

## 1455<sup>th</sup> meeting, 1 February 2023

4 Human rights

### 4.2 Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI)

c. Thematic report of the Committee of Experts on Roma and Traveller<sup>1</sup> Issues (ADI-ROM) on legislation and policies related to begging, with special focus on children

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<sup>1</sup> The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

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## EXECUTIVE SUMMARY

### The purpose of the thematic meeting

In the beginning of this decade the number of children begging was slowly but steadily decreasing in many European countries but the phenomenon has recently been exacerbated by the long-term economic austerity existing in Roma communities both before and during the global Covid-19 pandemic, also in the case of communal evictions and other catastrophes such as possible climate change related natural disasters such as flooding, land slides and earthquakes in the Balkan region. Negative and disturbing consequences of begging related phenomena are visible across most, if not all, EU member States, and so is the rise of the antigypsyist extremist, nationalistic and populist politics regarding begging. Many Council of Europe monitoring bodies and expert committees have identified over the past years a very worrying trend of re-emerging anti-begging, anti-vagrancy and anti-trespass legislation which are increasingly being used across Europe to control the mobility of Roma and Travellers.<sup>2</sup> One attempt to control begging phenomena is the growing trend of passing new municipal by-laws criminalising begging (for example in Belgium, Sweden, Norway or Switzerland) with the threat of penalties which clearly has a disproportionate negative impact on Roma and Travellers, and in particular Roma women and children.

This thematic visit report focuses on the situation of the most vulnerable Roma children who are occasionally or consistently resorting to begging or forced to beg. The focus is especially on measures put in place by the local and national authorities to protect and support them in order to help them to move out of the streets instead of witnessing Roma families simply moving on or emigrating temporarily out of the country which tends to shift the problem but does not address or deter any of the root causes, negative societal effects nor impact trafficking in human beings. The report analyses the socio-economic context as opposed to the socio-cultural one and endeavours to present and analyse the nexus between begging and trafficking in human beings and the relevant legislation and policies in the host and partner countries to address the issues. The report aims to identify the gaps and make recommendations to fill them. It highlights the patterns, challenges and possible solution for begging related problems. The focus of the report is also on children trafficked for the purpose of criminal exploitation such as forced begging and the systems and measures put in place to protect them and the real application and effectiveness of these measures. The report will endeavour to identify the challenges encountered in the detection of potential and confirmed victims of child trafficking for the purpose of forced begging and the effectiveness of protocols and mechanisms established to deal with the issue.

### General conclusions and lessons learnt

Combating Roma children begging and human trafficking requires active measures on several fronts and especially during the global pandemic. The exchange between the partner countries (Belgium, Finland, France and Greece) and the host country Bosnia and Herzegovina (BiH) highlighted the fact that mechanisms and protocols exist at state and municipal level which should be activated when victims of child trafficking have been identified but that when implemented the authorities' action often lacks strength, coordination and co-operation between relevant stakeholders. Without any additional measures the impact of punishing both the victims (Roma children), their parents and communities is weak and may also prove to be a discriminatory approach. Standardisation of the protocols is essential across the municipal services, cantons/regions and different governmental entities.

### State obligations and good practices regarding combating child begging and trafficking in human beings

State parties have a legal obligation to provide assistance to victims of trafficking under Article 12 of the Council of Europe Anti-Trafficking Convention<sup>3</sup> on whose territory victims of trafficking are located, regardless of whether this is the country of origin, destination or transit. Most countries evaluated by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) have a statutory basis for the provision of assistance to victims of human trafficking, either in a dedicated anti-trafficking law or in general social assistance legislation.

In countries which are primarily destination countries for mobile Roma citizens, the legal basis for assisting victims of trafficking is provided in aliens or international protection legislation (e.g. France). In some countries, assistance is provided on the basis of interagency co-operation agreements, memoranda or protocols setting up the National Referral Mechanism.

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<sup>2</sup> Fekete, 2014; de Coulon et al. 2015

<sup>3</sup> Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), 2005

As regards children, national legislation on child protection usually applies to all children, including children at risk of and victims of trafficking. The legislation provides that the authorities must safeguard especially vulnerable groups, such as child victims of trafficking. Furthermore, it regulates the basic rights of foreign children to education, health care and social services and basic social benefits, under the same conditions as national children.<sup>4</sup>

The identification of child victims of trafficking remains an important challenge and increased capacity building training of law enforcement agencies and specialised police officers is crucial to detect vulnerable children and children at risk. It is the first step before any more comprehensive re-integration plan can be devised and offered. Frontline staff need coherent, relevant and regular training regarding this issue. Furthermore, they need to be reinforced in terms of capacity, as it is often a lack of human resources that influences the probability of identifying the victims.

Developing a standardised training module complemented by training platforms such as the Council of Europe HELP online courses which include a course on human trafficking is of utmost importance. They should be used among many different professional groups and across all municipalities, cantons and entities. They would even out the level of common knowledge and clarify the role of different authorities and their responsibilities regarding the issue and how they should, in their respective roles, deal with cases of human trafficking.

For example, kindergarten school staff members and teachers must be included in developing standardised protocols to identify victims of child trafficking as they are often the first point of contact with the children and can observe shifts in children's behaviour or regular absences which can indicate potential victims of trafficking in human beings (THB).

Law enforcement agencies have drawn attention to the fact that cases of suspected victims of THB are often declassified by the judiciary to misdemeanours or parental neglect as trafficking charges are difficult to prove. This leniency can have negative consequences both on fighting THB but also on the engagement of the teams working to identify and help victims. One reported obstacle is that when it comes to Roma, general standards are not applied by the justice system as begging is often stereotypically seen as "part of the culture" which places Roma children into disadvantaged position compared to other children.

On the other hand there are also cases in which desperate Roma families living in extremely precarious circumstances and having no access to justice services have been dealt with in extremely harsh ways, such as expulsion in France and communal evictions in other countries. Roma have also been further victimised through several disproportionate measures, persecuted and severely punished both socially and financially without first considering softer and often more efficient positive measures before splitting up the families and placing children into foster care or institutions. Therefore, it is essential to ensure that not only do the Roma have access to emergency social services but also access to justice and fair investigation, prosecution and trial processes are being developed. This requires training of the police, social workers working in child protection services, prosecutors, judges and lawyers on the phenomena in co-operation with representatives of Roma the community.

It was also outlined that cases of forced begging are quite low, for example in Belgium and France, statistics show that only about 3% of children begging are victims of child trafficking. Greece and Bosnia and Herzegovina have higher numbers of children begging but the difficulty in establishing whether they are victims of trafficking does not allow for reliable data collection. We can therefore only speculate that trafficking in human beings specifically for the purpose of forced begging remains rather low and that families begging on the street are far more likely doing it as a consequence of their extreme poverty and marginalisation. It is therefore crucial to differentiate children begging because of the extreme precarity and poverty of their families as opposed to children victims of forced begging. This is challenging but essential as the judicial procedure applied and the charges laid will differ based on this differentiation.

