed type exploitation (such as sexual and forced criminality – theft, use of forged money, drug trafficking, sham marriage, situations described by VoT 2, VoT 5 and VoT 6) it is not clear that there could have been kin relations between victims and traffickers, the number of other victims in exploitation being significant. In the case of VoT 2 (2013) the number of women trafficked into sham marriage was of 5, all with the same destination (the UK). In VoT 5’s case, the girl exploited in Romania and Italy, the number of minor victims all found in the same exploitation episode was 28.

“We were many didn’t know each other and were not allowed to speak to each other. Only during trial I could see how many we were” (VoT 5). VoT 7, a young man who from childhood was in exploitation for constraint to theft but also drug distribution, mentions it is hard to estimate the number of victims in the same exploitation situation given the long duration of the exploitation period. “A neighbour from the foster care proposed me to go to “girings”: we would break into houses and steal anti-quites. We were 6, all children, the youngest as young as 10. He (the exploiter) was 26 and was working with other children also: we didn’t know them” (VoT 7). The same victim mentions how with the diversification of crimes, the number of children in exploitation would increase: “At 13 I started with drugs, would sell them in the centre of Bucharest: we were 10 at the time. At 15, he sent me to others, they were older, and they were more hard to tell how many: all of us were distributing but also selling. I was still living in foster care and was not allowed to talk to the others. This was a rule” (VoT 7).

b) Vulnerability prior to the trafficking process

These children had been in contact with the child protection services before the recruitment as they were considered vulnerable and at risk. Social and economic exclusion, poverty, school drop outs, referral to institutionalised alternative care, neglect, domestic violence and abuse, drug or alcohol abuse of the parents were all mentioned among the factors that rendered the boys and girls vulnerable to exploitation. The impact of these risk factors on children is exacerbated when social and child protection services are not identifying, protecting and empowering the children concerned, or when the child’s or family’s migration status limits their access to protection services.

In Romania, the child protection services are struggling to offer quality services for all vulnerable children and families as the resources are limited. Children who have dropped out of school are considered particularly vulnerable as they are not reached by the child protection services.

While being exploited, it is not unlikely that the children are taken in by the police or social services in the context of other issues like some victims with immigration controls or when they are found to have committed an offence. Getting in contact with the authorities does, however, not necessarily lead to an improvement in the child’s situation. On many occasions, the police and social services handed the child back to the accompanying adults, even when these were not their parents, and when the child’s safety with these adults could not be guaranteed. In some of the cases the exploitation continued after the child was handed back.

As a result of the interviews with experts and victims, we identified vulnerabilities of different categories of persons depending on the exploitation for the different criminal activities. According to age groups, minors are identified as more vulnerable due to the fact that they are dependent on adults and they have reduced capacity to anticipate actions, to decide for future, with some differences whereas the minors who have families, are from child care institutions or they are street children, those who are “looking” for protective adults. On the other hand, the minor’s contact with criminal environments seems to be more important than belonging to a family. Regarding minors, the interviewed experts considered that the exploitation for the purpose of constraint to commit crimes is, in most cases, secondary whereas the main exploitation purpose is begging and less frequently sexual services.

Synthesizing the vulnerability to exploitation, as seen by the experts we have the following characteristics:

- Age: children and adolescents under 18 years;
- Education: low level of education or no education;
- Behavioural attitudes: psychologically inclined to risk taking behaviours, having suffered violence, neglect, abandon, including domestic abuse and sexual violence;
- Affiliation to socially vulnerable or marginal groups: children of at-risk families, such as low income families, with alcoholism, dysfunctional families and victims of domestic violence, children left without parental care or abandoned in children’s care institutions, orphans and street children;
- Ethnic groups: members of ethnic groups segregated from the general population; ethnic groups from the poorest areas; the most criminalised ethnic groups or those perceived as the most criminalized47 as Roma.

The last reports on trafficking in Europe, highlight the increasing number of children trafficked throughout the EU. Current reporting indicates that social security, welfare and benefits systems are being targeted by traffickers using trafficked children to support and justify claims linked to family and housing benefits. In all the reports the Roma children from Romania are mentioned in addition to the commission of street crime offences. The difficulties to identify these children and the fact that very often the victims’ parents or other members of the family network are complicit in the trafficking of the child.

Concerning the adults vulnerable to exploitation for forced criminal activities the characteristics are hard to be defined, given the diversity and complexity of criminal activities, as bank frauds, carrying and distribution of drugs, sham marriage, trafficking of pregnant women for illegal adoptions and thefts. In their case, experts mention the commission of offences as the main purpose of exploitation. In addition, the interviews conducted with victims reveal that the main purpose of the recruitment has been in such cases the constraint to commit crimes and while at destination the victims have been exploited for begging, forced labour and sexual purposes.

Even though some features may come out, according to victims and experts:

- Age: both men and women, between 19-30 years old, exploited for all of the aforementioned criminal activities; adult men,
between 30 – 60 years old, for bank frauds; Education: from primary school education to people with high school education and professional training.

Behavioural attitudes: persons in search of a job abroad, persons with a criminal record, persons with history of aggressive behavior, persons from dysfunctional family environments: men whose wives have separated, took their children and went to live abroad; persons with mental health problems (or with disability); women exploited within the communities, such as the case of pregnant women exploited for illegal adoption purposes.

Affiliation to socially vulnerable or marginalized groups: dis-occupied adults with or without professional experience, coming from other parts of Romania, characterized by high unemployment rates and little employment opportunities; persons who benefit from social aid as a consequence of disability and/or poverty, or coming from areas with a migratory “tradition” to various European countries, who got significant debts to utilities, local tax offices as well as to the owners (persons or municipalities) of the houses in which they live with rent; Ethnic groups: in case of adults, belonging to an ethnic group did not prove to be evident, with the exception of pregnant women trafficked for illegal adoptions who self-recognize to be Roma and usually who belong to the Roma groups of the same town in Romania.

In the EU TRAFGUId* at the question “Can anyone be a victim of trafficking for exploitation of criminal activities?” it is stipulated that “anyone can be a victim of trafficking for forced begging or exploitation of criminal activities: men and women, adults and children, nationals and foreigners, regardless of their legal status can be victims. Some people are more at risk such as migrants, especially if they have already been involved in such activities in their country of origin, or persons who have been involved in criminal activities before, even without having been forced, or people from some communities / minorities who may be forcibly recruited by other persons from their community, or the homeless and street children or other children without guardians as they are easy targets for criminals who can recruit them to perform begging or other criminal activities.”

In the recent country research conducted under the frame of CONFRONT™ project in Romania, belonging to a certain ethnic group was identified as one of the vulnerabilities traffickers take advantage of. With regard to the exact purpose of exploitation, Roma communities have been identified as highly vulnerable to the exploitation for the purpose of committing street crimes and of begging. It was further indicated there were no significant differences between the general vulnerabilities factors and the vulnerability factors met in Roma communities with a focus on discrimination as main vulnerability factor, as it restricts access to public and social services as well as to employment opportunities.

According to the findings of the current research, as stated by the victims self-recognized as Roma, it is revealed that they had access to education and social protection services but that social protection becomes ineffective when there is a high rate of poverty and when it is difficult to find work adjusted to traditions of Roma communities, by identifying potential employers as acting in a discriminatory manner given the ethnicity of potential employees.

Such context highlights the economic exclusion of Roma groups, which influences a propensity to indebtedness and a higher risk for exploitation. In line with the research findings, the indebtedness pre-disposition and the existence of debts (to neighbours, shops and unpaid utility bills) is a major trafficking factor. Often, Roma persons seek help from the informal money lenders, known as comunitari, who demand high interests and make use of repressive measures to obtain payment. Comunitari are known to use extreme violence to get mon- ey back. Other means to ensure debts are paid include constraining the indebted to beg or commit crimes, this applying both for the indebted and their children.

In some cases, sometimes families of Roma children perceive send them abroad as the only way to offer them a better life. Sometimes parents have knowledge that their children will be involved in criminal activities, especially in cases of children being introduced to extended families or to other community members. Data from experts reveals that it is quite often that Roma children are accom- panied by one or both parents who coerce them to steal and beg. In such cases, the behavioural pattern of the parent is what keeps the child in the exploitation cycle, leading the child to consider the criminal activities as a normal act, “for the sake of the family”. The identification of children who are exploited by their parents is much more difficult as these children experience false positive emotions of self-value whereas their growing up in criminal en- vironments determines anti-social behaviours and high reluctance to exiting the exploitation.

Although the central and local level au- thorities in Romania and other European States are aware of these cases, there is little evidence as to whether the children are exploited and if they are victims of traf- ficking. They are often looked at as ‘street children’ or with the law. The possible links to organised explota- tion and trafficking are not necessarily rec- ognised as an involvement of children in begging and petty crimes being perceived as a “cultural issue”*. The Roma children who were exploited in crimes (thefts and benefit frauds) are mostly used for thefts and benefit frauds. In the Report on the relevant aspects of the trafficking act (geographical routes and modal operators) and on its possible evolu- tions in response to law enforcement*5, the majority of the Romanian trafficked persons were male (66.5% of the total), mainly adults who were exploited for beg- ging. Boys are mainly exploited for com- mitting thefts or for other street criminal activities. Regarding the age profile, it is very diverse. For example, persons older than 61 years or younger than ten can be found in situations of forced begging, this diversity is found to a lesser extent in labour exploitation or other exploitations. In conclusion it is the case that younger peo- ple take advantage of age vulnerability. Regarding the area of origin of vic- tims, based on the interviews, the victims, adults and minors, originate both from rural and urban areas. Other factors con- tributing to victims’ vulnerability to traf- ficking for forced criminal activities are: isolation and lack of support network, local ‘buddy’ or ‘brother’ of criminal origin and the lack of debts and strong activities of trafficking criminal networks. The conducted research led to the iden- tification of characteristics for the ma- terial and professional victims’ status prior to trafficking.

Both the experts and victims have point- ed out that in cases involving minors, the economic conditions experienced before recruitment were scarce, whereas in cases involving adults, precariousness was gen- erated by unemployment or losing employ- ability due to physical/mental condition or dissatisfaction with the promised salary. The four victims, respondents, who were minors during recruitment had vari- ous economic situations, particularly regarding the boy sold after birth (Case Study 1), the vulnerability was not de- termined by the material resources of the family but by the environment of crimes in which the child was born (the mater- nal grandfather, self-recognized as Roma arranged the selling of his own nephew), corruption (the manager of the maternity hospital) and pressure (in the case of procure false identity documents for the child and in the selling) and the teen- age boys, who was not consulted to take decisions for her child.

In the case of girl victims, also minors at recruitment (VoT 5 and VoT 6) the pre- trafficking conditions also differ a lot. Both Recruits were also aware that they were to be recruited while in school, they come from dysfunctional family environments and if in the case of VoT 5 both parents had psychi- atric conditions, in the case of VoT 6, she grew up in a family self-recognized as Roma, with a poor father who was always busy with his job offer abroad and the entire family par- ticipated in the decision process. In case of adults can be met known re- cruiters – friends or family members but also unknown persons who use the already known personas (friends for jobs abroad) to recruit other potential victims (Case Study 2). In this case study, the victims have consulted with their families on the job offer abroad and the entire family par- ticipated in the decision process. The two adult victims in state of home- lessness and without family support have experienced abandonment by their fami- lies, grew up in foster care and have pro- fessional qualifications (commercial agent, social services) and we can see that these persons do not have stable job or house, one living on the street for 18 years. Being recruited through propositions for jobs abroad, the inter- viewed adults gave up their jobs in Roma- nia, planning to work abroad for a while then come back to their families and improve their economic status. On family relations in case of adult re- spondents and relatives in case of victims aged between 31-45 years, many of them have been living with their parents, are di- vorced and their children are in the guardi- anship of their former wives, who later left to live in other European countries (mainly Italy) or are single men, have no stable couple relations and live with their parents. As the NATIP study on trafficking for the exploitation of begging points out*, ac- cording to the regional or local particulari- ties, the commission of crimes previous to the trafficking period if present it was either registered or not by the judiciary: “…some of the victims have criminal record for crimes committed before their trafficking, many of them come from environments fostering the commission of crimes” (speci- alist in combating organized crime).

c) The recruitment and the relation with the recruiter

According to the interviewed experts, as well as from the interviews conducted with victims, indictment documents, ADAPARE interacting with the justice, in case of traf- ficked children, recruiters are most of the times persons close to the origin families, members of the family, money lenders of origin families, members of the com- munities hosting the shelter for children, per- sons from the school environment, briefly put, known persons. Recruitment is done directly, without intermediation. In case of adults can be met known re- cruiters – friends or family members but also unknown persons who use the already de- recruited victims (for jobs abroad) to recruit other potential victims (Case Study 2). In this case study, the victims have consulted with their families on the job offer abroad and the entire family par- ticipated in the decision process. In case of adult victims the recruiters were the mother and the step-father and they said it would be better if I accepted the propo-
sition to go to Sweden, as I had experience with children anyway. I used to help her care for her children." (VoT 3 - answer to the recruitment proposition to work in Sweden as babysitter)

In the case of victims trafficked to Denmark, leaving home was a joy to the family, as they believed it would bring an improvement of the financial situation:

“...I used to work at a tannery, didn’t earn much and I felt happy about doing a better paid job in Denmark. I wrote my resignation and the entire family was happy and hoped we could finally fix the house and lead a better life.” (VoT in Denmark)

“I worked in the coal mine and this is why I got anticipatory retirement. Since I retired it felt as if I am no good. When they proposed me to go to Denmark, we all felt happy about it. I could keep my pension and do something good for my family, I could help my daughter who is a student in Bucharest, buy a house for her.” (VoT in Denmark)

The recruiters in the “Wasp Nest” case have been in most of the cases persons who were well known and trusted by the victims, so that many of the latter had no suspicion they would end up in exploitation and those who did expect some kind of suspicion they would end up in exploitation, so that many of the latter had no expectation of anything. In most of the cases, persons who were exploited in Romania for begging and/or forced criminality purposes had been in previous situations and those who did expect some kind of exploitation were those with experience in working abroad or who had been previously exploited for forced labour purposes.

d) Domestic trafficking

Romania is mainly an origin state for persons who are involved in criminal activities as secondary to the domestic exploitation for forced begging or sexual exploitation purposes. What is more, the persons who were victims during exploitation (VoT 5 and VoT 6), were exploited in Romania, the first exclusively in domestic trafficking as the second, as she turned 18, was sold and exploited in Italy. Both were exploited for sexual purposes, in private apartments and were coerced to commit crimes - steal clients’ mobile phones, wallets, house burglary or steal cash money to purchase drugs for the traffickers (VoT 6) or use forgeries, steal jewellery or other objects of value from the clients’ houses (VoT 5).

“At the age of 17, I entered the world of drugs, sex and thefts. My life was on the street, in studios, in abandoned buildings, in cars, hotels, ghettons... all the time on the move, here in Romania or in Italy. By stealing from the clients I even earned 1200 euros/day for them, especially when clients had valuable items. In any case I would produce 600 lei (approx. 130 euro/day) from intercourse with clients and to this money added stolen mobile phones. I would use the empty cases to store the methadone pill. If I kept money from them, I kept it in safe place and led them to believe that I had spent it. So they when I ran away from them. In Italy, they caught me, beat me up and moved me to a smaller town where they made me shoplift (15).” (VoT 5)

Similarly, the boy who was recruited at the age of 12 (VoT 7, Case Study 2) described how for 6 years, that is until he became an adult, was exploited domestically, exclusively, under the title of constraint to commit crimes:

“Initially he taught us how to do ‘spring’; we would steal antiques from houses. I was the thinnest, so I could enter through the bathroom window and open the door for them. We were 6 children, three from foster care, and three from his Roma family (the trafficker’s son). He was 26 back then but we were young... the youngest was 10. Everything we stole would be stored in our house and we had the task of ‘placing’ these items: gold and antiques to a guy at the fair. At 13 I started the drugs thing. We had 10 kids this guy coordinated. He gave us the drugs, the cocaine, the heroin portions and we were sent to several areas as from the centre of Bucharest where we would meet with the buyers. We were not supposed to talk to each other. We would contact the supplier on the phone. He bought us nice clothes and... I continued to live in foster care until I turned 18. I was afraid to tell anybody what went on as he threatened he would rape us and make fools out of ourselves. He even had a gun.” (VoT 7)

The three minors who were domestically exploited tell the story of other children found in the same situation, thus only by considering these three cases, the number of victims who were exploited in Romania for begging and/or forced criminality purposes is considerably increased. As in the case of VoT 7, other 9 children, both Roma and non-Roma, were in exploitation and in the case of the girls, together with VoT 5, other 28 girls were kept in exploitation (confirmed by the trial case) whereas in VoT 6’s case, other 5 girls were kept and exploited in similar conditions.