The absence of specialised shelters and financial, food and other emergency support mechanisms for child victims of trafficking and families living in precarious conditions on the streets is a common problem and the authorities are urged to provide appropriate accommodation and other kinds of social protection for child victims and their families.

In order to effectively combat trafficking of Roma children for the purpose of forced labour and more precisely forced begging in a sustainable manner, this priority area needs to be included and budgeted in Roma Inclusion Strategies.

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<sup>4</sup> Assistance to Victims of Human Trafficking, G R E T A Group of Experts on Action against Trafficking in Human Beings, Thematic chapter of the 8<sup>th</sup> general report on GRETA's activities, 2019

## **International, bilateral and multilateral co-operation in combating children's begging**

Some bilateral co-operation and prevention models against child begging and human trafficking have been developed between States. This co-operation has normally happened through consulates and other relevant authorities of the country of origin and the authorities of destination countries regarding identification and intervention by police staff both in countries of origin/destination and at border control. One of the most important co-operation measures in this field has been ensuring the official registration of children's birth and parents by granting them birth certificates and assigning them nationality.

Some States have also set up specialised police departments and teams to combat trafficking in human-beings in co-operation with the relevant departments dealing with juvenile protection, juvenile delinquency and/or organised and international crime because evidence shows that there are strong connections between the number of begging Roma children and child and adult prostitution and juvenile delinquency. Early violations of children's rights pave the way not only to life management problems, mental troubles, substance abuse problems but also to multiple forms of life-long mistreatment and violations of rights such as human trafficking and early/child/forced marriages.

## **Legislative measures and fines criminalising begging**

In some countries national legislation criminalising begging exists, in others such as Switzerland the legislative action criminalising begging and the subsequent fines have been adopted independently by the cantons (regional government structures) most affected by the phenomena. A landmark case in the European Court of Human Rights regarding such measures is [Lacatus v. Switzerland \(no. 14065/15\)](#). On 21 January 2021, the European Court of Human Rights held, unanimously, that there had been a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights. The Court considered that the penalty imposed on the applicant had not been proportionate either to the aim of combating organised crime or to the aim of protecting the rights of passers-by, residents and shopkeepers. The European Court of Human Rights did not subscribe to the Federal Court's argument that less restrictive measures would not have achieved a comparable result. The day following the judgment, the Public Prosecutor of the Canton of Geneva suspended the application of the Geneva law on begging.

Laws prohibiting begging often allow different high fines to be imposed on beggars and those who operate a begging network or employ minors in such a network. These kinds of measures are intended to protect persons who are forced to beg by networks. In addition to that, similar measures adopted throughout Europe by cities and regional governments are intended to preserve public order, tranquillity and security. However, Roma and Travellers together with civil society often condemn or challenge this kind of approach. For example, an appeal was lodged concerning such a law and subsequent measures with the Federal Court (Swiss Supreme Court), which rejected it in 2018, considering that the ban on begging was in conformity with the European Convention on Human Rights ECHR. The law therefore entered into force. However, religious groups and some political parties in the [Vaud canton](#) have been challenging the law since and argue that banning begging condemns, stigmatises and excludes the poor. An appeal has been lodged with the European Court of Human Rights, where it is currently pending. As a result of public and political pressure and this kind of visible court cases some regional governments and networks of cities such as the Union of Swiss Cities have also drawn up specific action plans to better protect begging Roma children.

One feature explaining why some Roma parents are forcing their children to beg is that they are indebted to loan sharks exploiting the most vulnerable communities. This phenomenon has been identified both in Bosnia-Herzegovina and Bulgaria. Actions of the most aggressive loan sharks often takes on the form of organised crime. Children in these families may end up being pawned for a debt owed by their parents or forced to bring in a certain amount through communal begging. These children, who are forced to beg, are fined by the cities and state in the same way as their parents and have no means to pay the fines. They are also treated as repeat offenders according to the law, which only worsens their situation. However, the main goal of the state is to protect children and prevent cases of begging and especially the above-mentioned forced begging as a severe form of exploitation of Roma rather than a crime committed by them.

All in all, it can be said that national legislation and procedures regarding child begging still needs to be harmonised all over Europe to correspond with the existing European standards. Roma immigration to other EU countries also plays a part in the issue of begging children in all the participating countries. There are also a lot of children who are left behind by their parents in the country of origin. These children are most often placed in the care of relatives or elderly grandparents or left alone to fend for themselves. These “children left behind” also have a heightened risk of living in poverty, becoming victims of neglect and multiple forms of abuse. For these children, there are often guardianship issues with the authorities and unclear situations regarding their mobility between countries, higher risk of school drop-out, insufficient upkeep, difficulties with their upbringing and unclear division of parental/ foster care responsibilities.

Effective solutions to abolish the phenomena of child begging in Europe rely on a mid and long-term strategy based on a multi-pronged approach: developing suitable living conditions and ensuring access to kindergartens can rapidly decrease rates of child begging, lifting Roma out of extreme poverty by raising the level of Roma adult’s education and employment and their access to social and health services and benefits can eliminate child begging entirely in the long-term.

## 1. INTRODUCTION

### 1.1 Background and context of the thematic report and visit

The [Declaration of the Committee of Ministers on the Rise of Anti-Gypsyism and Racist Violence against Roma in Europe](#)<sup>[7]</sup> states that anti-gypsyism is one of the most powerful mechanisms of Roma exclusion. It recognises the interdependence of inclusion and anti-discrimination and therefore recommends that initiatives to improve the situation and integration of Roma should include measures combating discrimination and addressing anti-gypsyism, in addition to measures promoting the social and economic inclusion of Roma in areas such as education, health, employment and housing. All countries in Europe have been affected by trafficking in people, either as countries of origin, transit or destination, or a combination of them.

This thematic report will focus on vulnerable Roma children who are occasionally or consistently resorting to begging or forced to beg and measures put in place by the local and national authorities to protect and support them to move out of the streets instead of simply moving them on. It will aim to confront the socio-economic context as opposed to the socio-cultural one and endeavour to present and analyse the nexus between begging and trafficking in human beings and the relevant legislation and policies in the host and partner countries to address the issues. It will identify the gaps and make recommendations, highlight the patterns, challenges and possible solutions. The focus is on children, namely children trafficked for the purpose of criminal exploitation such as forced begging and the systems and measures put in place to protect them and the real application and effectiveness of these measures.

Trafficking in human beings violates the rights and affects the lives of countless children in Europe and beyond. In Europe, trafficking of children is usually for sexual exploitation or forced labour, including forced begging. Because trafficked children are made to believe that they have no alternatives, they often lack both motivation and means to escape.