According to the ADAPARE lawyer, one of the examples of cases he assisted in court goes back to 2007, when he represented several Roma families from the western part of Romania, who accused the Romanian state of discrimination for having offered them social housing in an isolated area of the city, but during the trial it came out that this isolation increased Romania children’s vulnerability to exploitation for forced labour purposes. To be able to cover costs for travel and accommodation as they were leaving for Hungary for seasonal jobs, parents have lent money to their children in order to travel documents. They practice then all my money and would receive in return a methadone pill. If I kept money from them, I would give it back and find it and beat me up. So they when I ran away from them. In Italy, they caught me, beat me up and moved me to a smaller town where they made me shoplift (15).” (VoT 5)

The same DIOCT indictment document indicates 2011 as year in which the exploitation started and mentions that the victims, persons in state of homelessness have been coerced to “commit theft and were deprived of their freedom in conditions similar to slavery”. Thus, the accused “used on purpose, persons in state of homelessness, who found in them useful, for peddling narcotics, for begging in similar conditions”.

For minors, the travel involves accompanying the adults with valid identity and travel documents as well as forged documents. Third persons who travel with children to exploit them are authorized to carry authorisation documents signed by children’s parents, which can be also false in some cases. The children in their origin families and carry authorisation documents signed by their family on the basis of false information. In most of the cases, if the children are exploited in their origin states, they are not involved in criminal activities, as they are children in order to exploit them. In case of victims trafficked to Hungary, the children became dependent as these states were their only contacts in a foreign country where they did not speak the language and had no money. Thus the children’s travel is based on frequent means of transportation used by organized crime network are international coaches and private cars of members. According to existing reports, the main destination states for this type of exploitation are similar with those for the purpose of begging, given the fact the two exploitation types are in most cases interwoven.

In order to get a glimpse on the mobility in cases of minors exploited for forced criminality purposes, we analysed the data from the indictment document of Corduneanu et al. (2011) to “Concerning two of the injured victims, we believe the one was trafficked as a result of an organized crime network with multiple national and international extensions”.

The same DIOCT indictment document states “...agreed to sign notary documents allowing the children be taken to Hungary and exploited” (lawyer, ADAPARE, specialized in criminal law and assisting trafficking in persons cases).

Cases of minors and adults exploited in Romania for forced criminality purposes do not have a specific punishment, unless the victim himself/herself is involved in criminal activity. The same DIOCT indictment document quotes the following: “During these thefts, victims risked either being shot, and this actually happened to a person, or be caught in the act and be considered as a criminal, they had not committed. The coke was further sold by the accused and the exploited would receive payments between 10-50 lei, while the accused obtained 2000 lei for 3000g of coke. The prosecutors recorded that the two accused sold 389 680 kg of coke and obtained a profit of 260 000 lei. All interviewed experts mentioned that the domestic trafficking in persons for forced criminality purposes exists as phenomenon, but data is not disseminated, thus leading to the non-identification and non-assistance of victims, and lack of adequate basis for prevention actions. “As in any crime, there is a social danger, but in order to identify the social danger and take measures, the data must first be recorded and information must exist” (NATIP expert).

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Both victims represed large amounts of the moment of recruitment, the boy being 13 and the girl 17. They were recruited together with other children from Romania in “the clan being described as ‘the girl situation’, taught and forced to steal from handcuffs, from 2005-2008 in countries such as: Spain, Italy, Germany, the UK, Sweden, Denmark and Switzerland. They would be moved and transported in OCN’s former between Romania and each of these countries. Though they had been caught and held in police custody quite often, the two “received help” from members of the OCN who hired them, to ensure their release and re-entering into exploitation. If they refused to comply with engaging in criminal activities, the two children would be beaten, terrorized and deprived of the hope they would ever find an exit to this life. In their letter to the judicial system of Corduneanu family were kept in state of sordom by fear, all having knowledge that in case they tried to lie, steal from Corduneanu family members, they would have been searched for by the clan, would have been beaten and “fined” if found. The OCN’s members represed large amounts of money, with quick payment deadline. Should they fail to pay such amounts, they doubled and the persons would become indebted for life” (extract from the indictment document).

However, the small family-based network is not the only one while travelling: they also used the possibility to travel to the destination states is ensured by their financial situation, being reduced to the territory of the minors’ place of origin. “They would move to places where there were fairs and festivals, where there were a lot of people: this is how I saw the entire Spain” (VoT 11). In case of adult victims, the transporta-....
other potential victims to Denmark. The instructions were clear: the cost of the car should not exceed 1,000 Euro; it should not be grey (registered in Romania), thus unknowingly some of the victims had been the transports of other victims.

The duration of the exploitation period varies according to the type of illegal activity trafficked persons are coerced to perform. In case of thefts and drug trafficking, the exploitation period appears to be extended on several years, whereas in case of bank frauds, sham marriage and illegal adoptions, the exploitation lasts until the exploitation aim is achieved (obtaining loans, conclusion of adoption process, marriage) or until the law enforcement intervenes. For instance, the victims trafficked in Denmark could only remain on Danish territory for 6 months from the “application for the bank loan”, after this period banks start to recover the debts.

According to experts, the period spent in exploitation differs according to the age of victims. In case of adults it can be shorter, until victims become aware that the situation does not offer any kind of opportunity, satisfaction or does not correspond to their expectations or represents a real danger to them, and further try to escape exploitation. In case of minors or persons with disability there is long term exploitation. The period spent in exploitation by victim respondents to the research exceeded on several years, whereas in case of bank frauds, minor victims reported periods varying from one to 10 years, for the boy used in robbery and drug trafficking.

f) Sectors of illegal activities

The EU Directive considers forced begging as a sector among other forms of illegal activities as forms of labour exploitation. The expression “exploitation of criminal activities” should be understood as the exploitation of a person to commit, inter alia, pick-pocketing, shop-lifting, drug trafficking and other similar activities which are subject to penalties and imply a financial gain. Trafficking in persons for illegal activities, including forced begging comprises a broad range of exploitations found in all the four study cases. It includes: forced begging, illegal adoption, selling of babies, committing petty crime (shoplifting, street theft, ATM theft, drug trafficking, illegal marriage, forced drugs crime, fraud offences, benefit fraud, and others.

As it results from the research, there are very few cases in which persons are trafficked solely for the purpose of constraint to commit crimes, particularly for drug trafficking and illegal adoptions. For the other criminal sectors a person may be subjected to several exploitation purposes in the same trafficking situation. However, experts identify the purposes of commission of crimes and begging as most prominent in this type of exploitation. By researching into trafficking in persons/ minors investigation files as well as the media reports, we observed that they are perceived, analysed, researched as forced begging cases.

The most famous case of trafficking in persons for forced criminality purposes, with media coverage both in Romania and the UK, is the GOLF/Tandarei/EUROPA case. The case appears both in the media and in the documentary film, in Romania being entitled EUROPA and the trial being on-going. According to the ANTP study on trafficking in persons for forced begging purposes, the case goes back to the 90s, when some Romanian Roma family from Tandarei decided to immigrate. They returned to the country with expensive clothing, rich cars and opulent lifestyles, all resulting from social benefits or crimes committed in foreign countries. They then started to bring along their relatives, including children to cash the state allowance VCTM/child/month, a much higher amount than the one received similarly in Romania). Their intention was strictly linked to obtaining social benefits that they never integrated in the receiving society. In addition to this activity, they started to beg and even commit crimes such as pick-pocket and shoplifting. Gradually they started recruiting other children, coming from poor families, who were recruited by being promised money, food and shelter. The high suggestibility of these persons, living in distress and not knowing their rights or whom to turn to for help, the families were promised their children will benefit from social aid provided by the UK, their children will go to school and have a better life, whereas their families could use the high earnings. In case of Romania, some started recruiting from other places, even extending on several years, as an exchange for erasing the debts of these children. The children were brought to the destination (in Spain, Belgium, Italy, France, the UK) used to steal, beg and wash car windows. Trafficking in minors aged between 8-16 years old implied low risks as children identity papers could easily be forged (birth certificates having altered the date of birth or name of the parents or name of the child) and represented one of the most profitable for the OCN.

The transporters were also members of the OCN structure. Soon the role of ensuring that the border crossing will occur without complications. One of the factors fostering this development of the OCN is also linked with the limitations of local authorities and it further influenced the lack of consequences of inquiries on undeclared goods (even thought OCN members didn’t have any sources of income they owned land, houses and cars, evaluated at hundreds thousands of Euro) and the lack of investigations on the financial level of the children. In two years of activity, the earnings rose to up 200 000 Euro in cash while the value of in kind earnings could not be exactly estimated. The heads of the OCN were incarcerated by the specialized Romanian police unit and were accused for trafficking in minors, establishment of OCN and money laundering.

An article from the local media describes the case of one of the exploited children: in 2002 the four men recruit a child aged 12 at the time. As they avoided getting in trouble with the child’s parents, they insisted they had the best intentions concerning him and obtained the necessary agreement of the parents on the child’s migration. From that moment on, the child would wear a passport with a false age for two years, both in Austria and Italy (Moldavia). Between 2012 and 2014, three touristic passports have been issued on the name of the child, 35 crossings of the border was registered. In this case the child bringing profits in the OCN of over 60,000 Euro.

On the other hand constraint to commit crimes is often interwoven with sexual exploitation, both in minor and adult victims. In the context of this research, in the case of NOI and VOT 6 the primary purpose of exploitation was sexual but on later on both girls brought profits for the networks by committing other crimes as well. Similar is recorded by the media, a network of traffickers from the SW Romania was recruiting women and girls by promising them well-paid jobs in Spain, instead exploiting them for sexual and forced criminal purposes. The network would issue false identity papers for the girls to avoid penalties and further network of forgery. The traffickers, self-recognized as Romani went as far as to exploit one of their nieces, aged 15. “From 2011-
2012, under the false premise of jobs abroad, these transported them to Spain, the region of Alicante, where they coerced them to shoplift and stay in prostitution. During a raid, the Spanish police retained the minor niece who was later on allowed to go given her underage status. “To avoid complications, a small amount of money obtained through false identity papers indicating she was an adult from the Russians”. Following the police raid at the house in which the girls were sexually exploited, the traffickers were taken into custody but were released 48 hours later, at a later time migrating to Italy and then to Germany and continuing their criminal activities.

From the interviews conducted with the two victims found in the ADPARE assistance programme, both minors while in exploitation, it can be inferred that though the main purpose of exploitation was sexual, both girls were also used to steal from their clients. What is more, one of them was forced to purchase drugs for the OCN members and even to use false money.

g) Sham marriage

In the trafficking in persons frame, sham marriage is considered another type of constraint to commit crimes. Coming as a solution to the needs of third country nationals of having residence rights in European countries, traffickers take advantage of some women’s vulnerability by presenting them between 2000-5000 Euros to accept short term marriages with third country citizens. The women, aged 24 (VoT 2) and 29, self-recognized as Roma, were identified victims of trafficking in human beings, for sexual exploitation purposes in the UK and Cyprus. According to the risk assessment, the two victims found in Romania under the promise of short-term marriages with foreign citizens found in the abovementioned states. They were told that they would remain married for a period of 6 months to 3 years. In both cases, the family agreed to the sham marriage and the traffickers were coming from the same environment as the victims, were persons known to deal with pimping and sexual exploitation of others and both propositions were done directly, without intermediation.

According to statements of legal experts and the police from Greece in 2006, an increasing number of people unable to adopt children through official channels are resorting to other methods in Greece, where private adoptions were unregulated and “traffic in babies is thriving”.

In the article “Baby trafficking is thriving in Greece – Europe”, “the most of the babies for sale in Greece are bought here by impoverished women from Bulgaria and other Balkan countries”. Most of the mothers are Bulgarian Roma and “are paid about 4,000 Euros for relinquishing their infants”. In the same article, the case of a Romanian mother is given as an example: “She agreed to come to light, a 16-year-old Roma girl from Romania is under arrest after complaining to the police that she had been cheated out of €14,000, or $18,000, promised to her by a British woman who allegedly abducted the infant in Athens during negotiations over its price.”

As in the other sectors under the constraint to commit crimes purposes, the information on such cases, involving Romanian victims are scarce. In the interviews conducted with two officers specialized in combating organized crimes, they mentioned a recent case, jointly investigated by the Romanian and French, concerning pregnant women self-recognized as Roma, coming from a village in the South of Romania where the woman was compelled to accept giving their babies for adoption in France. Starting with June 2013, the French police started to investigate the case following an anonymous denounce related to a birth registered in a hospital in Marseille. The medical staff was surprised to see a young Romanian woman who had just given birth crying in the presence of a couple anxious to take the new-born and decided to notify the police. Following the joint investigation, four Romanians were arrested for trafficking in new-born. The case is detailed in a press release they issued. The press release reads: “Marseille: Four Romanians sentenced to prison for trafficking in babies”.

The prosecutor requested significant sentences of seven years for the accused to have organized a network of trafficking in babies, sold to infertile couples of nomads. He further requested sentences of two years of imprisonment for the two couples of buyers. The Roma were accused of trafficking in human beings.

The two DCOC officers interviewed have described the above case as one of the first of this kind in Romania and have mentioned the continuous cooperation between the judiciary authorities from the two countries. “It is a new situation for Romania and we hope it does not turn into a phenomenon, as it happens in Bulgaria, where pregnant Roma women are transported to other countries such as Greece and are forced to accept giving their newborn into adoption (DCOC officer). The phenomenon of illegal adoptions in Romania bears the characteristics of those presented by the Bulgarian authorities, with the concerned women are of Roma origin, come from the same village/town or community and are kindled to the traffickers. In addition, the interviewed specialists consider that these trafficking in persons cases are still difficult to be identified, repressed as long as the legislation in destination countries on adoption is permissive. “It is easy for a so called father to declare the newborn–his own child. The adoption is even quicker like this…” (DCOC officer).

h) Illegal adoptions

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i) Bank frauds

Old and new: trafficking in persons to use the victims’ identity to help organized crime networks obtain bank loans or tax exemption as a result of establishing false businesses only recently caught the attention of authorities, not due to it emerging but as a result of the improvements in re-search, identification, investigation and sentencing abilities of law enforcement agencies. The above conclusion comes as a

TEMV - 88

99 - TEMV
The press release further mentions: “…we were in a bar, several mates. A man came to us and asked if we wanted to work in Denmark as construction workers. I replied that I was interested and he told me that I would be paid 1200 Danish Crowns (24000 Euro) and that I would be able to send the money home. I accepted the offer and we started working in Denmark a few days later.”

After working for a few months, the man took me to a trailer park and told me that I would be working in a fish factory. I was paid 700 Euro per month and was required to work for 12 hours a day, 6 days a week. I was promised that I would be able to send the money home, but I was never paid.