The Council of Europe Convention on Action Against Trafficking in Human Beings<sup>5</sup> (THB) provides for special measures and protective procedures for children in the context of victim identification and requires that assistance provided to child victims should be adapted to their special needs. Early identification of victims of THB is central to ensuring that they receive appropriate protection and assistance. Under Article 4 of the European Convention on Human Rights, States have a positive obligation to identify presumed victims of trafficking. Furthermore, Article 10 of the Council of Europe Anti-trafficking Convention requires that the competent authorities have staff who are trained and qualified in identifying and helping victims, including children, and that the authorities collaborate with one another and with relevant support organisations. The victim identification process is independent of any criminal proceedings against those responsible for the trafficking. Therefore, begging children should be treated as victims and not perpetrators and legislation and policies must aim at protecting and supporting them to get off the streets and into school. The authorities must establish whether they are victims of trafficking and take the necessary measures in the best interest of the child. It is noteworthy that begging often takes place in environments and places which are unhealthy or dangerous as such (streets, traffic lights, commercial space) and spending a lot of time begging will compromise a child’s healthy physical and psychological development

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<sup>5</sup> Council of Europe, 2005, Convention on Action Against Trafficking in Human Beings

and hinder his learning and natural activities such as safe play, healthy nutrition and normal relationships between children and adults.

Evidence suggests that forced begging is an industry into which children are trafficked, as reported by a UNICEF<sup>6</sup> study and that 13% of trafficking victims in South-eastern Europe have been trafficked for the purpose of forced begging. The UN protocol affirms that "the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons'. With this definition the transportation of a child to an urban centre for the purposes of begging constitutes trafficking regardless of whether this process was enforced by a third party or a family member. The European Union's Brussels Declaration on Preventing and Combating Trafficking<sup>7</sup> includes child begging as one form of trafficking, stating "trafficking in human beings is an abhorrent and worrying phenomenon involving coercive sexual exploitation, labour exploitation in conditions akin to slavery, exploitation in begging and juvenile delinquency as well as domestic servitude." This issue is especially difficult to regulate given that forced begging is often imposed by family members including in-laws, with parental power leveraged over a child to ensure that begging is carried out. However, for many impoverished and precarious Roma families, begging may also be a temporary solution to cater for the family's basic needs such as food. In this instance there are normally clear differences regarding how the earnings are used and how organised and binding the activity is.

Studies show that Roma children are particularly vulnerable and are trafficked for various purposes, including sexual exploitation, labour exploitation, domestic servitude, organ trafficking, illegal adoption and **forced begging**<sup>8</sup> outside of their own country. Trafficking in human beings for the purpose of forced criminal exploitation is an increasingly significant phenomenon in Europe. Adults and children are trafficked and forced to commit crimes such as petty theft or forced begging.

The trend shows that instances of child trafficking for the purpose of forced labour have also been identified, but in general there is not sufficient disaggregated data on the forms of exploitation and the gender of the children. In the majority of cases of trafficking for purposes other than sexual exploitation, identified child victims of trafficking were subjected to forced begging or exploitation of criminal activities. For example, in Serbia, out of the 94 identified child victims in the period 2013-2016, there were six girls trafficked for the purpose of labour exploitation, 12 girls and 10 boys trafficked for the purpose of forced begging, and three boys and one girl trafficked for the purpose of exploitation of criminal activities.<sup>9</sup>

The EU Directive (2011/36) includes a wider definition of trafficking to cover trafficking for forced criminal activities and forced begging. This inclusion highlights the need for member States to take action to address this form of trafficking.

It states that:

[...] forced begging should be understood as a form of forced labour or services as defined in the [1930 ILO Convention No. 29 concerning Forced or Compulsory Labour](#). Therefore, the exploitation of begging, including the use of a trafficked dependent person for begging, falls within the scope of the definition of trafficking in human beings only when all the elements of forced labour or services occur. In the light of the relevant case-law, the validity of any possible consent to perform such labour or services should be evaluated on a case-by-case basis. However, **when a child is concerned, no possible consent should be considered valid**. 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 financial gain.<sup>10</sup>

The International Labour Organisation has defined begging as a "range of activities whereby an individual asks a stranger for money on the basis of being poor or needing charitable donations for health or religious reasons. Beggars may also sell small items, such as dusters or flowers, in return for money that may have little to do with the value of the item for sale."

Across the EU one negative consequence of begging related phenomena is that mobile EU citizens who are not engaged in the labour market, may lose their right of residence and become subject to removal from the country. Those who are visible beggars may be 'moved on'. It is a very worrying trend that re-emerging anti-begging, anti-vagrancy and anti-trespass legislation is increasingly being used across Europe to control the mobility of unwanted populations<sup>11</sup>, and it has been exacerbated by economic austerity and the rise in

<sup>6</sup> UNICEF, 2004, Trafficking in Human Beings in South Eastern Europe

<sup>7</sup> EU, 2002, Brussels Declaration on Preventing and Combating Trafficking

<sup>8</sup> Breaking the Silence: A Report by the European Roma Rights Centre and People in Need "Trafficking in Romani communities"

<sup>9</sup> Human trafficking for the purpose of labour exploitation, G R E T A, Group of Experts on Action against Trafficking in Human Beings, Thematic chapter of the 7<sup>th</sup> General Report of GRETA

<sup>10</sup> The EU Anti-trafficking Directive 2011/36/EU

<sup>11</sup> Fekete, 2014; de Coulon et al. 2015

nationalism and populist politics. The growing trend of municipal by-laws (e.g. Sweden, Norway or Switzerland) criminalising begging clearly has a disproportionate impact on Roma and Travellers, and in particular Roma women and children. It shifts the problem but does not address or deter the root causes, negative societal effects nor impact trafficking in human beings.

The report will endeavour to identify the challenges encountered in the detection of potential and confirmed victims of child trafficking for the purpose of forced begging and the effectiveness of protocols and mechanisms established to deal with the issue.

## **1.2 Composition of the thematic group of experts**

The host country was Bosnia and Herzegovina, and the partner countries were Belgium, Finland, France and Greece. The detailed list of the experts figures in Appendix 2.

## **1.3 Questionnaire to the hosting and partner countries**

The hosting and participating countries were sent a general questionnaire before the first online meeting (See Appendix 3). The purpose of this questionnaire was to clarify themes that are of interest to all partner countries and should be discussed further during thematic meetings and reporting.

## **1.4 Agenda of the online thematic sessions**

The agendas of the online thematic session and physical meetings in Sarajevo (see Appendix 1) include meetings and discussions with several relevant ministries and state agencies such as the Ombudsperson's office and other civil society actors.

## **2. NATIONAL LEGISLATION AND POLICIES RELATED TO BEGGING, WITH SPECIAL FOCUS ON CHILDREN**

This comprehensive background information based on desktop research and provided by the host and partner countries figure in Appendix 4.