On February 25, 2015, the Danish police conducted an operation in the trailer park where I was staying. They found me and other victims who were working in the factory. They took me to the police station and gave me a passport, which I had never received before. I was then taken to the center for protection of victims of trafficking and was able to contact my family back in Romania. I was finally freed and was able to return home to my family.

According to the study “Trafficking in persons for begging” (Viøt in Danish), the traffickers operating in this context generally involve individuals with criminal records, who have over time, oriented themselves towards this type of criminality, based on the significant volume of income that can be obtained, compared to the low level of risk undertaken. Interviews of both victims and experts revealed that trafficking related to forced begging only represents one of the criminal actions performed by the traffickers operating abroad, such that traffickers also force victims into sexual exploitation or various street-related crimi- nal offenses. In some cases, the traffickers were also involved in drug trafficking or car theft.

When I arrived I understand there was no work involved, just begging and theft. There was no agreement on the cost and we were taken to the trailer park… teams of 10 persons. The coordinator would indicate the tips, where to go and what to steal: wheels, cars parts, cars, telephones, goods…he would assign us to our jobs and he (the coordinator) would come with a truck and pick up the goods. The boxes of goods were sold with 20 Euro a piece (Viøt 3).

Domestic trafficking constitutes a small percentage of trafficking for forced begging. Domestic trafficking shows specific features, compared to the external traf- ficking. One of the most important is the lack of control and the lack of criminal legislation, recruitment methods and are active cross- country.

The study shows that in many cases, the victims are exploited through begging by their own parents as a problem, which must be taken into ac- count. The causes associated with trafficking by parents, include the lack of resource- es needed for decent living conditions as well as educational and cultural problems that prevent this group from being able to benefit from the social assistance that the Romanian state provides.

With respect to the characteristics of traffickers, those operating domestically generally operate individually or in small groups, by exploiting a low number of victims. Generally, no other criminal ac- tions are envisaged, although sometimes, trafficking for forced begging is correlated with trafficking for sexual exploitation or with petty street crimes. The ratio of women to men is equal amongst domes- tic traffickers, with women and men being involved in both recruitment and exploitation.

In the current research, findings of inter- views conducted with law enforcement officers point out that the OCN mainly ac- tive in the field of forced begging are in most of the cases Romanians with Roma or Syrian background. Such networks, depending on the gang type (DCOC officer). The “over- average economic situation explained by parents, include the lack of resourc- es needed for decent living conditions as well as educational and cultural problems that prevent this group from being able to benefit from the social assistance that the Romanian state provides.

According to the definition of human traffi- cking, reflected in international and natio- nal legislation, recruitment can take place by means such as, threat, fraud, coercion, abduction, fraud, deceit, abuse of power or abuse of vulnerability. Usually non- violent methods are used to recruit victims.

The analysis on the organization type of the structure revealed the existence of two typologies of OCN: the pyramid structural network, the re- lations are clearly defined, are influenced by the authority, there are several control channels and a hierarchically superior member. In the concentric structure, the number of members is small, acting as a closed group, surrounded by a network of “associates”, the interactions with the lat- ter being more loose, whereas the small number of members composing the net- work allows maintaining the internal dis- cipline. This type of network rarely bears a clearly defined ethnical or social identity (UNODC, 2006). It is acknowledged that trafficking for forced begging is not con- trolled by the obtained profit, which allows them to move between various types of criminal activities.

According to the type and size of the network, one task can be accomplished by several persons, being also possible that one person carries out recruitment.
TrafﬁcKers involved in the recruitment phase are often of the same nationality or ethnic origin as the victims. However, the tendency for homogeneous groups to ear-
gage or work together with other nation-
ality crime groups in order to realise their
goals is increasing. All groups show some
similarities: the ability to adapt easily to new
environments, conditions and markets and
to respond quickly to counter trafﬁck-
Kers initiatives. Some trafﬁckers are organized in such a way that whenever su-
perb tied to a trafﬁcking group, the victims were paid very little, to motivate them to
steal for themselves. The thieves were or-
8
...
concern to be registered in the database and on the nominal/anonymous possibility of data input. This is done through a standardised form. The type of data input in SIMEV contains demographic details (gender, age, area of residence, education, family composition) and also data related to the trafficking episode, inclusion in the assistance programme, and participation in the criminal proceedings. In terms of output, the program will allow officials to connect, access and share resources, training and support.

As provided above, the need for training both at policy and at grass level size comes as a parallel, on-going process accompanying all measures taken to prevent and combat trafficking in persons and adequately provide protection and assistance to its victims. As trafficking in persons and particularly the less known forms of it have a volatile nature, with an accelerated dynamics, the training of all actors involved comes as an obligation to be able to design and implement measures which are capable to tackle the phenomenon. Any training initiative should be based on real, observed shortcomings and assessed needs. It should start by aiming a proper victim identification and pursuance of the perpetrators.

Detecting potential victims of trafficking is important because these persons are anxious and those who are forced by others to protect them. It is important to detect a victim as early as possible to ensure that the person is protected from exploitation and harm. Illicit activities are criminal activities and those performing them are offenders. If not recognized as being forced to commit these activities, the victims may be arrested and condemned. It is therefore essential to detect and recognize them with the aim to prevent these ill activities. They should be treated as victims of trafficking, not as criminals. Once identified as a possible victim, the person will be referred to the competent authority which is in a position to grant protection and assistance for the victim’s immediate and short-term needs. Detecting possible victims may help to identify a trafficked person, child or other person. They are often sent from one country to another country or city to continue the revenue-producing activities. If they found me I was underage. In case the police came, I had to run for my life or hide. If they found me I was underage anyway, so they let me go.”

The difficulties in identifying trafficking for forced criminality purposes and recommendations

The difficulties in identifying trafficking for forced criminality purposes are also related with the weak border control and the easy procedures to obtain notary documents and false identity papers necessary for crossing borders with a child. The EU-ROPOL considerations are the following: within the Schengen Travel Area, where routine and systematic border control no longer exists, it is almost impossible to identify a trafficked person, child or otherwise, in transit. Due to the ease with which minors can be moved across the EU, they are often sent from one country to another to exploit weaknesses in the systems or laws of other countries. This is also relevant when the child comes to the notice of competent authorities. The child will be immediately relocated and used in the new country or city to continue the revenue-producing activities and to reduce the risk for the traffickers.

Institutional measures are necessary: to strengthen the prevention of and response to human trafficking; to define “indicators” and are calibrated for labour exploitation purposes; - Guidelines and indicators to identify victims of trafficking for exploitation purposes”; - Guidelines and indicators to identify victims of trafficking for labour exploitation purposes”; - Guidelines and indicators to identify victims of trafficking for exploitation purposes in illicit activities”. These manuals provide a valuable database of best practices to help define “indicators” and are calibrated for meeting the needs of non-specialised operators who first come into contact with victims.

Thirdly, the CONFRONT - Countering new forms of Roma children trafficking: Participatory approach aims to strengthen counter-trafficking efforts in Europe project addresses two deficiencies in the current counter-trafficking response: the lack of in-depth knowledge in the new forms of trafficking affecting children and lack of active involvement of the Roma communities concerned; the following are the following: to familiarize practitioners with child trafficking dilemmas and different types of exploitation; to increase knowledge among practitioners about the trafficking stages of recruitment and exploitation; to promote a multidisciplinary approach and cooperative models between private and public stakeholders; to present proactive modes of identification and assistance based on human rights standard and transnational cooperation.

Concerning the developed practices and operational procedures to adequately address the phenomenon of child trafficking, the AGIRE74 manual and other tools (profiles of child victims or those at risk; indicators for the identification of child victims and those at risk; improved methodologies for the identification and support of child victims; standard operating procedures, to define cooperative modes between private-public actors on the identification and support of child victims and those at risk). Based on the need to enhance victim identification and support due to inefficient and ineffective cooperation between private and public actors both in terms of capacity to identify child victims or potential victims, and their ability to guarantee minimum levels of assistance and protection in line with child rights standards, AGIRE designed a training manual.

The manual contains 4 modules and can be used in a two-day training workshop involving approximately 20 participants. While all efforts have been made to reflect local conditions in this Training Manual, it is recommended: to define specific context and circumstances to be found in the country where training is continuous, and to adapt training to the various partner countries with a view to the recognition/detection of trafficked persons.

The method also allowed specific subjec-
ished for crimes which they committed by threat, blackmail, deceit, emotional abuse and many remain undetected among those who have committed crimes because of a lack of proper victim identification and screening. Illicit activities are criminal activities and those performing them are offenders. If not recognized as being forced to commit these activities, the persons may be arrested and condemned. It is therefore essential to detect and recognize those who are forced by others to perform these illicit activities. They should be treated as vic-
tims of trafficking, not as criminals.14

RECOMMENDATIONS:

The training, information and capac-
ity building of child protection services, border guards, local police, judges and procurators on the rights of child-

victims of trafficking to access social servi-
ces and protection

Training should be delivered by highly qualified professionals who share expe-
rience and success stories at eye-level, and raise awareness of child rights and protec-
tion more generally. It is also important to raise awareness of the fact that each case is dif-
f erent and to equip those who are invol-
ved in handling the cases with knowledge on how to value the diversity while safe-
guarding the rights of the child in each case the understanding of child trafficking is

still shaped by many stereotypes. There is a focus on the cross-border element of child trafficking as it appears to be considered mainly an international offence involving non-national victims. Nationals and resi-
dents are not considered as victims or at risk to the same extent. Child trafficking is

strongly perceived to be organised by cri-

iminal networks, although there is evidence of cases organised by individuals or small-

er groups, including the child’s parents or family members. It appears to be a reluc-
tance of recognising children exploited in begg ing and criminal activities as victims.

Recognizing the victims among offen-
ders- unidentified trafficking victims are

often punished for crimes committed while under coercion. Some states have develop-

ed laws or policies to allow courts to not hold liable trafficking victims for unlawful acts they have committed during their traf-

ficking experience.

Establishing regulations or standard oper-
ating procedures with NGOs to identify victims: Persons, who are identi-

fied as potential victims, are granted the re-

flection and recovery period in which they receive protection and assistance services. At the end of the recovery and reflection period, they are to decide if they want to cooperate with judicial authorities in the trafficking in persons investigation. Ide-

dally assistance and protection services do not cease once the potential victim decides not to cooperate with law enforcement but continue to ensure their re-integration.

Employing multidisciplinary appro-
ach: encouraging collaboration between

multiple stakeholders in victim identifica-
tion: law enforcement, grassroots profes-
sionals/NGOs, municipalities, etc.

In addition, according to the RACE in Europe report, the following recommen-
dations have been passed to all concerned actors with national and trans-national mandate:

- The full transposition of the EU Directive (36/2011), with particular focus on Art. 8 (non-incrimination dispositions) into the national action plans for combating trafficking in persons;
- Constant information sharing between professionals who encounter victims of exploitation for forced criminality pur-
poses and begging in their work;
- Introducing indicators and criteria rela-
ted to this type of exploitation in the exis-
ting data collection/analysis systems;
- Improving the information exchange by joining EUROPOL and EUROJUST and the constant use of their available tech-
nical tools, such as for instance joint in-
vestigation teams;

- Any decision concerning the child must be taken diligently, particularly protec-
tion measures;
- Any measure taken must correspond to the specific features and needs of the child.

Employing front line workers, apart from the police to identify victims: trafficking victims actively avoid law en-
forcement. Thus they can be identified by civil personnel: social workers, religious
institutions, community leaders given their ability to build trust within local commu-
nities.

- Ensuring adequate protection and gua-
rateering the rights of trafficked victims; ensuring safe and adequate accommo-
dation for victims in case of re-

trafficking and running away from cen-
tres;
- Adopting a legal guardianship system for child victims of trafficking in persons in line with the provisions of Directive 36/2011;
- Appointing an independent national rap-
porteur to monitor and report activities leading to the enforcement of the anti-
-trafficking legislation and policies.

Moreover, on analysing the transposition of the UN Convention on the Rights of the Child, particularly of Art.35, the UNICEF Guide on the protection of the rights of the child victim of trafficking in the Eastern Europe, stresses out the importance of the following principles:

- All measures taken by states must ensure a multi-sector, multi-agency approach of the phenomenon;
- All measures must fully comply with the rights provided in the Convention, thus defining the superior interest of the child;
- The involvement of the child victim in committing crimes must not shadow the child status and the status of a crime vic-
tim or his right to access adequate sup-
port and protection;
- All child victims of trafficking are emi-

ted to equal treatment and protection, irrespective of their nationality, gender, language, ethnic origin or social envi-
ronment;
- Any child has the right to express their opinion on any measure or decision ta-
ken on his behalf, such as the decision of returning him to his origin country;
- The child victim must be informed in a language they can understand on their situation and subsequent legal provi-
sions, on the possibilities of family reu-

ification, their rights and juridical con-
sequences;

Ensuring a wide understanding of the concept of a “victim”

In practice the term ‘victim’ is strongly understood as qualifying the person con-
cerned as destitute, weak and impacted by severe harm and traumatisation. Children who appear to be self-confident, happy, well-fed and safe from physical violence and abuse may not be considered victims of trafficking.

Children must not be prosecuted for the criminal activities they have been forced to commit. In cases where children do end up in the criminal justice system, legal profes-
sionals need to understand the legal tools and opportunities available to protect child victims.

- The textile processing of the EU Directive (36/2011), with particular focus on Art.
- 8 (non-incrimination dispositions) into

the national action plans for combating trafficking in persons;
- Constant information sharing between

professionals who encounter victims of
exploitation for forced criminality pur-
poses and begging in their work;
- Introducing indicators and criteria rela-
ted to this type of exploitation in the exis-
ting data collection/analysis systems;
- Improving the information exchange by
joining EUROPOL and EUROJUST and
the constant use of their available tech-
nical tools, such as for instance joint in-
vestigation teams;

- Any decision concerning the child must be taken diligently, particularly protec-
tion measures;
- Any measure taken must correspond to the specific features and needs of the child.

- Any decision concerning the child must be taken diligently, particularly protec-
tion measures;
- Any measure taken must correspond to the specific features and needs of the child.
### Acronyms

- **EU** = European Union
- **GRETA** = Group of Experts on Action against Trafficking in Human Beings, supervisory committee European Trafficking Convention
- **CoE** = Council of Europe
- **UN** = United Nations
- **UNICEF** = United Nations’ Children’s Fund
- **IOM** = The International Organization for Migration
- **ILO** = the International Labour Organization
- **EUROPOL** = the European Police Office
- **INTERPOL** = the International Police Organization
- **EUROJUST** = the European Union’s Judicial Cooperation Unit
- **SELEC** = Southeast European Law Enforcement Center
- **SIRENE** = Schengen Informatic System
- **TRM** = Trans-national Identification Mechanism
- **NIRM** = the National Identification and Referral Mechanism of Victims of Trafficking in Persons
- **SIMEV** = the Integrated System to Monitor and Evaluate Victims of Trafficking in Persons
- **NATIP** = the National Agency against trafficking in Persons
- **BCOC** = the Office for Combating Organized Crime
- **SCOC** = Services for Combating Organized Crime
- **DCOC** = the Directorate for Combating Organized Crime
- **DIOCT** = the Directorate for Investigating Organized Crime and Terrorism
- **GIRP** = the General Inspectorate of Romanian Police
- **GIBP** = the General Border Police Inspectorate
- **GII** = the General Inspectorate for Immigration
- **ICPC** = the International Centre for Police Cooperation
- **UNNPR** = the National Union of Public Notaries in Romania
- **NAPRCA** = the National Authority for the Protection of the Rights of the Child and Adoption
- **GDACP** = the General Directorate for Social Assistance and Child Protection
- **TIP** = Trafficking in Persons
- **OCN** = Organized Crime Network
- **NGO** = Nongovernmental Organization
- **ADPARE** = the Association for Developing Alternative Practices for Reintegration and Education
- **PTSD** = Posttraumatic Stress Disorder
- **HORECA** = Hotel, Restaurant, Cafeteria industry

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#### III.