## **3. CONCLUSIONS, LESSONS LEARNED, GOOD PRACTICES IDENTIFIED AND ENVISAGED FOLLOW-UP**

### **3.1 Conclusions regarding the organisation of the ADI-ROM thematic sessions**

As the thematic visit was organised during the Covid-19 crisis, it was not possible to visit day-care centres and associations working with begging Roma children.

The programme lacked the participation of a representative from the Ministry of Justice but having representatives from the police together with the Ombudsperson office and social services allowed for complementary exchanges regarding the existing legislative framework in Bosnia Herzegovina.

### **3.2 General and country-specific conclusions and lessons learnt**

#### **3.2.1 General conclusions and lessons learnt**

The exchange between the partner countries (Belgium, Finland, France and Greece) and the host country (BiH) highlighted the fact that mechanisms and protocols exist on procedures to set in motion when victims of child trafficking have been identified but that when implementing them the authorities' action often lacks force, coordination and co-operation between relevant stakeholders. Standardisation of protocols is essential across the municipalities, cantons/regions and different governmental entities because its absence is at the root of the lack of coordination and co-operation between stakeholders. It leads to misunderstandings and lack of judgement as the responsibility of each actor is not clear.



State Parties have a legal obligation to provide assistance to victims of trafficking under Article 12 of the Anti-Trafficking Convention on whose territory victims of trafficking are located, regardless of whether this is their country of origin, destination or transit. Most countries evaluated by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) have a statutory basis for the provision of assistance to victims of human trafficking, either in a dedicated anti-trafficking law or in general social assistance legislation.

In countries which are primarily destination countries for mobile Roma citizens, the legal basis for assisting victims of trafficking is provided in aliens or international protection legislation (e.g. France). In some countries, assistance is provided based on interagency co-operation agreements, memoranda or protocols setting up the National Referral Mechanism.

As regards children, national legislation on child protection usually applies to all children, including children at risk of and victims of trafficking. The legislation provides that the authorities must safeguard especially vulnerable groups, such as child victims of trafficking. Further, it regulates the rights of foreign children to education, health care and social services and basic social benefits, under the same conditions as national children.<sup>12</sup>

The identification of children victims of trafficking remains an important challenge and increased training of law enforcement agencies and specialised police officers is crucial to detect vulnerable children and children at risk and identify victims. It is the first step before a comprehensive re-integration plan can be devised and offered. Frontline staff needs coherent, relevant and regular training. Furthermore, they need to be reinforced in terms of capacity, as there is a lack of human resources.

Developing a standardised training module complemented by training platforms such as the Council of Europe HELP online courses which include a course on human trafficking, namely in Bosnia and Herzegovina to be used across all municipalities, cantons and entities will allow for an even level of knowledge on how to deal with cases of human trafficking. Kindergarten and school staff members and teachers are often the first point of contact with the children and can observe shifts in behaviour or regular absences which can indicate potential victims of trafficking in human beings. In this respect, they must have an active role and school personnel must be included in developing standardised protocols to identify victims of child trafficking.

It was mentioned several times by various law enforcement agencies that cases of suspected trafficking in human beings are often declassified by the judiciary to misdemeanours or parental neglect as trafficking charges are difficult to prove. This leniency can have negative consequences both on fighting THB but also on the engagement of the teams working to identify victims.

It was also outlined that cases of forced begging are quite low, in Belgium and France, for example, statistics show that only about 3% of children begging are victims of child trafficking. Greece and Bosnia and Herzegovina have higher numbers of children begging but the difficulty in establishing whether they are victims of trafficking does not allow for reliable data. We can therefore only speculate that trafficking in human beings specifically for the purpose of forced begging remains rather low and that families begging on the street are far more likely doing it as a consequence of their extreme poverty and marginalisation. It is therefore crucial to differentiate children begging because of extreme precarity and poverty of their families as opposed to child victims of forced begging. This is challenging but essential as the judicial procedure applied and the charges should/will differ based on this differentiation.

The absence of specialised shelters for child victims of trafficking and/or homeless families is a common problem and the authorities are urged to provide appropriate accommodation for child victims and their families instead of placing only children under institutional care.

To effectively combat trafficking of Roma children for the purpose of forced labour and more precisely forced begging in a sustainable manner, this priority area needs to be included and budgeted in Roma Inclusion Strategies.

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<sup>12</sup> Assistance to Victims of Human Trafficking, G R E T A Group of Experts on Action against Trafficking in Human Beings, Thematic chapter of the 8<sup>th</sup> general report on GRETA's activities, 2019

### 3.2.2 Conclusions and lessons learned in Bosnia and Herzegovina, hosting country

Bosnia and Herzegovina (BiH) is a country of origin, transit and destination of victims of human trafficking. BiH has a national framework against trafficking in human beings. It also signed the Convention on the Rights of the Child, the Council of Europe Convention on Action against Trafficking, and the European Convention on Human Rights. Trafficking children is a criminal activity and data shows that the majority of victims of trafficking are children. The victims are both nationals or foreign citizens. BiH is legally obliged to protect minors and criminally prosecute the perpetrators. Its [Action Plan for Combating Trafficking in Human Beings \(2020-2023\) of BiH](#) was adopted in 2020.

As the main issues regarding Roma residing in BiH are lack of accommodation and employment for Roma adults, children's rights are often not seen as a priority for decision makers. Visible Roma children's rights issues include neglect of children, lack of necessary protection mechanisms, lack of enrolment in schools and lack of healthcare due to the parents' absence of financial means. Therefore, strengthening the capacities of authorities to combat begging, including the provision of training for police officers, is much needed. The referral mechanisms have been updated to include professional coordination teams (including Roma), however there is also a need for better identification of victims of trafficking and victim support. Legislation needs to be harmonised to correspond with the European standards and a database on trafficking in persons is also needed. Immigration to EU countries (mainly to Germany) is also an issue as many children are left behind to the care of their relatives or to elderly grandparents or alone to fend for themselves which increases their vulnerability even further. These "left behind children" have a heightened risk to living in poverty, becoming victims of neglect and other multiple forms of abuse. These children often face issues of guardianship and unclear situations about parental or foster care responsibilities.

BiH has developed mechanisms such as mobile teams in partnership with NGOs and created six daycare centres across the country. However, they only act in emergency situations and are also lacking a standardised approach. Funding for providing care is also an issue. The daycare centres are part of the social protection system and have been recognised as a good practice by local and international NGOs, who are also running the daycare centres. However, children would also need a place where they could stay at night as the centres only provide for daycare. The mobile teams visit Roma settlements and form part of a preventive mechanism system. They start to intervene when children stop attending school and try to find solutions together with the parents, however funding and fighting prejudices are issues.

Neglected children sometimes engage in begging and 115 children were caught begging in 2021. Children identified in begging are not always the biological children of the people who force them to beg, so "parental status and child deprivation" should be examined in this context. Judges take into account the family situation but not the rights of the child. This has long term consequences as parents force their children to beg, which then takes on the form of organised crime, which may also lead to trafficking. Children end up being pawned for a debt owed by their parents or are forced to bring in a certain amount. Children, who are forced to beg, are fined in the same way as their parents. They are also treated as repeat offenders according to the law; however, the main goal is to protect children and prevent cases of begging as forced begging is a severe form of exploitation rather than a crime. They are mainly Roma minors, who beg out of necessity and have no means to pay the fines. Data suggests that there has been a rise in child begging in 2021 due to the Covid-19 pandemic.

There are also reports of forced marriage. Sexual acts with underage children are considered a crime in BiH. Victims are mostly girls, who are either forced into arranged marriages, begging or trafficked for the purpose of sexual exploitation (including online). However, when it comes to Roma, standards are not applied by the justice system as it is seen as "part of the culture" although legislation provides for prosecution of offenders. This is an issue throughout the Balkans and training for civil servants and frontline staff is needed.

There are different forms of begging: organised, non-organised, trained for begging, concealed begging (such as by religious sects), migrants selling small items or offering services such as car window cleaning. Migrants have taken over the intersections by selling small items or car window cleaning, which is not considered begging. As a result, Roma beggars have been pushed out. Begging is considered a minor offence in BiH, however legislation is being harmonised with EU standards.

The objective of the BiH authorities is to minimise begging, which would also prevent cases of trafficking. Site visits to hot spots are undertaken, issues of begging are recorded for the purpose of victim identification and intervention. There is also a need to raise parents' awareness and provide support to institutions, including health care services. In urgent cases accommodation in a safe house can be provided. There are several safe houses, and three, run by the Ministry of Security of BiH, are used to house child victims of trafficking. These houses are located in Tuzla, Zenica and Banja Luka. Mobile teams are deployed to identify the children but the latter run away when they see the mobile teams, therefore co-operation with the schools is very important as teachers can ring the alarm when children are not attending.

Additional measures such as psychosocial counseling and education are needed. Capacity building measures for authorities were suspended because of the Covid-19 pandemic as training manuals used could not be translated for online training. A standardised approach is needed including the development of guidelines for police, prosecutors and social workers, including a special training module adapted to the needs of BiH relating to actual cases. Research with a special emphasis on children is also needed. Education is key as only 35% of Roma children complete primary school education.

The exposure rate of Roma children below the poverty line is 65 to 70%. 97% of Roma are visible in the system but 70% of children get lost in the system since only 30% are enrolled in primary school.

There is an increased attention to forced begging in the context of trafficking in human beings, especially through the increased number of criminal investigations and prosecutions regarding organised begging, mostly involving Roma children (ex: judgment from the Cantonal Court of Tuzla sentencing two defendants to ten years of imprisonment each for trafficking of children for the purpose of forced begging), more persons involved in forced begging are identified as potential victims of trafficking, training is provided to relevant professionals by NGOs and international organisations specifically on the identification of and assistance to victims of forced begging, protocols on combating child exploitation, including child begging exist in some cantons (e.g. Tuzla), mobile teams for the prevention of begging, child abuse and other forms of child exploitation have been created and cultural mediators in Roma communities are involved in the prevention and identification of certain forms of exploitation such as forced begging.

Poverty increases vulnerability to organised crime and trafficking. To tackle the phenomenon of trafficking in human beings for the purpose of forced labour, it is essential to put in place a strong and effective co-operation and information sharing mechanism between law enforcement and social services. This co-operation also needs to include educational services such as schools and NGOs working on the ground. The combined information gathered by all these actors will help to identify victims of trafficking and children living in extreme poverty and allow for the provision of relevant support to get the children off the street and back into school.

The authorities rely heavily on NGOs and daycare centres and in this framework funding must be sustainable. Indeed, the work of NGOs is crucial in preventing the exploitation of children and supporting the victims. Their direct contact with the victims allows for the collection of disaggregated data to help develop support services which are women and children sensitive.

The Covid-19 pandemic exacerbated poverty as many Roma families no longer had access to their informal work such as collecting scrap metal. As a result, a number of children who had been removed from the streets, were back on the streets to help their families financially.

The interaction with Roma begging has shown that the socio-economic aspect, meaning poverty, prevails over the socio-cultural one. The stigmatisation of Roma begging because of their culture is a false narrative which needs to be countered.

However, despite the increased attention to the issue of forced begging, the lack of accommodation facilities or shelters to meet the needs of emergency protection for children who have been exploited or are at risk of exploitation makes it challenging to relocate children in safe environments.

Overall, training of frontline staff is ongoing and effective but the insufficient institutional capacity to provide assistance to children and develop preventive socio-economic programs for children at risk of exploitation (attendance at school, etc.) is a real obstacle. More staff is needed at all fronts: mediators, associations, day centres, law enforcement and child protection and social services. Moreover, all these actors need to be coordinated to make their work effective and to establish a follow-up of the children.

The presence of prejudice among the general public and certain professionals regarding the Roma community is persistent and sometimes used as an excuse not to properly investigate potential cases of forced begging and forms of exploitation affecting the Roma community.

The status of mediators needs to be clarified as they are many types of mediators such as school, health and community mediators but also Roma mediators. They may be employed by NGOs or by the authorities. A school mediators' job is to facilitate access but not to replace teachers.

### **International organisations, NGO's and civil society**

Roma civil society in BiH is active but is not always united in their discourse. They need to speak with one voice to be heard by the authorities. An unfortunate example of this difference in points of view was a representative of a Roma NGO who had reportedly told the OSCE that begging children were where they had to be, at their workplace.

**UNICEF** focuses on child protection issues and has a system strengthening approach. A child protection system must address all issues, including child begging. As regards the legal aspect, UNICEF focuses on 3 roles: victims, witnesses, and offenders. A comprehensive law must cover all 3 of these roles and includes specialised protection services such as psychosocial services and specialised training for social workers and prosecutors. UNICEF's work is community-based rather than institutionalised with the aim of preventing child begging through school-based supportive care for children at risk. UNICEF also provides training for foster families in licensed foster care.

At policy level, the social welfare system needs to be strengthened through capacity building measures for police, prosecutors and social workers through a certification process. Child friendly rooms need to be established at reception centres and legal guardianship secured for children on the move. Free legal aid should be provided to Roma and migrant children. UNICEF also works on developing standards for legal advisors and on strengthening data collection. It is of course the government which implements the relevant policy measures.

UNICEF also works with NGOs in 5 communities across BiH on implementing Roma mediators, capacity building of Roma representatives and life skills for adolescents on how to access services. Awareness raising on the issues of early marriages and child begging is also provided.

For example, UNICEF has organised training for 9000 child protection professionals who cannot work with children without the certification process. This certification helps to ensure a common protocol in dealing with the children.