**REFERRAL PRACTICES AND PROCEDURES FOR PERSONS TRAFFICKED IN FORCED CRIMINAL ACTIVITIES**

Identification of methods and agency specific and multi-agency practices adopted or to be adapted in the identification, referral, assistance and social inclusion of victims of trafficking in forced criminal activities, with particular reference to Roma minors.

Proposal of grid on existing practices relating to referral/identification, first aid and protection and prevention activities, training and research on trafficking (with particular reference to the exploitation in forced criminal activities)

This TEMVI Project activity consists in an identification and analytical collection of methods and agency specific and multi-agency practices adopted or to be adapted in the identification, referral, assistance and social inclusion of victims of trafficking in forced criminal activities, with particular reference to Roma minors.

This activity is carried out in view of setting up a prototype for agency-specific and multi-agency practices in the specific field of the referral for potential, presumed, identified victims of trafficking and severe exploitation in forced illegal activities and in view of designing and implementing consequent training for anti-trafficking professionals in the social, law enforcement and judicial areas.

The present chart has been designed in order to offer a Referral System and an Operational model of practices addressing trafficked persons, with a focus on forced criminal activities

- for facilitating the collection of data and information about the single Practices to be identified by the project partners,
- as well as for serving as a basis for the Prototype to be designed for tackling trafficking in forced criminal activities of Roma minors.

The chart contains a multi-agency and human rights based Operational model, which consists of following elements: the Actors involved, the Activities, the Aims, the Operating tools/procedures and the Methodologies of intervention.
### TRANSNATIONAL SECTION: OUTCOMES OF THE PROJECT

**Methodologies of interventions crossing all areas based on the multi-agency and human rights approaches**

<table>
<thead>
<tr>
<th>Area of Identification / First aid to victims of trafficking or severe exploitation in forced criminal activities</th>
<th>Actions involved</th>
<th>Activities</th>
<th>Aims</th>
<th>Operating tools / procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Social workers</td>
<td>Information and counselling in multilingual and multi-agency setting</td>
<td>to the systems of protection and support for the referred victims of trafficking and severe exploitation</td>
<td>First investigative results</td>
<td>meetings, seminars, workshops addressed to the local authorities, sharing of information, dissemination of information; seminars, and meetings; to exchange experiences with operators of the multi-agency system;</td>
</tr>
<tr>
<td>2 Humanitarian workers</td>
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<tr>
<td>3 Law enforcement officers</td>
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<tr>
<td>4 Professionals of the criminal justice system</td>
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<tr>
<td>5 Lawyers</td>
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<tr>
<td>6 Legal Guardians</td>
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<tr>
<td>7 Professionals of the juvenile criminal justice system</td>
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<tr>
<td>8 Professionals of the Centres for asylum seekers</td>
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<tr>
<td>9 Professionals of the unaccompanied foreign minors protection system</td>
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<tr>
<td>10 Professionals of criminal detention centres</td>
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<td></td>
</tr>
</tbody>
</table>

**Local anti-trafficking system for the identification, referral and assistance to trafficked persons**

<table>
<thead>
<tr>
<th>Identification / first aid to victims of trafficking or severe exploitation in forced criminal activities</th>
<th>Actors involved</th>
<th>Activities</th>
<th>Aims</th>
<th>Operating tools / procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Multi-agency</td>
<td>1 Establishment of a multi-agency team composed, on the one hand, by law enforcement officers trained in the prevention and the area patrol, and specialized in the fight against criminal activities connected to the phenomenon of trafficking and, on the other hand, multi-disciplinary social workers specialized on trafficking and assistance to victims (cultural-linguistic mediators, psychologists, legal experts, education experts, etc); 2 Exit / Escape points; 3. Protected shelter facilities; 4 Development of a child-friendly setting; 5 Personalized assistance programmes.</td>
<td>1 Secure the safety of potential victims and activate the “reflection period”. 2 Provide health and legal assistance to potential victims of trafficking and severe exploitation in forced criminal activities. 3. Guarantee that the procedures put in place, in case of underage individuals, the obligations stemming from international legal binding instruments such as the Convention on the Rights of the Child (Pesimination of being under age in the case of doubt), are observed. 4. Consultation with legal professionals and need to obtain the presumptions and the institution of the multi-agency case according to the national level of the subject’s personal age, the application of the principle of the best interest of the child, assessment of the family condition, appointment of legal guardians) 5. Building a relationship of trust 6. Facilitate adherence to a project to prevent drop out</td>
<td>Social workers; 2 Humanitarian workers; 3 Law enforcement officers; 4 Professionals of the criminal justice system; 5 Lawyers; 6 Legal Guardians; 7 Professionals of the juvenile criminal justice system; 8 Professionals of the Centres for asylum seekers; 9 Professionals of the unaccompanied foreign minors protection system; 10 Professionals of criminal detention centres.</td>
<td>1 Multi-agency networking activities and procedures; 2. Cultural-linguistic mediation; 3. Cooperation with the professionals and the institutions operating at the local level.</td>
</tr>
</tbody>
</table>

**Local anti-trafficking system for the identification, referral and assistance to trafficked persons**

<table>
<thead>
<tr>
<th>Operating tools / procedures</th>
<th>Methodologies of interventions crossing all areas based on the multi-agency and human rights approaches</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Production of materials to foster the knowledge of trafficking and severe exploitation also in forced criminal activities as well as on the profiles of potential victims and on the indicators of a situation of severe exploitation (minors, pregnant women, persons with disabilities, elders)</td>
<td>1 Multi-agency network and associated activities based on a human rights-oriented and multidimensional approach among public institutions and private service providers; 2 Cultural-linguistic mediation.</td>
</tr>
<tr>
<td>2 Implementation of initiatives to enter into contact and inform persons involved in begging, prostitution, and in forced criminal activities</td>
<td></td>
</tr>
<tr>
<td>3 Dissemination of information materials on the phenomenon of trafficking and severe exploitation addressed to persons involved in begging, prostitution, and forced criminal activities</td>
<td></td>
</tr>
<tr>
<td>4 Development of multi-points of contact aimed at entering into contact with individuals at risk of severe exploitation paying attention to the potential difficulties in constructing a relation of trust with the potential victim. It could be difficult if the social workers are seen with police officers. This situation have to be monitored in order to avoid ambush and distrust.</td>
<td></td>
</tr>
<tr>
<td>5 Receiving information and providing counselling to people in a situation of need and responding to assistance requests, and subsequent referral to the system in place for assisting victims of trafficking and severe exploitation and to other systems such as for asylum claim and refugees and for unaccompanied minors</td>
<td></td>
</tr>
<tr>
<td>6 Setting-up of a local referral system on trafficking for the purpose of exploitation in forced criminal activities and/or its integration in the already existing mechanisms</td>
<td></td>
</tr>
</tbody>
</table>

**Local anti-trafficking system for the identification, referral and assistance to trafficked persons**

<table>
<thead>
<tr>
<th>Aims</th>
<th>Operating tools / procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 First anti-trafficking help lines aimed at the collection of assistance requests; 2 Network point for the referral of potential and presumed victims; 3 Materials in different languages for the dissemination of information; 4 Meetings, seminars, and workshops addressed to the local authorities aiming at raising awareness and providing information on severe forms of exploitation also in forced criminal activities</td>
<td>First meeting on trafficking; 2 Cultural-linguistic mediation.</td>
</tr>
<tr>
<td>2 Strengthen the multi-agency work with particular respect to the identification of potential and presumed victims, and related phenomena such as begging, prostitution, labour exploitation, as well as for the monitoring of the target groups involved</td>
<td></td>
</tr>
<tr>
<td>3 Strengthen the multi-agency work with particular respect to the identification of potential and presumed victims, and related phenomena such as begging, prostitution, labour exploitation, as well as for the monitoring of the target groups involved</td>
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</tr>
<tr>
<td>4 Setting up of an Observatory for the monitoring of the phenomenon of trafficking and severe exploitation</td>
<td></td>
</tr>
<tr>
<td>5 First anti-trafficking help lines aimed at the collection of assistance requests</td>
<td></td>
</tr>
<tr>
<td>6 Network point for the referral of potential and presumed victims</td>
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<tr>
<td>7 Materials in different languages for the dissemination of information</td>
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<tr>
<td>8 Meetings, seminars, and workshops addressed to the local authorities aiming at raising awareness and providing information on severe forms of exploitation also in forced criminal activities</td>
<td>First meeting on trafficking; 2 Cultural-linguistic mediation.</td>
</tr>
</tbody>
</table>

**Identification / first aid to victims of trafficking or severe exploitation in forced criminal activities**

<table>
<thead>
<tr>
<th>Actors involved</th>
<th>Activities</th>
<th>Aims</th>
<th>Operating tools / procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Social workers</td>
<td>Setting up of an Observatory for the monitoring of the phenomenon of trafficking and severe exploitation</td>
<td>1 First anti-trafficking help lines aimed at the collection of assistance requests; 2 Network point for the referral of potential and presumed victims; 3 Materials in different languages for the dissemination of information; 4 Meetings, seminars, and workshops addressed to the local authorities aiming at raising awareness and providing information on severe forms of exploitation also in forced criminal activities</td>
<td>First meeting on trafficking; 2 Cultural-linguistic mediation.</td>
</tr>
<tr>
<td>2 Humanitarian workers</td>
<td>1 First anti-trafficking help lines aimed at the collection of assistance requests; 2 Network point for the referral of potential and presumed victims; 3 Materials in different languages for the dissemination of information; 4 Meetings, seminars, and workshops addressed to the local authorities aiming at raising awareness and providing information on severe forms of exploitation also in forced criminal activities</td>
<td>First meeting on trafficking; 2 Cultural-linguistic mediation.</td>
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<td>3 Law enforcement officers</td>
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<td></td>
</tr>
</tbody>
</table>
### Local anti-trafficking system for the identification, referral and assistance to trafficked persons

<table>
<thead>
<tr>
<th>Area devoted to the protection of the victims of trafficking and severe forms of the exploitation in forced criminal activities</th>
<th>Actors involved</th>
<th>Activities</th>
<th>Aims</th>
<th>Operating tools / procedures</th>
<th>Methodologies of interventions crossing all areas based on the multi-agency and human rights approaches</th>
</tr>
</thead>
</table>

### Research, Training and Prevention Area

<table>
<thead>
<tr>
<th>Activities</th>
<th>Aims</th>
<th>Operating tools / procedures</th>
<th>Methodologies of interventions crossing all areas based on the multi-agency and human rights approaches</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Social workers; 2. Humanitarian workers; 3. Health services workers; 4. Law enforcement officers; 5. Professionals of the criminal justice system; 6. Professionals of the juvenile criminal justice system; 7. Professionals of the Centres for the Identification and Expulsion of foreigners; 8. Professionals of Centres for asylum seekers; 9. Professionals of the unaccompanied minors protection system; 10. Professionals of criminal detention centres; 11. Trade unions, employees’ organisations and the media; 12. Embassies and consulates</td>
<td>1. Production of materials to foster the knowledge and raise the awareness on the phenomena of trafficking and severe exploitation in forced criminal activities as well as on the profiles of potential victims and on the indicators of a situation of severe exploitation (minors, pregnant women, persons with disabilities, elders). 2. Raising awareness activities addressed to the population at risk. 3. Dissemination of information materials on the phenomena of trafficking and severe exploitation addressed to the general public and media operators. 4. Development of multi-agency (social workers and police) proactive initiatives directed at entering into contact with individuals at risk of severe exploitation considering the potential difficulties in the construction a relation of trust with the potential victims. It could be difficult if the social workers are seen with police officers. This situation have to be monitored in order to avoid amalgam and distrust. 5. Multi-agency training (law enforcement, police, border police, judicial authorities, border inspection authorities, social and health workers, social workers of the international system of protection and of the unaccompanied foreign minors system) on conflict resolution. 6. Awareness raising activities at school. 7. Establishment of system of local units for the monitoring, study and analysis of the modifications of the phenomena and for the validation of operating practices, possibly integrated in the existing local anti-trafficking referral systems.</td>
<td>1. Setting up of an Observatory for the monitoring of the social phenomena of severe exploitation and trafficking for the purpose of exploitation in forced criminal activities, as well as of the target groups and fields involved. 2. Strengthen the multi-agency work with particular respect to the referral and intervention with potential and presumed victims involved in forced criminal activities. 3. Setting up of a local network point aimed at the referral of potential victims of trafficking and severe exploitation. 4. Meetings, seminars, and events addressed to the general public and to local authorities aiming at raising awareness and providing information on severe forms of exploitation in forced criminal activities. 5. Strengthen operational units composed of multi-professional staff (social workers, linguistic mediators) to enter into contact with the population at risk. 6. Law enforcement units active in the investigation, prevention and area patrol. 7. Multi-agency networking activities and procedures, with a human rights oriented and multidimensional approach among public institutions and private service providers. 8. Cultural-linguistic mediation.</td>
<td></td>
</tr>
</tbody>
</table>
4. The specificity of this phenomenon requires an effort of knowledge and the involvement of other actors and operations in comparison with what has been experienced and implemented in the anti-trafficking systems for the emergence, identification, protection and assistance of the victims of sexual and labour exploitation.

5. The limited knowledge of the phenomenon affects the effectiveness and timeliness of the measures taken by operators in the detection and management of child victims of exploitation in forced criminal activities; it compromises the quality of services and their outcomes, and it hampers the development of standard operating procedures in an approach based on the best interests of the victims at the very stage of their emergence.

THE EMERGENCE PHASE AND THE CONSTRUCTION OF THE PARTNERSHIP

The regional research on the phenomenon of human trafficking with the purpose of exploitation in forced criminal activities, on the profiles of involved individuals, on the intervention systems in place, as well as the subsequent analysis jointly developed during the meeting in Nice by the project partners, showed a number of framework and operational critical issues that may be summarized as follows:
1. None of the national/regional contexts involved in the project have developed and prepared procedures within their referral systems, such as to structure a set of intervention aimed at bringing out, identify, give protection and assistance to victims of trafficking for the purpose of exploitation in forced criminal activities, whether adults or minors.
2. The victims of this area of exploitation are difficult to detect because the process of their identification and in particular of minors is generally a result of their first qualification as offenders and/or foreign unaccompanied minors. This means that at present, because of this double invisibility, child victims of trafficking and serious exploitation in forced criminal activities are assisted and protected in a multi-agency dimension. In this regard, considering the main actors in which the minors can be used as theft, theft with dexterity or in homes, illegal workers, sale of counterfeit goods, etc., it has to be highlighted that the first contact is done primarily by front-line police officers with tasks of prevention and control of the territory and not investigative tasks. On the other hand the above specificities outline the need to open the identification phase immediately from the time of the children’s emergence. Therefore, in order to avoid that there is a period between the emergence of the child as offender and the start of the identification phase it is necessary that the mode of emergence is seen as an indicator of his/her status of victim of potential victim of trafficking and serious exploitation; it is necessary that the mode of emergence constitutes a fundamental element of the identification process or at least its startup. In this case the mode of emergence of these minors, that is being offenders, constitutes the first and principal although not the only indicator of trafficking and serious exploitation.

TRAFFICKING INDICATORS AND THE EMERGENCE PROCESS

The mode of emergence, i.e. being the author of the crime and the condition of victim of trafficking and serious exploitation should diversify, depending if the detection of cases occurs concurrent with the identification of the child as offender or after this when the child is already present in the juvenile justice system or in other systems that border trafficking such as those for unaccompanied minors or for refugees and asylum seekers.