UNICEF has carried out various interventions since 2010 including psycho-social support (psychologists and social workers), audio recordings with children witnesses and children at risk and victim support. They can also accompany the children to court hearings.

However, despite these actions, there is no comprehensive overview of what happens to children in their trajectories as they are often on the move. The legal guardianship of children on the move and reception centres with child friendly interview rooms and mothers and baby rooms help in gathering information about the children.

Their recommendations include:

- Revision of social services to offer long-term solutions instead of only cash transfers.
- School-based prevention programme to decrease child begging and community-based support to avoid institutional care.
- Establishing a systematic approach to childcare services.
- Strengthening the social welfare system to increase child protection.
- Creating child friendly rooms in the institutions such as courts and social services.
- Standardising procedures for children services working with judicial services.

**World Vision** works together with Bosnian institutions on child protection and providing life skills. Roma and migrant children constitute the most vulnerable groups in BiH. World vision together with the Government of BiH established an index measurement of child protection services. 10 local level protocols dealing with child begging were developed with 30 communities and 6 protocols were signed by municipalities. They provide a set of guidelines for professionals to support children through the system and are focused on results. World Vision also works on an analysis of the criminal code in BiH and have recommended:

- Harmonisation of the legislation
- Better formulation of neglect and trafficking to avoid lesser sentences
- Raised awareness on child neglect as the root of other child issues.
- Trained mobile teams

There is a close co-operation with the Deutsche Gesellschaft für International Zusammenarbeit (GIZ) and 6 mobile identification teams have been established on the ground to obtain trust on critical support mechanisms within the Roma community. World Vision has also undertaken research together with the Council of Europe on the definition of child begging.

They have been implementing numerous projects with Roma communities across the country including birth registration, housing, health care, job creation and environmental protection and have contributed to the development of the BiH's National Action Plan for Roma covering the fields of employment, housing and health care.

In 2020, the Committee on the Rights of the Child (CRC Committee) and the OHCHR, signed a Framework of Co-operation to promote and protect the rights of children affected by, or at risk of, conflict-related sexual violence.

They are envisaging a platform for child protection actors which provides space for children to join the action and involving Roma children and actors.

The **OSCE** operates 8 field offices throughout BiH and has established a Roma Focal Point. There is an overlap between International Organisations and INGOs in coordination. OSCE has also conducted a survey on obstacles, problems and what can be done to solve these issues. The aim is to prevent child begging by providing support to local authorities. Roma women were provided with access to social services, which already influenced children begging.

There was a first ever court verdict for trafficking in BiH, where parents were arrested, and their children put in a safe house as they had forced their children to beg. In Banja Luka, a judgement is pending in a case of a parents selling their child for early marriage. The court had not considered the early marriage case as a criminal offence as it deemed it a traditional practice in Roma communities. The police have started to take these cases seriously, moving away from the common belief that early marriages are "traditional" for Roma. The OSCE is also focusing on access to housing, Roma youth and on legalizing Roma settlements.

It is working on the legalisation of Roma settlements in BiH as a step to inclusion but the housing measure has opened a Pandora's box and uncovered a multitude of other problems such as the economic exploitation of women and children by some parts of the Roma community.

### **Protocols**

As a result of their work in the field and their direct contact with Roma communities and namely Roma children, police officers identified the important need for harmonised protocols to deal with cases of child neglect, forced labour, trafficking in human beings and other cases and initiated the development of Protocols to assist the Roma community. Support is organised to assist municipalities in developing protocols but it needs to be better coordinated as there is an overlap between the work of international organisations and NGOs developing them.

Although inter-municipal protocols exist, cantonal protocols should also be established as children are transferred from one canton to another and the chain of responsibilities is unclear when children are found on the street.

In 2006 Mostar, Sarajevo, Banja Luka and Tuzla created Protocols to deal with begging but they were stalled due to lack of political will. They were finally implemented in 2011. The protocol for the prevention and treatment in cases of begging in Goražde was signed on November 22, 2021.

The current system does not respond well to the needs of vulnerable people and research has shown that where protocols exist there are less children begging as the authorities have clear procedures to follow with as clear chain of responsibilities.

### **3.2.3 Conclusions and lessons learned in partner countries**

#### **Belgium**

EU mobile Roma must not fall in the gaps and be entitled to basic social rights regardless of whether they have identification documents. This is especially true for Roma children who are even more vulnerable and need child protection. However, people who have not had employment in Belgium cannot qualify for public financial support and repeat applications for financial benefits are monitored in the country of temporary residence. These families can face administrative expulsions and are invited to return voluntarily to their country of origin when they become a burden to society.

In Belgium, begging in public places is a long-standing issue and although the federal government prohibits forced begging, it does not prohibit begging. Municipalities try to bypass federal regulations through local by-laws to restrict begging but the State council retains judicial competency. An interesting by-law is to regulate begging hours by districts or neighbourhoods. This means that begging is only authorised at certain hours and this measure prevents people begging from being static. The efficiency of this measure is to be proven as it seems to simply be moving the problem from one neighbourhood to another and not addressing the core issue of poverty and precarity.

Homeless families who live in illegal squats and can be evicted with no alternative housing solution. Policies on evictions vary on the local and regional level so a protocol with common procedures could be useful. The lack of shelters for families and the absence of shelters for minors further exacerbates the housing issue. Moreover, many homeless Roma families don't want to go to homeless shelters so culturally sensitive solutions are needed.

To prevent trafficking in human beings, mechanisms and measures are needed to seal any vacuums for criminal organisations to get into such as the lack of identification papers.

School is the first administrative link with the family. This administrative status is needed to obtain official papers, gain global protection of rights and access to social rights and support and needs to be explained to raise the awareness of the parents about the practical importance of their children attending school, beyond the obvious objective of giving them an education to break the cycle of poverty in the long-term.

To break the cycle of poverty it is also necessary to give a face to the Roma families begging. It is important to gain citizen's support to integrate and economically empower the Roma and, in this regard, the municipality and associations should invite inhabitants of concerned neighbourhoods to the consultations to engage them in the reflection of what is needed to lift people out of poverty.

### **RECOMMENDATIONS**

- Developing provision of individual support by authorities and field social workers
- Focus on education of children: close co-operation of schools, authorities and NGOs including Roma mediators
- Training mediators about the functioning of the Ministry of Education based on the methods used by the Interministerial delegation to accommodation and access to housing (DIHAL) in France.

#### **Finland**

Finland has a very well-developed Children's Rights strategy which has a major role in the prevention of child poverty and the protection of children from human trafficking.

It also has a National Plan against Human trafficking and active measures have been taken such as allocating more resources on investigating such crimes and investing more on providing support services for victims.

A more coordinated response should be introduced with different countries of origin and the temporary or permanent country of residence. There is a municipal level and NGO level co-operation between Romania and Finland. The Deaconess Foundation, as a provider of services for Roma migrants at risk of trafficking co-operates with Romanian NGOs.

Coordinated efforts are also necessary when children disappear from schools abroad, are forced into arranged marriages with elderly spouses or other minors or are forced to beg back their dowry by their parents-in-law or spouses. Financial abuse of children or handicapped adults or subjecting them to slavery like conditions is considered human trafficking. There were two highly mediated court cases in Finland around 2010.

Municipalities such as Helsinki have outsourced the provision of emergency shelters and low threshold humanitarian, social and health services to the mobile EU- citizens, most of whom are Roma.

The Deaconess Foundation runs a community centre and emergency night shelter funded by the municipality of Helsinki. Families receive support, but undocumented families with children cannot stay overnight at the shelter as it only accommodates adults. The municipal social services work with them and provide temporary support and sometimes repatriation.

Active measures taken to prevent (Roma) child begging have included helping mothers to access pre-natal care, registration of children at birth, information sessions with families, co-operation with the Romanian embassy and authorities in Romania especially as concerns repatriation. Another type of preventive measure against begging is working with adults to help them find short or long- term educational opportunities, employment and housing in Finland, which will enable them to have other sources of income. Furthermore, pregnant women and children benefit from the same rights as Finnish citizens.

There are many mechanisms in place to prevent forced child begging. The key is for adults to access employment and social security to avert begging. However, if non-Finnish citizens continuously resort to emergency social benefits this may become a reason to expatriate them. The reality is that few mobile EU- citizens are aware of the Finnish laws, policies and practices regarding parental neglect, begging or other child security issues. Therefore, it is crucial for them to have access to information concerning the country in which they reside.

Many issues interrelated to temporary begging have been identified in Finland such as lack of documentation or statelessness, homelessness or vagrancy, school dropout, run-away children, petty theft/pickpocketing, malnutrition, health hazards, accidents, substance abuse, prostitution and child marriages. There are a few cases of children begging linked to Romanian Roma residing in Finland as non-residents, they are homeless and do not have access to social security.

In Finland the issue of children begging seems to have been solved through effective co-operation between all stakeholders. Measures and policies such as the right to healthcare for non-resident pregnant women and new-borns and drop-in centres employing Romanian and Bulgarian Roma workers. Furthermore, emergency shelters remained open during the Covid-19 crisis which helped alleviate the plight of the homeless. However, shelters need to be adapted for families.

Many people begging are non-residents and the latter are only entitled to emergency health services. Social and humanitarian support is provided by associations. A draft proposal on the right to healthcare of non-residents is due to be proposed to Parliament.

Interviews with Roma begging highlight the fact that they beg for everyday emergencies and survival as they need to generate income upon their arrival in Finland. It is not an ideological or cultural issue but a coping mechanism. It was also observed that there is no human trafficking for forced begging.

The local people in Helsinki have established a connection with the Roma families and help them to find work through a labour pool. This initiative puts a face to the beggars and humanises them. The residents sometimes act as an informal employment agency which help to move Roma away from begging. The ecological movement is a creator of potential jobs.

Roma begging in the street constitute a diverse group in Finland. There is more begging during summertime including street musicians and collecting bottles for deposit. Roma are also now part of selling magazines, which was previously reserved for Finnish homeless. Begging as such is not prohibited as everybody has the right to earn an income, however "aggressive" begging is forbidden. Roma find it difficult to access the labour market and have no clear understanding of their rights as EU citizens in Finland, which allows them to access minimal social care. The new Roma National Strategy now also includes Roma migrants.

Begging in itself, and children having to beg for and participate in the family's employment, is directly linked, as we know, to a poor quality of life. It is worth remembering that begging does not always involve trafficking in human beings, prostitution or other criminal activity.

It is interesting to note that it is a constitutional right to pick flowers and mushroom and set up a tent but only on a temporary basis.

Poverty, inequality, the weight of history and belonging to a marginalised group are issues, which we can influence together. The United Nations Convention on the Rights of the Child must be upheld by member States. Unfortunately, children's rights are not enforced in many places in Europe. In countries where there are Roma people in extremely vulnerable positions there needs to be a special protection for the children in these communities.

To guarantee healthy growth and favourable development a safe home, good care, healthy nutrition, loving parents or family members, the possibility to play and to go to school regularly, no child should worry about whether he or she will be fed the next day or whether he or she will be able to go to school. Eradicating poverty must be a priority in Europe.

Mediators, both Roma and non-Roma, facilitate the communication with Roma communities and can more easily access where Roma live. They are an integral part in building trust between Roma and the relevant stakeholders. This takes time and successful and useful actions.

It is not always easy to identify structural racism and inequality. Once identification has taken place, making the structures equal must be carried out in co-operation with the community.

## **France**

In France, mixed marauding groups involving the departments and the state go to vulnerable people and families on the streets and in begging situations to offer them help. They are on the frontline in detecting danger, assessing the precariousness of families and identifying situations that violate children's rights. They also meet families living in shanty towns and work in conjunction with school mediators (16 departments), who are responsible for supporting parenthood and accompanying children to and within school. They act in the best interests of the child and mobilise child protection measures adapted to the situation, with placement being used only as a last resort. The focus is on getting the family off the street and building pathways to integration.

One source of information and mapping of the needs of children in situations of begging comes from associations that can provide statistical data, such as mobile intervention teams in the field and frontline staff reaching out to children. However, it is unfortunately still difficult for NGO workers to identify the traffickers who give the orders.

In addition, some children feel the need to contribute to the family finances and see begging as a way to help their family, which is an additional obstacle to accessing school.

As in Belgium, the issue of begging in France is a political issue, with the media giving a negative image of beggars and stigmatising Roma. The issue of child begging is also often politically exploited.



## Greece

The phenomenon of child begging is a multifaceted issue which lies upon different aspects of society. Legal framework, public policies, national strategies as well as the contribution of State and Private Organisations, compose the general spectrum for combating child begging as a form of human trafficking. Greece has progressed in tackling the phenomenon of child begging through the ratification and adoption of international conventions and the reformation of its legal system. However, further actions regarding national strategies are to be implemented and hence increase the prevention and protection of child begging. Raising general awareness to sensitise society and to reduce 'demand' for services or products extracted from trafficking victims is key to the Greek national policy against THB. This concerns primarily synergies with civil society actors and the cultural sector, partnerships with the private sector and local government for THB-free supply chains and zero tolerance consumer ethic, as well as promoting Human Rights Education in schools.

Special focus must be given to Roma communities, and this issue has already been provisioned in the National Roma Integration Strategy which aims to provide measures on key issues, a fact that will contribute to combating social invisibility and overcoming temporal obstacles to the inclusion of Roma into the Greek society.