In fact, this dual emergence channel is somewhat theoretical since (with the exception of the cases in which measures of restriction of freedom are applied), the juvenile offenders presumed victims of trafficking and serious exploitation in forced criminal activities either go away immediately or remain in the facilities in which they are placed for a few days. This specificity outlines on the one hand that the main actor in charge to favour the emergence of child victims of trafficking and serious exploitation are the police. In this regard, considering the main actors in which the minors can be used as theft, theft with dexterity or in homes, illegal workers, sale of counterfeit goods, etc., it has to be highlighted that the first contact is done primarily by front-line police officers with tasks of prevention and control of the territory and not investigative tasks. On the other hand the above specificities outline the need to open the identification phase immediately from the time of the children’s emergence. Therefore, in order to avoid that there is a period between the emergence of the child as offender and the start of the identification phase it is necessary that the mode of emergence is seen as an indicator of his/her status of victim of potential victim of trafficking and serious exploitation; it is necessary that the mode of emergence constitutes a fundamental element of the identification process or at least its startup. In this case the mode of emergence of these minors, that is being offenders, constitutes the first and principal although not the only indicator of trafficking and serious exploitation.
IDENTIFICATION

The failure to recognize child victims of trafficking and serious exploitation in forced criminal economies within the population of young offenders, in addition to disabling the main channel of possible emergence of these vulnerable children, also prevents the application or causes the incorrect application of important and effective measures usually taken to protect the rights of presumed victims of trafficking for sexual or labour exploitation. For example, the preliminary analysis and assessment about the conditions of exploitation and the consequent referral of the presumed victim to a safe temporary accommodation, to be effective and respectful of individual rights should be done by the social agencies before the presumed victim undergoes treatment by the police, while the activities of formal identification (i.e. those aimed at determining whether the individual is a trafficked person) should be carried out after the person has been given information and basic needs have been addressed following the start of a period of recovery and reflection.

The very same period of recovery and reflection remains a dead letter and unapplicable for the presumed trafficked person/child into forced criminal activities, notwithstanding it has proven to be an effective and fundamental measure for the protection of the rights of persons presumed to have been trafficked into sexual and labour exploitation, so that they can recover and be provided all useful and needed information and assistance before starting a possible cooperation with the Judicial Authorities against traffickers and exploiters. Thence, in order to avoid that young offenders presumed victims of trafficking and severe exploitation in forced criminal activities are inserted in assistance circuits which are not those dedicated to the protection of trafficked persons, it is necessary that the preliminary identification of the conditions of trafficking and severe exploitation that usually qualifies the person, in this case children, as a presumed victim of trafficking and severe exploitation, immediately starts the formal identification stage. Formal identification consists of a set of activities such as reporting to the child welfare authorities, photographic filing where the child is undocumented (which is both an investigation of identity and a check of the back office data reported by the investigators in the preliminary phase of identification), and the appointment of a pool of legal professionals for the protection of the child such as the Guardian for the care of the child which represents the child in all civil acts and administers his/her assets, the Special Trustee for the care of the interests of the child in judicial offices, a trusted lawyer for criminal proceedings that can see the child involved as a witness and the plaintiff and/or as the offender.

From the point of view of the process, the mode of emergence, or being the presumed offender and being under age are the primary indicators allowing to start the process of identification of any conditions of trafficking and severe exploitation. In fact these primary indicators incorporate a first preliminary identification that allows the activation of the referral system for measuring the "secondary level" indicators which are fundamental for a multi-agency work between police and social action as the interview with the child must be performed by personnel with educational and psychological skills and at the presence of a lawyer and not by police officers.

- Evaluating as a condition of risk for the safety and welfare of the child related to the possible involvement of the family and/or group he/she belongs to in his/her exploitation.
First Assistance is the outcome, the final stage of this first process aimed at structuring local referral systems to help child victims of trafficking and severe exploitation in forced criminal activities. The experience gained over the years by local referral systems has structured this phase on the main objectives of supporting and protecting the assisted person by providing safe accommodation and by promoting access to services for basic needs, in particular those relating to both physical and psychological health. Through the activities aimed at taking care of the trafficked person, at providing information on his/her legal status and on the services and provisions available for trafficked persons, this is the context in which a first trust relationship is built in order to help the person to make informed decisions with respect to his/her future life.

This is a recovery and reflection phase for the assisted person, to decide whether or not to cooperate with the Judicial Authorities and whether or not to continue using the Referral System to access a long term assistance programme aimed at social inclusion in the destination country or to opt for voluntary assisted return in the country of origin, or to decide to return into the exploitative network or in the context where exploitation started/took place.

It is therefore a first assistance phase addressing presumed trafficked persons, preliminary to long term assistance. Usually it is successfully used if the person accessed it after a crisis with the exploitative network (e.g. because of violence against them, deceit, broken promises etc.), or if the exploitative network didn’t satisfy at least at a basic level primary social, cultural and emotional needs and if the person didn’t have a perception of an autonomous life prospect.

Well, all this doesn’t apply to juvenile offenders who are victims of trafficking and severe exploitation in forced criminal activities.

First of all for these vulnerable individuals the first assistance stage is from the very beginning a definitive/formalized assistance stage, differently from the persons trafficked into other exploitation areas (for whom first assistance is a preliminary phase to a possible subsequent long term assistance phase). In fact, in forced criminal activities, there is no preliminary identification but from the very beginning a formal identification takes place, since notification to the Child Welfare Authorities and to the Juvenile Justice System implies that formalized referral starts as the law enforcement agencies pass the custody of the child to the representatives of the anti-trafficking referral system through the access to a safe facility specifically identified through multi-agency collaboration between social action and investigative action developed in assessing the conditions of risk in relation to the safety of the child.

Secondly, the fact that the minors don’t perceive themselves as victims, the occurrence of a crisis or traumatic situation caused not by the conditions of exploitation or enslavement but by the intervention of the police, a feeling of omnipotence and social recognition by the adults of their group/community resulting from the skills and abilities acquired in the exercise of high-risk activities, are all elements that on the one hand frustrate the ability to implement all activities and procedures for diagnostic and prognostic evaluation consolidated by those who work with child victims of sexual abuse and which are aimed at understanding:

- The overall picture of the traumatic situation, in its individual and social aspects, and as far as relationships are concerned;
- The amount of physical damage and/or psychological harm caused by the traumatic situation on the minor;
- The degree of responsibility on the part of the adults involved and the ability to change / increase the level of parental responsibility;
- The resilience of the family unit and the adequacy of the network of relatives;

- The alternative resources available in the event of negative prognostic factors related to the adults close to the underage person;

and which are aimed at understanding, in the case the parents are present and are not involved in the exploitation:

- Their willingness to support their son/daughter, even in cases in which he/she has played an active role in the affair;
- The ability to recognize that their son/daughter is a victim;
- The tendency to attribute to the child the responsibility for the incident and to blame him/her;
- The ability to question themselves, to recognize and take responsibility over the incident;

on the other hand they lead the children to immediately abandon the shelters / protected structures.

For this reason, in order to prevent the desertion of the shelters by the children, it is essential to think of a model of residential assistance that overcomes the current practices and tries to place the person and the culture he/she belongs to at the centre, rather than his/her victim status because of which it is thought he/she needs primarily security and protection. This means offering a non-judgmental setting with an operational approach able to involve the child and to entice the child to return even after his/her possible desertion of the shelter. This especially means deconstructing the roles of the stereotyped play which sees on the one hand the social workers responsible for the assistance considering these children as if they were passengers in transit and their communities the waiting room of a bus station or railway station, and on the other hand the children perceiving the assistance in shelters as a hiccup of a game that increases their value and their self-confidence and the charm of a life lived on the edge and in danger, but for this very reason adventurous and fascinating.
The Idealtype Prototype is composed of 5 charts/sections, as follows:

1. General chart on the Contexts of Emergence of persons (children in particular) trafficked and exploited into forced criminal activities
2. General chart of the Idealtype Prototype sequence of actions/procedures aimed at providing referral to children (Roma particularly) trafficked and exploited into forced criminal activities and at combating the crime
3. Chart on the area devoted to the Emergence and to the Construction of a Referral System to protect child victims of trafficking and other severe forms of exploitation in forced criminal activities
4. Chart on the area devoted to the Identification of child victims of trafficking and other severe forms of exploitation in forced criminal activities
5. Chart on the area devoted to the first assistance to child victims of trafficking and other severe forms of exploitation in forced criminal activities.
GENERAL CHART OF THE IDEALTYPE PROTOTYPE SEQUENCE OF ACTIONS/PROCEDURES AIMED AT PROVIDING REFERRAL TO CHILDREN (ROMA PARTICULARLY) TRAFFICKED AND EXPLOITED INTO FORCED CRIMINAL ACTIVITIES AND AT COMBATING THE CRIME

- Indicators of human trafficking
- Emergence / Detecting of the case/ Photo Signaling
- Activation of Referral System
- Anti-Trafficking Toll Free Helpline
- Local anti-trafficking service
- Information gathering
- Analysis modes of emergence
- Child interview
- Verifying Back Office Data
- Reporting to Juvenile Justice Authority and Child Welfare Authorities
- Multi-Agency Assessment by Law enforcement, Judiciary and Social agencies / Evaluation Conditions of Trafficking and Exploitation
- Preliminary identification and Referral
- ....Law enforcement agencies (or other agencies – see chart above: Context of Emergence)
- Activation of Referral System
- Anticipatory Identification and Referral
- Anti-Trafficking Toll Free Helpline
- Local anti-trafficking service
- Information gathering
- Analysis modes of emergence
- Child interview
- Verifying Back Office Data
- Reporting to Juvenile Justice Authority and Child Welfare Authorities
- Multi-Agency Assessment by Law enforcement, Judiciary and Social agencies / Evaluation Conditions of Trafficking and Exploitation
- Preliminary identification and Referral
- ....Law enforcement agencies (or other agencies – see chart above: Context of Emergence)

- Long-Term Assistance
  - Formal identification
  - First Assistance
  - Photographic filing
  - Assignment of Legal Guardian, Special Trustees, Legal assistance
  - Safe residential assistance for minors and specific services for victims of trafficking
  - Access to Primary Needs Responses/ Information
  - Legal support and cultural mediation
  - Identification procedures
  - Multi Agency Risk Assessment
  - Assistance Intake/ Entrustment
THE IDEALTYPE PROTOTYPE: AREA DEVOTED TO THE EMERGENCE AND TO THE CONSTRUCTION OF A REFERRAL SYSTEM TO PROTECT CHILD VICTIMS OF TRAFFICKING AND OTHER SEVERE FORMS OF EXPLOITATION IN FORCED CRIMINAL ACTIVITIES

OBJECTIVES
- Multi-agency training on knowledge and analysis of the phenomenon, the development between the public and private sectors of partnerships and practices of emergence, identification, first assistance of child victims of trafficking and serious exploitation in forced criminal economies
- Production of materials for knowledge and awareness-raising on trafficking for forced criminals economies / profiles of potential victims and indicators
- Dissemination of information materials among populations at risk / presumed trafficked persons
- Proactive multi-agency actions, by social professionals and law enforcement agencies, for the emergence of child offenders among the target groups at risk of exploitation in forced criminal economies
- Advice to the professionals of the systems close to the system of interventions to help victims of trafficking, which are potential contexts of emergence: system for unaccompanied children; system for asylum seekers and refugees; juvenile criminal justice circuit
- Collecting preliminary information on the conditions of trafficking and serious exploitation
- Analyzing the findings of investigations in relation to the identification of the individual and his/her possible condition of trafficking and serious exploitation

ACTORS
- Social professionals of the anti-trafficking system also connecting with the country of origin
- Social professionals of outreach and low threshold services
- Humanitarian workers
- Medical staff
- Police officers
- Professionals of the justice system
- Professionals of the juvenile justice system
- Professionals of the migrants reception centres
- Professionals of the system for unaccompanied children
- Professionals of the asylum seekers-refugees centers
- Psychologists
- Psychotherapists
- Lawyers
- Child care staff (child welfare institutions, such as foster homes, state social services...)
- Legal Guardians for minors
- Embassies of the countries of origin of victims (not in case of asylum claim)
- Police officers connecting the countries of origin of victims
- Depending on the mode of emergence the victim him/herself, other trafficked persons, family or acquaintances
- International Organizations

ACTIVITIES
- Improve knowledge of the phenomenon and the diffusion of this knowledge
- Foster the emergence of victims among young offenders and ensure effective response interventions and coordinated
- Building within local anti-trafficking systems a network for a reporting / submission of the people involved in situations of serious exploitation linked to the forced criminal economies adjoining existing anti-trafficking systems
- Define a multi-agency operating model relating to the human rights of detecting conditions of coercion and exploitation among juvenile offenders
- Prevent the institutional re-victimization of child victims of trafficking and serious exploitation in economies criminals forced arising from a lack of recognition of their conditions
- Set up monitoring of the phenomenon and the case studies of forced criminal economies and the linkages with other areas of exploitation

CONTEXTS OF EMERGENCE
- as a result of police activities aimed at territorial control and prevention
- as a result of investigations for crimes of various nature
- crimes such as e.g. the facilitation of illegal immigration, exploitation of minors in prostitution and begging
- within the context of juvenile criminal justice
- within the system for unaccompanied minors
- from the system of asylum seekers with particular reference to unaccompanied child asylum seekers
- within the interventions of social services and educational and health agencies
- within the outreach and low threshold interventions aimed at non-resident populations, and homelessness
- the contact activities of the populations at risk of exploitation in begging and prostitution in their mingling with forced criminal activities

METHODOLOGIES AND OPERATIVE TOOLS
- Approach based on compliance with the standards defined in the main human rights instruments
- Multidimensional approach oriented in terms of multi-agency working between public institutions and private social agencies
- Helpline for receiving the reporting of presumed trafficking cases and for activating the referral system
- Multidisciplinary team with legal and psychological skills and of linguistic-cultural mediation to collect preliminary information in accordance with the best interests of the child, to ensure the right to information and to be listened to, the respect for privacy and the dignity of the person, the right to protection
- Network of protected facilities ready to provide temporary shelter specifically focused on the needs and safety of the child
- Talks / interviews
- Transnational cooperation
OBJECTIVES

• Ensure that the identification procedures carried out for minor offenders relative to their status as victim comply with international standards in respect of the United Nations Convention on the Rights of the Child
• Ensure that there is the presumption the suspected trafficked persons is a child, in case doubts remain after an age assessment has been carried out in a non-invasive and non-harmful way and in full respect of the child protection rules and procedures.
• Adequate evaluation of the effects that could result from a possible reunion with the family

ACTORS

• Social professionals of the care system for minors
• Social professionals of the anti-trafficking system, also connecting with the country of origin
• Law enforcement officers
• Professionals of the justice system
• Professionals of the juvenile justice system (Professional of the system for unaccompanied children)
• Professionals of the centers for asylum seekers and refugees
• Lawyers
• Psychologists, Psychotherapists, Medical staff
• Child care professionals
• Legal Guardians
• Embassies of the countries of origin of victims (not in case of asylum claim)
• Police officers connecting the countries of origin of victims
• International Organizations

ACTIVITIES

• Information and guidance in the native language of the child: on his/her legal status and rights, on the systems of protection and assistance programmes directed to presumed victims of trafficking and serious exploitation: giving answers to any concerns expressed and/or meeting the emergency needs
• Sharing and joint analysis of emerged social and investigative data to establish measures for the safety and welfare of the child presumed victim of trafficking and serious exploitation in forced criminal economies
• Reporting to the Child Welfare Authority (responsible for the protection of the rights and for the psycho-social care of children), the presumed conditions of trafficking and serious exploitation in forced criminal economies
• Analysis of the possible risks and guarantee of immediate security to the presumed victim of trafficking
• Determine, through both informal and official procedures, if the person is a victim of trafficking and if necessary, to establish the identity of the person trafficked to clarify the relevant information arising from identification to trafficked person recognized as such.

THE IDEALTYPE PROTOTYPE: AREA DEVOTED TO THE IDENTIFICATION OF CHILD VICTIMS OF TRAFFICKING AND OTHER SEVERE FORMS OF EXPLOITATION IN FORCED CRIMINAL ACTIVITIES

METHODOLOGIES AND OPERATIVE TOOLS

• Linguistic and cultural mediation
• Multi-agency networking
• Informed consent of the presumed victim shared with the guardian, which should accompany the whole process as case manager, and should therefore also work closely with the national child protection services, the law enforcement and the judicial authorities, with the immigration services (in the case of a foreign child) and other support services until a durable solution in the best interest of the child has been identified and implemented
• Individual-based approach to establish positive contact with the (presumed) trafficked people and gain their trust
• Implementation of all activities and sharing of the objectives with the appointed guardian, who should be constantly present to ensure the satisfaction of the basic needs of the child and the respect of his/her rights

CONTEXTS OF IDENTIFICATION

• Police offices
• Juvenile detention offices
• Juvenile Court
• Ordinary Court
• Anti-trafficking special procedures

ACTIONS TO BE DETAILED INTO OPERATING PROCEDURES

• Multi-agency assessment of the risk and identification of preventive measures for the safety and welfare of the victim
• Careful evaluation of the role of the family and the relationship of the presumed victim of serious exploitation with it as well as with others in the community he/she belongs;
• Assessment on who are the persons who may represent a danger including family members;
• Appointment of a guardian and a special trustee;
• Photographing;
• Reporting to the Juvenile Judicial Authority and to the local Social Services responsible for intervention on children about the suspected alleged condition of trafficking and serious exploitation of the child;
• In the event of a foreign child, the designated authorities (usually the Minister of the Interior in cooperation with the social services) in the country of destination should establish contacts with the foreign embassy in the country of destination or a competent authority / the Ministry of the Interior in country of origin.
ACTIVITIES

- Placement of the child in a safe accommodation arranged if possible for the reception of people of similar age and the same gender
- Adopting all necessary protection and safety measures for the child
- Taking charge for security management and coordination of all the services that the child may need in relation to psychological support (building a helping relationship), medical care, legal assistance, the development of recreational activities, other activities related to education, training, generational needs, the work placement and financial assistance
- Orientation of the minor about the available long-term assistance options, the legal opportunities, assisted voluntary return, etc.
- Support and coaching of the child in accessing responses to basic needs and information pointing out that the application of the principle of the child’s best interests must be a primary consideration (art. 3 Convention of the Rights of the Child - CRC); as well as the right to be heard and respect for their views (art. 12 CRC), together with the right to privacy and respect and recognition of the dignity of the person (art. 16 CRC) especially when the person is a child and victim of crime, the right to care or to support and care designed to allow for the physical, mental, moral and social development to prevent the consequences of the trauma (articles 24 and 27 CRC) and the right to protection from all forms of exploitation, abuse and sexual violence (articles 32-33-34 CRC)
- Legal assistance for the proceedings as a victim and as a person involved in criminal offenses as an author, and if non-EU resident obtaining authorization for a temporary stay in the country

CONTEXTS FOR FIRST ASSISTANCE

- Specific shelters for asylum seekers and refugees
- Specific shelters for victims of trafficking
- Shelters for the protected reception of minors
- Specific shelters for asylum seekers and refugees

ACTORS

- Social professionals
- Humanitarian professionals
- Law enforcement officers
- Juvenile judicial system officials
- Lawyers
- Child care professionals
- Probation Services
- Guardian/Legal guardian for children
- Social professionals of the Anti-trafficking system also connecting with the country of origin

METHODOLOGIES AND OPERATIVE TOOLS

- Approach based on recognition of children trafficked or involved in situations of serious exploitation as holders of rights beyond their involvement in criminal offences for which the national legislation does not provide for exemption from liability and mitigating circumstances when linked to trafficking
- Individualized assistance plans that may provide social, therapeutic, educational interventions at individual, family or group level, suitable for a correct processing of the traumatic experiences by the child, for motivation to change, and for reducing the risk of re-victimization
- Linguistic-cultural mediation by trained staff about the cognitive development and the emotional needs of children
- Operate on the basis of the principle of non-discrimination
- Develop a multi-disciplinary team work in a multi-agency dimension between all involved actors – including the trafficked persons and, as they are children, the guardian – in the design and implementation of the tailor-made assistance plan, always highlighting possible alternative options
- Adopt an operational perspective that allows between all parties and agencies involved the sharing of common languages and knowledge, in order to address the phenomenon and facilitate the exchange of information and collaboration between the different areas of intervention
- Adopt a gender, age and culture specific perspective in the implementation of the anti-trafficking services
- Consider the fear that the child may have with regard to possible retaliations by traffickers or being arrested or charged for offences they might have committed and which are not known to the Judicial Authorities
- Consider the role of the family and gather information on the relationship with the child and the situation of the other members of the household to understand any implications in the exploitation, or the actual capacity to protect the child once excluded the possibility of collusion with traffickers
- Pay attention to his/her experiences because in every phase of the intervention process, it is essential to the victim’s emotional times, considering the outcomes of trauma
- The interviews should be carried out by specialized professionals trained in working with children and in handling adequate interview techniques, and possibly always with the presence of the guardian

BEHAVIOURS

- Try to work by taking charge of the victim (and his/her family, if protective) as soon as possible, in order to provide appropriate forms of support immediately after the emergence and during the identification process and the later stages
- Carefully evaluate the security problems related to the present and the past in cooperation with the network of local services, the Judicial Authority and the local Law Enforcement Agencies responsible for the case
- Try to exactly understand who are the persons who may represent a danger, including family members
- In case interpreting services are necessary a specific approval declaration must be signed by the appointed guardian
- Provide an appropriate period to recover and to evaluate the alternative options available, including the possibility to collaborate with the relevant authorities (Law Enforcement and Justice)
- Provide legal assistance to obtain temporary permission to stay in the country taking into account the different obtainable permits and the best interest of the child
- Provide information in a language and in a way that the child can understand at linguistic and substantive levels the functioning of the protection and assistance systems
- Appointment of a trusted lawyer for the criminal proceedings that can involve the child as an author of crime and/or as the injured party (victim of trafficking)
- Identifying the specific vulnerability of the victim taking into account that the person may be already accused of crimes and subjected to restriction of personal freedom as offender
- Arrangement of a child-friendly setting in order to offer an adequate treatment in the shelter according to victim’s age and gender

OBJECTIVES

- Provide timely assistance and protection, taking care of the safety of the child
- Observe international standards for the protection of human rights of children
- Ensuring the safety of the child and particularly prevent escape from or abandonment of the shelter
- Ensuring access to basic needs and all information about the options available for long-term assistance, the legal opportunities, assisted voluntary return, etc.
- Build a relationship of trust and facilitate adhesion to a customized assistance project (avoiding the dropping-out)
- Facilitate inter-institutional collaboration, primarily with services for children using existing territorial networks and forms of interaction already active on the side of the counter-trafficking and victim protection (eg. Guidelines, Protocols, etc.)
- Ensure access to long-term assistance and social inclusion opportunities and measures

TRANSNATIONAL SECTION: OUTCOMES OF THE PROJECT

OBJECTS TO BE DETAILED INTO OPERATING PROCEDURES

- Try to work by taking charge of the victim (and his/her family, if protective) as soon as possible, in order to provide appropriate forms of support immediately after the emergence and during the identification process and the later stages
- Carefully evaluate the security problems related to the present and the past in cooperation with the network of local services, the Judicial Authority and the local Law Enforcement Agencies responsible for the case
- Try to exactly understand who are the persons who may represent a danger, including family members
- In case interpreting services are necessary a specific approval declaration must be signed by the appointed guardian
- Provide an appropriate period to recover and to evaluate the alternative options available, including the possibility to collaborate with the relevant authorities (Law Enforcement and Justice)
- Provide legal assistance to obtain temporary permission to stay in the country taking into account the different obtainable permits and the best interest of the child
- Provide information in a language and in a way that the child can understand at linguistic and substantive levels the functioning of the protection and assistance systems
- Appointment of a trusted lawyer for the criminal proceedings that can involve the child as an author of crime and/or as the injured party (victim of trafficking)
- Identifying the specific vulnerability of the victim taking into account that the person may be already accused of crimes and subjected to restriction of personal freedom as offender
- Arrangement of a child-friendly setting in order to offer an adequate treatment in the shelter according to victim’s age and gender
THE IDEALTYPE PROTOTYPE: AREA DEVOTED TO THE LONG TERM ASSISTANCE OF CHILDREN AND ADULT VICTIMS OF TRAFFICKING AND OTHER SEVERE FORMS OF EXPLOITATION IN FORCED CRIMINAL ACTIVITIES

OBJECTIVES
- Facilitate inter-institutional collaboration, among all National/International Referral Mechanisms - NIRM actors, with focus on services providers
- Ensure support to victims in accessing legal rights, including remedies and compensations in national or transnational cases
- Ensure access to long term assistance and social inclusion opportunities and measures for both adult and minor victims
- Create and deliver interventions from a Human Rights perspective, respectively aligned to the child’s rights approach
- Improve physical protection and security for the victim and their family
- Foster emotional wellbeing for the victim and their family.
- Improve economic wellbeing for the victim and their family.
- Provide a wide range of assistance services (material, psychological, medical, social, juridical, vocational/educational) for at least 1 year.

ACTIVITIES
- The point of referral NGO assistance provider are cooperating with the assistance provider in the destination country for risk and needs assessment, putting in contact with family psychological support to victim.
- Assistance and accompaniment at the voluntary return by IOM and NGO service provider; national anti-trafficking coordinator and NGO service provider or child protection unit in case of child victims, Accompaniment to shelter or point of departure to hometown.
- Developing long term assistance services for the victims’ social inclusion (available with or without shelter).
- Financial and material assistance
- Social assistance
- Psychotherapy/counselling at individual, group and family level
- Medical assistance
- Educational/vocational assistance
- Legal assistance - counselling and representation in Court
- Job (re)insertion or support to set up business
- Providing shelter
- Providing transit assistance services for victims in process of reintegration in the destination country travelling to origin to solve administrative issues
- Providing transit assistance services for victims in process of reintegration in origin country travelling to the destination country for police investigations, Court hearings, etc.

ACTORS
- Social Assistance service - child and adult care unit
- NGOs assisting trafficked persons
- NGOs assisting children in distress
- The International Organization for Migration - IOM, mission in origin and destination states
- National Focal Point/Anti-trafficking coordinator
- Specialized Police Units
- Lawyers
- Prosecutors
- Probation services
- Educational/vocational institutions
- Medical care institutions

CONTEXTS FOR LONG-TERM ASSISTANCE
- Shelters for minors
- Specific shelters for victims of trafficking
- Specific shelters for asylum seekers and refugees
- The local community and its services
- Educational services
- Vocational guidance and vocational training services
- Enterprises

METHODOLOGIES AND OPERATIVE TOOLS
- Use victim-centred approach, work under the Case Management method and involve the client directly, ask for his feedback on the services.
- Use individual reintegration plans, comprehensive enough to contain the assistance services from above and design assistance programmes with a duration of up to 3 years and 6 months of monitoring.
- Implementing intensive psychological intervention at individual, group and family level, for longer term
- Measuring progresses in assistance by using qualitative and quantitative interventions
VI. DRAFT MEMORANDUM OF UNDERSTANDING

FOR THE ESTABLISHMENT OF EXPERIMENTAL AND MULTI-AGENCY COORDINATED ACTIONS AIMED AT TACKLING THE PHENOMENON OF TRAFFICKING AND SEVERE EXPLOITATION OF MINORS IN FORCED CRIMINAL ACTIVITIES

The draft MoU has been endorsed by the participating agencies listed in the attachment (Ministry of the Interior – Police, Police Headquarters of Venice, Central Anti-mafia Directorate; the Police Rational Service; Ministry of Justice – National Anti-mafia Directorate; the Police Headquarters of 13 provinces; Municipalities; 2 Autonomous Provinces; 9 NGOs).

At present it remains a draft, to be further submitted to the analysis and approval of the Juvenile Judicial System.

This Memorandum of Understanding (MoU) is part of the activities covered in the TEMVI Project and is the outcome of the joint multi-agency training that took place at the Human Rights Centre of the University of Padua with the entities referred to in the attached list.

The MoU contents have been worked out by Elisa Bedin, Cinzia Bragagnolo (University of Padua), in collaboration with the Central Operational Service of the State Police, in particular Mariacarla Bocchino and Elvira Tassone. It has been translated in English by Marco Bufo.

PRELIMINARY STATEMENT

Trafﬁcking in human beings for the purpose of exploitation in forced criminal economies involves serious violations of fundamental rights of the people who are victims, in particular juveniles. The practices that characterize it are explicitly prohibited in the main international, European and national legislation, which imply human rights legally binding provisions in terms of assistance and protection of the victims.

This draft MoU applies to the territory covered by the experimentation measures that is one of the objectives set by the TEMVI Project in order to encourage the activities aimed at the emergence, identiﬁcation, referral and ﬁrst assistance of children (particularly Roma children) involved and/or at risk of being involved in trafﬁcking for the purpose of exploitation in forced criminal economies.

In addition, the present draft MoU is part of the numerous positive experiences in the territories involved in the experimentation, concerning multi-agency work in the ﬁeld of emergence, identiﬁcation, assistance and social reintegration of victims of trafﬁcking in human beings and serious exploitation.

Reference is made to the persons whose safeguards provided for by Italian law can be applied to, namely:

- art. 13 of Law no. 228/2003 “Measures against trafﬁcking in persons”, bearing the establishment of a special assistance program for the victims of the crimes under Articles 60 and 601 of the Criminal Code;
- art. 18 of Legislative Decree 286/98, “Consolidated provisions governing immigration and the status of foreigners”, which allows the issuance of a special residence permit for reasons of social protection.

The purpose of this MoU is therefore to enable the implementation of an experimentation on the target of child victims of serious exploitation in forced criminal economies, characterized by a renewed joint effort between law enforcement agencies and social workers of the anti-trafﬁcking and other related systems for the protection of the child. The purpose is to protect victims and potential victims of trafﬁcking, and more generally of serious exploitation, to prevent and contain this phenomenon and to ensure adequate protection and promotion of the rights of those offended by these serious crimes.

With this action the TEMVI Project intends to follow up the multi-agency training developed in Padua, which was attended by public and private entities of the social action, the Police and the Municipal Police of the Triveneto area (Veneto, Friuli-Venezia Giulia and Trentino Alto Adige regions) in order to:

- support and strengthen the skills on the phenomena of trafﬁcking and serious exploitation with particular attention to the phenomenon of forced criminal activities and the involvement of minors (with a speciﬁc study on Roma communities);
- share, organize, and possibly identify good practices and procedures of multi-agency collaboration oriented to the protection of children, with particular reference to the activities of emergence, identiﬁcation, referral (to the law enforcement agencies and to the police headquarters and municipal police forces) in order to promote the emergence, the identiﬁcation, the referral of and the assistance to Roma children involved in forced criminal activities, with particular reference to children and the Roma community;
- strengthen the work and multi-agency cooperation as well as the effectiveness of the Anti-trafﬁcking, those of other services related to minors and operators of the police headquarters and municipal police forces, in order to promote the emergence, the identiﬁcation, the referral of and the assistance to Roma children involved in forced criminal activities, with particular reference to children and the Roma community;
- strengthen the cooperation and multi-agency work of the police headquarters and municipal police forces, also in the light of the recent regulations changes introduced in Italy and of the current characteristics of migration in our country;
- assess possible ways for further developing multi-agency cooperation in the ﬁght against severe forms of exploitation associated with forced criminal economies, also in the light of the recent regulations changes introduced in Italy and of the current characteristics of migration in our country;
- appropriately use mechanisms and the system of assistance provided for by the anti-trafﬁcking legislation in respect of persons for whom various reasons may be involved in trafﬁcking, children, Roma children, with particular reference to children and the Roma community;
- strengthen the work and multi-agency cooperation as well as the effectiveness of the Anti-trafﬁcking, those of other services related to minors and operators of the police headquarters and municipal police forces, in order to promote the emergence, the identiﬁcation, the referral of and the assistance to Roma children involved in forced criminal activities, with particular reference to children and the Roma community;
- strengthen the cooperation and multi-agency work of the police headquarters and municipal police forces, also in the light of the recent regulations changes introduced in Italy and of the current characteristics of migration in our country;
- apply the Additional Protocol to the UN Convention against Transnational Organised Crime of 2000 concerning human trafﬁcking, ratiﬁed by Italy with Law no. 146 of 2006;
- the Council of Europe Convention on Action against Trafﬁcking in Human Beings of 2005, ratiﬁed by Italy with Law no. 108 of 2010;

Finally, the intention is to concretely boost organic and articulated interventions aimed at promoting local projects to combat the criminal activities described in this document and to enhance the protection of victims, including by rationalizing the procedures already adopted and making the most of existing resources in the territories, in thus consolidating the experien-
ces of collaboration between institutions of different nature and private social entities which have been active for some time in the ﬁght against human trafﬁcking.

LEGISLATION REFERENCE

Several, signiﬁcant national and international documents pay special attention to the multiple types of exploitation in which trafﬁcking of human beings materializes, all worthy of attention in terms of enforcement and protection of victims. It is believed important to mention:


The following Experimental Operating Procedures concerning the emergence, the identiﬁcation, the referral of and the ﬁrst assistance to minors trafﬁcked into forced criminal activities, are based on the “Ideal-type Prototype” and have been drafted for the experimentation to be carried out within the TEMVI Project.

The procedures will be evaluated and adjusted on the basis of concrete cases that professionals and organizations will face in the speciﬁc operating situations, in a view of multi-agency cooperation with the anti-trafﬁcking system.

ACTIONS – What, who, when, where?

To be developed as part of the Experimental Operating Procedures (EOPs)

1. EOP Emergence

Situation 1: a child who committed an offense or is an alleged offender is intercepted or stopped by the Law Enforcement Participants: Officers of the Law Enforcement Agencies, Juvenile Judicial Authorities, Social Workers

Detection of the case

Activity

- Proceed with the identiﬁcation of the child also through photographic ﬁling (Law Enforcement Agencies: Frontline ofﬁcers and units and/or Investigative ofﬁces);
- Detect any preliminary elements that may refer to situations of trafﬁcking or
serious exploitation (Law Enforcement Agencies: Frontline officers and units and/or Investigative offices);
• Contact the Juvenile Judicial Authority, a Person in charge for the MOL if appointed (Law Enforcement Agencies: Frontline officers and units and/or Investigative offices);
• Acquire the consent of the Juvenile Judicial Authority to activate the Local Anti-Trafficking Referral System, consisting in the Toll Free Anti-Trafficking Helpline and in a Local Anti-Trafficking Unit made up of social workers from Social Services and/or Private Service Providers (NGOs). In case they are exclusively from Private Service Providers they will need to act on behalf of and in collaboration with the public Social Services responsible in the local area for children and with the Social Services of the Anti-Trafficking System (Law Enforcement Agencies: Frontline officers and units and/or Investigative offices);
• Provide cooperation in following activities: identification, linguistic and cultural mediation, appointment of a lawyer, contacting the relevant Service for Minors and a protected shelter appropriate to the security and wellbeing needs of the child (Local Anti-Trafficking Unit);
• Proceed to the possible hearing of the child and, based on the directions of the competent judicial authority, make use of an expert to be appointed as an auxiliary of the Judicial Police (Law Enforcement Agencies: Investigative offices).

Situation 2: Minor placed in a community (not necessarily as an already convicted offender)
Participants: Social Workers of the Shelter; Social Services responsible for minors

Detection of the case
Activity
• Detection of any preliminary elements that may refer to situations of trafficking or serious exploitation (Social workers of the shelter);

• Collecting and reporting, within the limits of its statutory mandate, to the Social Services responsible for minors the information regarding the preliminary elements of trafficking or serious exploitation (Social workers of the shelter);
• Activate the Local Anti-trafficking Referral System also in order to evaluate the possible sharing of information on the case with the Law Enforcement Agencies for the profiles of their competence (Social workers of the shelter; Social Services responsible for minors).

3. EOP PRELIMINARY IDENTIFICATION OF CHILD VICTIMS OF TRAFFICKING

Participants: Juvenile Judicial Authority, Law Enforcement Agencies, Local Anti-Trafficking Unit, Lawyer

Physical and psychological recovery of the child
Activity
• Meeting the basic most urgent needs of the child (Local Anti-Trafficking Unit);
• Providing the child with information concerning his/her status (Local Anti-Trafficking Unit).

Collection of information for the identification of child victims of trafficking or severe exploitation and identification of indicators of trafficking
Activity
• Listen to the child (structured or unstructured interview) in respect of the specific fact, of his/her life habits/routines, etc. (possibility to develop uniform grids for information gathering) (Social Workers of the Local Anti-Trafficking Unit; Social Services responsible for minors);
• Sharing of information (in the framework of multi-agency cooperation, and within the given institutional constraints), on how the emergence of the child occurred, about family relationships, about the dynamics inside the group the child belongs to, in order to establish a strategy to protect the child and to reconstruct the profile of the victim and his/her context. Where the representatives of the Law Enforcement and of the Local Anti-Trafficking Unit consider it useful and not of prejudice to the investigation, the lawyer of the child can be heard in order to complete the information on the case. Where possible, identify and share the so called second level trafficking indicators. (Law Enforcement Agencies; Social workers of the shelter; Social Services responsible for minors).

Multi-agency assessment of the condition and of the cause of exploitation of the child
Activity
• Analyze the data collected in the framework of the multi-agency cooperation (Law Enforcement Agencies; Local Anti-Trafficking Unit);• Return the picture of the situation to the competent Judicial Authority (Law Enforcement Agencies);
• Determine any further measures concerning the establishment of the age and identity of the child as well as any protected hearing of the child (The competent Judicial Authorities; Law Enforcement Agencies; Local Anti-Trafficking Unit).

Risk assessment in respect of the context of origin
Activity
• Analyze the role of the family and the relationship of the child with it, as well as with others in the community (Local Anti-Trafficking Unit; Social Services responsible for minors);
• Verify the role of persons who may pose a danger, including family members (Law Enforcement Agencies);• Establish the security and wellbeing measures for the benefit of the child, in the framework of multi-agency cooperation (Juvenile Judicial Authority; Law Enforcement Agencies; Local Anti-Trafficking Unit).

4. EOP FIRST ASSISTANCE AND PROMPT SAFE HOUSING

First Assistance Programme
Activity
• Build a child friendly setting to provide hospitality and protection appropriate to the age and gender of the potential/presumed victim (Social Workers of the shelter, Local Anti-Trafficking Unit);
• Provide for the presence of the Social worker in charge of the child (Case manager) in the shelter for the first few hours during the intake procedure (Social Workers of the shelter, Local Anti-Trafficking Unit);• Ensure the presence of an interpreter/cultural mediator to properly convey to the child the information on available services and obligations/conditions as well as to facilitate the construction of a trust relationship with the shelter workers (Social Workers of the shelter, Local Anti-Trafficking Unit);
• Promptly inform the Social Services responsible for minors even in the event the child immediately or after a few hours leaves the shelter, and communication through written report about the child by the anti-trafficking services (Social Workers of the shelter, Local Anti-Trafficking Unit).

ANNEX

LIST of the subscriber AGENCIES participating in the TEMVI Project Experimental activity
• Comune di Venezia – Social Inclusion Promotion Service
• Municipality of Vicenza – Municipal Police
• Municipality of Padova – Local Police
• Municipality of Trieste – Local Police
• Municipality of Rovero – Local Police
• Municipality of Trento – Local Police
• Municipality of Bolzano – Local Police
• Autonomous Province of Bolzano
• Comunità dei Giovani, Verona
• Cinformi, Autonomous Province of Trento
• Equality, Social Cooperative
• Nuovi Vicini
• Associazione Welcome
• Centro Caritas Arcidiocesi di Udine
• Comunità dei Giovani, Verona
• Associazione La Strada
• Associazione Volontariato
• Azalea, Social Cooperative
• Associazione La Tenda, Rovero
VII.

OUTLINE FOR THE INTERVIEWS TO STAKEHOLDERS ON FORCED CRIMINAL ACTIVITIES RELATED TO SEVERE FORMS OF EXPLOITATION AND TRAFFICKING

This Interview Outline is designed for the interviews with stakeholders on the phenomenon of the exploitation of both adults and children involved in forced criminal activities.

The same Outline can be used both for interviews / meetings with social workers, and for the interviews / discussions with the law enforcement and judiciary agencies, but of course depending on the interview subject, some part of the Outline might be considered more in depth (e.g. the section on the exploiters will be dealt with more in depth with the Judiciary and social workers will probably know better the real condition of adults, children and Roma people).

With appropriate adaptations to the case this Outline can also be used both for the interviews with key agencies operating at the local or regional level and at the national level, for example the representatives of the Departments or of the Ministry running the anti-trafficking system, or ope-
rators / representatives of the international protection system or of the protection system for unaccompanied minors or with the personnel of the justice system that deals with the monitoring of the subjects submitted to measures restricting personal freedom, whether adults or minors or children.

The research scenario includes traffi-
cicking for forced criminals involving both adults and children, but since there is a specific focus on Roma children, it will be essential to bear in mind this specific target both when identifying and selecting the stakeholders to be interviewed and when doing the interviews, taking care whenever possible to carve out space to obtain infor-
mation on Roma minors.

DETAI LS AND ORDER OF QUESTIONS

The Outline is divided into thematic sections. Each section begins with an ques-
tion of a generic nature, which is detailed below in a series of more specific ques-
tions.

The interviewer should start asking the

general question and then, depending on the scope of the response given by the re-
spondent, supplement with additional ques-
tions on specific issues that have not been touched by the interviewee.

The Outline is detailed and structured: of course you do not necessarily need to ask all questions, or to place them in the order in which they are presented, but it remains up to the interviewer to follow the Outline to the extent and in the way giving the highest chances to obtain relevant in-
formation and achieve the expected results.

The interview should preferably be

recorded (with the consent of the person interviewed), or arranged via e-mail so to have a written record of the contact and the outcome given by the stakeholders. Of course, a preliminary explanation should be given to all stakeholders contacted about the purpose of the interview and the use that will be done of it.

Each researcher will decide whether to transcribe or use another method of regis-
tration. It is anyway important to keep track and to make transcripts or take notes of the interviews in view of the final report, in which of course citing the source will be necessary.

Therefore also the following basic in-
formation will be recorded:

- Data and general information about the person interviewed and about his/her or-
ganization and his/her role in it.

- Data and information on the interviewer and her/his organization.

— GETTING STARTED /PRELIMINARY INFORMATION

1. Presentation of the Project TEMVI, For-
ced criminal activities as a new form of exploitation in human trafficking: Knowledge and human rights-based practices through research and pilot multi-agency training and prototype-
procedures, and in particular of the Re-
search Activity.

2. Explain briefly what is meant by forced criminal activities and how this catego-
ry is now included under the Directive 2011/36 of the European Union and the national legislation transposing the Di-
rective itself.

3. Details of the institution / organization and of the interviewee’s role: in particu-
lar, to understand what the point of exa-
mination is (approach of public policy / service, experience in street operational unit / social services / law enforcement procedures or judiciary, etc.).

4. Preliminary questions to be asked about the correlation between the various cri-
minal activities and the main targets involved. Questions asking which are the criminal activities that people are forced to perform in coercive and ex-
plotive conditions and if this happens in the country of the person interviewed or in foreign countries and which ones.

Questions should also be asked about who these people are (children/adults, 

gender, which nationality and / or eth-
ic group they belong to) and in which criminal activities they are distributed. Other questions aimed at obtaining a general overview on the phenomenon and at the same time at identifying the possible specific knowledge aspects on which the interviewer is most able to contribute to.

After these preliminary steps concern-
ning the general situation of trafficking and exploitation in forced criminal activi-
ties and related to the identification of the different target groups and the criminal

— 1. ORIGIN, FAMILY BACKGROUND AND SOCIO-ECONOMIC CONDITIONS OF THE VICTIMS

About the groups (minors/adults, Roma minors/adults) exploited into forced crim-
inal activities of which you are aware: from which countries and which family and socio-economic background do they typi-
cally come from, what are their charac-
teristics in terms of age, gender and so on... and which paths have they made in their country of origin?

In particular:

1. From which countries do they come, from which areas in the country of origin do they come (rural area / small town / big city)?

2. Do they belong to minorities or specific ethnic groups (eg. Roma)?

3. Are they both male and female / How old are they?

4. In what situations and contexts grew they up before the involvement in illegal activities? (biological family, foster fa-

dily, institutions, etc.)

When working on this, do the parents know about this situation?

— 2. DEPARTURE FROM THE COUNTRY OF ORIGIN AND RECRUITMENT METHODS

How and why do generally the groups (minors/adults, Roma minors/adults) ex-
ported into forced criminal activities of which you are aware leave their country of origin and what is the role of the family in relation to human trafficking?

In particular:

1. Is the departure from the country of ori-
gin an autonomous choice or a more or

less suffered decision or a forced depar-
ture (e.g. they decide to leave on their own, or their parents force them to lea-

ve, or the parents sell / rent them to third

parties or they are directly forced by re-
cruiters/traffickers...)?

2. What is the role of the family in this de-
cision? Do you know cases of actual sale of children?

3. Are the groups (minors/adults, Roma minors/adults) exploited into forced crim-

inal activities aware that they will be used in committing illegal activities?

And in the case of children with parents, do the parents know about this situation?

— 3. LIVING CONDITIONS AND FORMS OF EXPLOITATION

Which are conditions the groups (mi-
nors/adults, Roma minors/adults) explo-

ration, violence, alcoholism, detention

and so on...

What level of education / training have

they achieved in the country of origin?

Have they already worked in illegal ac-

tivities in the country of origin?

If yes, how did it start? If they grew up in a family, had the family members an

couraging role or not in relation to these activities?

Were such activities forced? In which

way?

Was the involvement in criminal activi-
ties matched with other activities linked to exploitation?

If so what? (begging, sexual exploita-
tion, labor exploitation, etc.?

Have they ever been in prison in the country of origin?

— 4. WHAT ARE THE MAIN REASONS FOR THE DE-

parture (to earn money to be sent home

and / or earn money to achieve the life-
styles of the rich and or adventure...)?

Did exploitation in forced criminal ac-

tivities constitute from the beginning the
goal of the migration project or did it come only in country of destination or trans-

it? In case of transferring of a person who

will be involved in the exploitation to a

third party, which kind of agreements are concluded? Which ones in the case of children, between the parents and the buyers (traffickers)?

Which are the means/systems by which

minor(s)/adult(s), Roma minors and adults

are contacted and recruited by the traf-

fickers/ exploiters in the country of ori-
gin? What methods of deception or co-

cersion are put in place by the traffickers /

exploiters?

What about the trip? Do those who ma-
naged the travel belong to the same or-

ganization that exploit them or are they
different? With what kind of connection?

Do they have to pay and how much does

the trip to reach the country of destina-
tion cost? If so, how does the payment take place? (eg. the family into debt, the
debt is paid by the child/adolescent in the
country of destination...)

By what criteria is the country of de-

stination chosen? And the city? (chan-
cel, route to trafficking organizations, migration chain, ineffective policies to combat irregular migration / criminal activities)

Are there people that are victimized and

fall in the exploitative networks once they have reached their destination country as a result individual vulnerabili-

—
4. The exploiters and the organization of exploitation

In relation to the cases of exploitation in forced criminal activities you know or you are aware of, usually who are the exploiters, how they are organized and how they operate?

In particular:
1. Who are the exploiters: nationality, ethnicity, city of origin, age, gender, level of education and respectability (in the sense they are people of some importance in the country or not...), if they are foreigners are they allowed to stay in the country regularly and with what kind of residence permit? Do they carry out a regular job/work in the country where they are? Are the exploiters people which were already related to the victim (or his/her family) in the country of origin, or are they strangers?
2. In case of children, which kind of relationship do they have with their relatives or with other significant persons for the child?
3. Are we speaking about micro-organizations of a few individuals, or structured organizations?
4. If there is a structured organization, what are the characteristics of this reality: size, range of operations, organization on a national/ethnic basis?
5. How does the organization work for stimulating and supporting the departures, how and where does it prepare false documents for travel to or stay in the country of destination, whether the gain delivered to the exploiter, working conditions, type of activity: theft, pickpocketing, other?
12. If the ex-ploiter is under age or in over-age, does he/she enter into contact with an exploitative person/organization?

In practice, what happens when someone decides to escape from a situation of exploitation (he/she enters into contact with social workers on the street, he/she goes to the social services or law enforcement, he/she calls a toll-free number...)?
5. What are the main contexts in which minors/adults, Roma minors/adults victims of exploitation come into contact with professionals who can facilitate the escape from exploitation (passing the borders, in the places of residence, during the act of crime, in the protected communities or in other places such as...)?
6. What about the reaction of the exploiters when the outreach teams and/or other actors enter into contact with victims (de-nigration, threats, indifference...)?
7. What are the main difficulties encountered in identifying minors/adults, Roma minors/adults victims involved in forced criminal activities?
6. How can you recognize a minor/adult, Roma minor/adult victim of trafficking / exploitation used in forced criminal activities or what are the signs / indicators that show / raise suspicion of being in front of a victim of trafficking / exploitation? (signs of violence, the family relationship is not verified by the accompanying adults, restrictions on the freedom of movement...)
7. What measures/procedures are currently implemented to facilitate the escape from the circuit of exploitation, from the point of view of policies to contrast trafficking and to protect victims (type of practices, the level of cooperation between the law enforcement, judiciary, local authorities, non-profit organizations etc.)?
8. What are the strengths of these procedures? What are the weaknesses? What would you need to change?
9. With regard to the integration process currently offered to minors/adults, Roma minors/adults victims of trafficking in forced criminal activities, which are the limits you can underline? (low earnings of legal work, long training courses, etc. based on the specificity of each country involved in the project...).?
10. What should be changed?
11. How are the street workers, the shelters, the host centers and generally the different kinds of support proposes perceived by the minors/adults, Roma minors/adults victims of trafficking in forced criminal activities?

5. Escape from exploitation

From your experience, what about the escape from the circuit of exploitation and what are the factors that facilitate the process and what the factors that hinder it?

In particular:
1. What are the motivations and the main factors that drive the minors/adults, Roma minors/adults not to leave the circuit of exploitation (fear of the exploiters, lack of awareness of living a state of exploitation, lack of competitive alternatives in relation to activities that ensure high earnings etc.)?
2. What are the reasons and the key factors that push minors/adults, Roma minors/adults to leave the situation of exploitation (individual desire to live with less risks and violence, or to return home etc.)?
3. In a practice, what happens when someone decides to escape from a situation of exploitation (he/she enters into contact with social workers on the street, he/she goes to the social services or law enforcement, he/she calls a toll-free number...)?
4. What are the main contexts in which minors/adults, Roma minors/adults victims of exploitation come into contact with professionals who can facilitate the escape from exploitation (passing the borders, in the places of residence, during the act of crime, in the protected communities or in other places such as...)?
5. What are the main difficulties encountered in identifying minors/adults, Roma minors/adults victims involved in forced criminal activities?
6. How can you recognize a minor/adult, Roma minor/adult victim of trafficking / exploitation used in forced criminal activities or what are the signs / indicators that show / raise suspicion of being in front of a victim of trafficking / exploitation? (signs of violence, the family relationship is not verified by the accompanying adults, restrictions on the freedom of movement...)

6. The size of the phenomenon and data collection system

1. If you would estimate the phenomenon, how many are currently the people exploited in forced criminal activities? And the children? Specify the sources of this estimation.
2. These phenomenon, compared to three / four years ago, you thinks is increasing, has remained unchanged or decreased?
3. Do you have a system for collecting data on minors/adults, Roma minors/adults victims of trafficking and exploitation in forced criminal activities? And on the actions implemented and services delivered (contacts on the street, sheltering, assistance programmes, proceedings against the exploiters etc.)?
4. Is it possible to have the data of last year?
5. And is it possible to obtain the survey or data collection form that you normally use to collect the data?
6. How are the data processed? Is there a database?
7. What are the systems used to share and disseminate these data and which are the persons and the agencies involved in the communication process?

In relation to reporting systems, on recognition-identification, referral and protection of victims of trafficking in forced criminal activities do the existing procedures require a series of important adaptations or not?

In particular, should this specific form of exploitation lead to strengthen networking with other agencies or systems? If yes, which ones (e.g. Asylum seekers and refugees System; Unaccompanied minors protection system; Juvenile justice system; others...).

7. Conclusions

Are there other problems or recommendations that you consider important in order to prevent and combat trafficking and exploitation in forced criminal activities and to protect the different kinds of victims?
NOTES:

I. INTRODUCTION

1. Marco Bifulo is the Transnational Coordinator of the TEMVI Project. In this introduction, he also drew on descriptive texts of the project fruit of the work of several people, in particular: the Project Coordinator Paola Deegan, and Claudia Pividori (Human Rights Centre of the University of Padua) and Claudio Donald (Municipality of Venice).

2. Such process included the collection of the opinions of the most relevant stakeholders from all Member States, and it was supported by the work of the second Group of Experts on Trafficking in Human Beings (THB) of the European Commission, active between 2008 and 2011.

FRANCE

3. Prepared by Olivier Peyroux and Vincent Dubois (AILC).


9. This information was gathered through interviews for the research on what those minors live (Saint-Denis and La Courneuve).

10. Law 23/1976 for the inclusion in useful labour of persons fit to work.

11. Also called Gypsy court, this instance of customary law is present in certain Roma groups. It settles especially civil matters, rarely criminal affairs, except for cases of theft. It has also competences on matters concerning the family: marriage, virginity etc. Originally, this instance had the purpose to overcome legal obstacles by replacing them with a peaceful solution of conflicts. The judges are important members of the community. They must be recognized and accepted by all sides in a conflict and are remunerated by the plaintiffs. Once a decision is made, there is no possibility to appeal.

12. Date corresponding to the ending of short stay visas in the Schengen area.

13. In Milan and Turin certain Roma groups from Romania use young girls as pickpockets, and also several families from Fata linci and Romanesti from Criusova pushed their children to start pickpocket activities – see the study Cash Cash by M. Conte, A. Rampini, O. Marco: Young Roma and Strategies for Social Prestige. Conference paper Refugees Studies Centre, University of Oxford, 2010.


15. Changed surname.

HUNGARY


20. Based on interview with the manager of the reception center in Békéscsaba (phone interview February 2015).

21. Interview with a legal profession of the Hungarian Helsinki Committee.


23. ORKT January 2015.

24. Material is provided by the local children welfare office.

25. Information is based on the National Strategy 2013-2016.

26. Information was provided by the Ministry of Interior.

27. Children protection procedure is based on the interview with Child Protection Methodological Services (personal interview, January 2015).

28. Information is based on the interview with the manager of the Scuola Agata Child Protection Service (phone interview, January 2015).

ITALY

29. Information is based on the interview with the manager of the Szent Ágota Child Protection Service (phone interview, January 2015).


31. The two years from 2011-2012, saw a surge in the number of minors from southern shores of Mediterranean countries coming to Italy and being taken in charge. Figures on unaccompanied minors show that of those who actually get in touch with Municipal social services, the greatest number of minors comes from Africa (42.6% in 2012 compared to 32.6% in 2010) from Asia (39.3%) while the minors who reached Italy are, in particular those that are not part of the European Union, are just over 12%. In 2010, the figure represented a quarter of the world’s population (25%). Over half of the minors come from three countries: Bangladesh, Egypt and Afghanistan. According to the available statistics, in 2012, almost a consistent number also comes from Albania (4% of the total, amounting to 723 minors), Tanzania (5.6%), Ivory Coast (5.2%), Mali, Moroco, Somalia.

32. Interviews in the contacts with the judiciary police units of Questure in order to gather information for this research. The authors of this research report wish to give heartfelt thanks to all the operators involved, especially Mr Tatone who actively participated in international meetings organized within the framework project which, since its outset was characterized by multi-agency operations. The Ministry of Interior has also significantly contributed to the identification and a definition of the procedures contained in the Prototype, proposed in the draft Protocol. Stakeholders also attended a multi-agency Training activity in Italy that included lectures, and the participation of State Police Forces with different commitments and roles.

33. For an overview on the different forms of organized crime and on the services offered by networks that operate in different ways to facilitate irregular migration in the various phases of emergency refer to: G. Scorsinio, Un’analisi dell’industria dell’ingresso clandestino in Italia, in F. Pastor, L’Italia nel sistema internazionale del traffico di persone: Risaltanze investigative, ipotesi interpretative, strategie di risposta, Department of Economics and Social Affairs – Prime Minister’s Office, Working paper n. 5, 1999. The report constitutes the first part of a research conducted in 1999 commissioned by the Commission for Immigration Integration Policy, instituted by the Ministry of Social Affairs of the Prime Minister’s Office on the criminal phenomenon of human trafficking in various forms and on the policies and measures adopted at various levels to fight it. Contributors to this report include F. Roman and also F. Pastor who respectively wrote the second part on Conditions of the persons trafficked and the third part on L’azione internazionale per la lotta al traffico di persone: tendenze problemi.


35. FRA – European Union Agency for Fundamental Rights, Irregular migrants employed in domestic work: Fundamental rights current challenges for the European Union and its Member States, Luxembourg: 2011: This study analyzes the working conditions of women migrants in relation to their access to human rights in 10 member states, documenting the main violations.

36. Caritas Italy, National Reception Centre, Punto e a capo sulla tratta. 1° Rapporto di ricerca sulla tratta e il grave sfruttamento, Milano, F. Angeli, 2014.

37. M. Giovannetti, I minori stranieri non accompagnati in Italia. Y Rapporto Anci Cittalia, 2014, available on-line from the website: www.cittalia.it. The two years from 2011-2012, saw a surge in the number of minors from southern shores of Mediterranean countries coming to Italy and being taken in charge. Figures on unaccompanied minors show that of those who actually get in touch with Municipal social services, the greatest number of minors comes from Africa (42.6% in 2012 compared to 32.6% in 2010) from Asia (39.3%) while the minors who reached Italy are, in particular those that are not part of the European Union, are just over 12%. In 2010, the figure represented a quarter of the world’s population (25%). Over half of the minors come from three countries: Bangladesh, Egypt and Afghanistan. According to the available statistics, in 2012, almost a consistent number also comes from Albania (4% of the total, amounting to 723 minors), Tanzania (5.6%), Ivory Coast (5.2%), Mali, Moroco, Somalia.

38. The first 10 countries of origin make up almost 84% of the overall number of minors that have been contacted or have been taken in charge by social services in Italy in 2012.

39. Source DPO, Draft of the National anti-trafficking Plan, Law n.115/2012 “Converted into law amending the services for citizens”, art. 12 “For the suppression of Bodies and Organizations” in suppressing Foreign Minor Councils transfers its functions to the Directorate General of Immigration and Integration policies within the Ministry of Labour, amending the Decree-Law of 6th July 2012 n. 95, leading to urgent dispositions of the spending review of and on Social Policies.

40. The Antinno Unit – Ministry of Justice is an associate partner in the TEMVI Project. It collaborate in the project with the Central Operational System of the Italian National Police of the Ministry of Interior.

41. This section represents a summary of a more extended contribution originally prepared by Claudio Donald.

ROMANIA

38. Prepared by Gina Maria Stelian (ADAPRE).


43. Most victims stayed in Denmark for 3 weeks.


VI. DRAFT MEMORANDUM OF UNDERSTANDING FOR THE TRIVENETO AREA

84. With the recent D.Lgs. (Legislative Decree) 4 March 2014, No 24, for the “Implementation of the Directive 2011/36/EU”, changes have been introduced in the two instruments mentioned above (art. 18 and art. 33) and a “sole programme for the emergency, assistance and social inclusion granting, on a temporary basis, adequate board and lodging and health assistance conditions” has been established, unifying the previously separate, though interlinked, art. 18 and art. 33 programmes. In fact, the new comma 3-bis of art. 18 foresees that for the foreign citizens victims of trafficking or slavery, or who are in the conditions foreseen for obtaining the residency permit for social protection, on the basis of a “National Action Plan against Trafficking and the Severe Exploitation of Human Beings” (art. 13, comma 2-bis, Law 31 August 2003, No. 228 – Anti-trafficking law) a sole emergency, assistance and social inclusion programme applies, granting, on a temporary basis, adequate board and lodging and health assistance conditions (as foreseen in art. 13, Law 225/2003) and afterwards, the continuation of assistance and social inclusion support (as foreseen under art. 18 D.Lgs. 286/98).


IV. THE LOCAL REFERRAL MECHANISM AND THE CRITICAL AREAS OF CONCERN REGARDING FORCED CRIMINAL ACTIVITIES

80. This section has been written in the original first version by Claudio Donadèi in Italian and it has been translated in English by Marco Bajo. According with the suggestions proposed by ALC, the investigative teams are also involved. It is often the dismantlement of a criminal network that sheds lights on the cases of children forced to commit criminal activities. Despite the trials none of the children benefit from a protection, recognized as victims, they have been at the moment of the trials and only in the cases of sexual exploitation.

V. TRANSNATIONAL IDEALTYPE PROTOTYPE OF MULTI-AGENCY PRACTICES FOR A REFERRAL SYSTEM FOR CHILDREN TRAFFICKED AND EXPLOITED INTO FORCED CRIMINAL ACTIVITIES

82. For a full description and analysis on which the present idealtype Prototype is based, please refer to the document “The Local Referral Mechanism and the critical areas of concern regarding forced criminal activities.” The model here proposed has been devised and devised by Claudio Donadèi in collaboration with the Staff of the Social Unit on Trafficking of the Municipality of Venice and the University of Padua. The chart on long-term assistance has been designed by Alexandra Mitro, ADP ARE. The model has been finalized after the discussions in the Budapest transnational meeting which took place end of May 2013. It represents an Idealtype Prototype of Referral (identification, protection and assistance) for children (especially Roma) trafficked into forced criminal activities and for combating the crime, to be implemented through a human rights based and multi-agency approach. The Idealtype Prototype and its multi-agency practices represents the basis for the development of Country-specific Prototypes on the one hand (to be designed by the project partners for each involved country) and of Standard Operating Procedures for Identification, Trafficking and exploited into forced criminal activities

83. The model has been finalized after the discussions in the Budapest transnational meeting which took place end of May 2013. It represents an Idealtype Prototype of Referral (identification, protection and assistance) for children (especially Roma) trafficked into forced criminal activities and for combating the crime, to be implemented through a human rights based and multi-agency approach. The Idealtype Prototype and its multi-agency practices represents the basis for the development of Country-specific Prototypes on the one hand (to be designed by the project partners for each involved country) and of Standard Operating Procedures for Identification, Trafficking and exploited into forced criminal activities.
TEMVI

TRAFFICKED AND EXPLOITED MINORS BETWEEN VULNERABILITY AND ILLEGALITY

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(HOME/2013/ISEC/AG/THR/400005491)

FINAL REPORT

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