Roma mediators work for the Roma Branches of the Community Centers in municipalities with high concentration of Roma people are key players and they assist in reaching out to Roma settlements to support their inclusion by addressing their real needs. A strong National Roma Integration Strategy which includes a pillar to fight poverty and a relevant action plan in that regard is key to ensuring the prevention of children begging.

### 3.3 Good practices identified at international and national level

The Council of Europe Convention on Action against Trafficking in Human Beings requires States Parties to adopt measures to assist victims in their physical, psychological and social recovery, taking into account their safety and protection needs. These measures apply to all victims in a non-discriminatory manner - women, men and children, whether subjected to transnational or national trafficking, regardless of the form of exploitation and the country where they were exploited.

#### 3.3.1 Good practices identified in Bosnia and Herzegovina, hosting country

Bosnia and Herzegovina ensures basic support and medical services to people without identification and irregular migrants.

Shelters are available throughout the country. They are open to all homeless people including Roma.

Soup kitchens are organised to help Roma in need and school-aged children receive pedagogical material, school supplies and clothing.

Free legal aid is offered.

The Council of Ministers will be adopting a minimum "Standards of conduct" with the provision of services to all victims, especially children.

Uniform procedures and standards are being developed for Day centres.

Protocols developed by all the institutions coming together signed by mayors. Some protocols focused on child begging.

Sarajevo has a protocol on street children at risk.

Protocols have been developed at all levels.

Community policing creates a higher level of trust with Roma communities as the community police force can establish closer links on a day-to-day basis.

### 3.3.2 Good practices identified in partner countries

#### Belgium

In Belgium school-aged children cannot be seen begging during school hours as schooling is compulsory and the focus of preventing begging is on children and specifically on strengthening children's participation in **education**. Measures and organisms established to reach out to the Roma living on the streets or in precarious situations include street Roma mediators in Wallonia and Flanders, Roma stewards in Flanders, the Roma and Travellers Mediation Center, Diogenes and Caritas in Flanders.

DIOGENES is a street work team for homeless people in the Brussels Capital Region. Since 2016, they have initiated the Housing First programme called STATION LOGEMENT (HFSL). This programme is aimed at homeless people who are present in the public spaces of the Brussels metro or train stations and who find themselves in a long-term precarious situation due to a combination of problems (mental health and addiction, but also physical health, cognitive disabilities such as Korsakoff, mental handicap, etc.). It is mainly the lack of prospects among the traditional aid solutions that defines them as a target group.

The people who integrate STATION LOGEMENT are known to the DIOGENES streetworkers' team. At the time of referral to Housing First, the team has already developed a very important relationship of trust, and accompanies the trajectories of these people on the street, often for many years. After this journey, housing represents a relief, and the street workers and Housing First team see it as a stable base from which to regain well-being in all areas of life.

CHILD FOCUS is a Center for Missing and Sexually Exploited Children. It follows suspicions of child disappearances. They work in partnership with children's social service workers, police services and Roma organisations to determine if there is a criminal organisation behind the disappearance.

To quell resorting to begging there is a need for a strong focus on education and convincing the parents of the long-term and short-term advantages of sending their children to school and obtaining official documents through the link with the school which ensures an administrative presence in the system. Furthermore, as school is obligatory in Belgium, when children are not in school parents can be sentenced to fines and even sent to jail (although this procedure is rarely applied). This legal obligation is an efficient incentive to get parents to enrol their children in school and in order to assist them NGOs provide various kinds of school support to the children.

#### Finland

A bilateral co-operation has been established between the municipal social services, the Deaconess Foundation and the national authorities of Romania and Bulgaria and between social services, the police and embassies in the destination and home country and the Attaché for labour and social affairs in Sweden, Finland, Denmark and Estonia.

Some of the social measures preventing different forms of exploitation and human trafficking against Eastern European Roma residing temporarily or long term in Helsinki have been presented in the following listing:

**Hirundo Drop-in Centre** – a social service established in 2010 in Helsinki. The service is organised by the Helsinki Deaconess Foundation and funded by the City of Helsinki, the Lutheran church and other social partners. Hirundo is a low threshold service that provides social counselling, humanitarian support (access to hygienic services, food, clothing) and day shelter for the non-resident Romanian and Bulgarian Roma in Helsinki. The centre is open seven hours a day every day. The staff also carries out outreach work in the city to inform the new-comer Roma who are yet not aware of it about the service provided by the Hirundo centre. The centre acts as an interlocutor between Roma migrants and various authorities in Helsinki and other parts of Finland. The centre organises for example regular meetings between the Helsinki Police units that focus on prevention of crime and combating marginalisation and the Roma migrants. The aim is to build awareness and understanding between the police officers and the Roma migrants. The latter are also informed about the possibilities to seek help and justice when they are victims of crime. The Hirundo staff is composed of social workers and migrant Roma who have gone through similar experiences as their customers. The workers have diverse language skills: Romanian, Bulgarian, Romani, Finnish, English and Spanish. About 80% of Hirundo's service users are Roma. There are currently 200 places and the centre is open all year since the Covid-19 pandemic. The centre is quite full.

**Skills and work for Roma migrants Skills (2018-2021)** – a three-year project that functions under the framework of the Hirundo centre. The project is managed by Helsinki Deaconess Foundation with funds from the Finnish Funding Centre for Social Welfare and Health Organisations (STEA). The project implements different types of workshops and trainings that are meant to expand the employability and skills of the Roma who earn a living in Helsinki by begging, selling street magazines or collecting bottles. The project hires on an ongoing rotational basis, two Roma from the community as experts by experience. The projects also connect employers and potential Roma employees.

**Emergency night shelter** – the service was started in the autumn 2016 in Helsinki by the Deaconess Foundation with funds from the City of Helsinki and from its own funds. The clients are Roma from Romania and Bulgaria who are not registered as residents in Finland and earn their living through begging, selling street magazines and recycling. Prior to this service, migrant Roma slept outdoors in improvised shelters. Also, in some cases they bought informally the possibility to sleep indoors from people who lived in apartments. The homelessness made the Roma vulnerable to oppressive practices and even violence. However, they do not allow families and they need to leave each day as they are emergency shelters. There is no accompaniment for the children to go to school.

**Keikkapooli- Labour Pool** – this initiative was started in 2018 as a project run by Emmaus Helsinki. The project supported the Roma from Romania and Bulgaria who begged. The project has helped Roma to get a taxation card and work insurance and has facilitated their employment in gardening, cleaning and painting. A social enterprise Work and Hope was established to act as the legal employer for the employees. Emmaus Helsinki and Deaconess Foundation support the enterprise. The social enterprise still exists and hires annually on average 50 Roma for shorter or longer work periods. This has been the most important initiative in what comes to providing direct employment, and through employment also supporting the migrants to apply for a residence permit in Helsinki. The social enterprise generates money which is used to train the employees and for paying the coordinator who organizes the work shifts and looks for new clients to buy the services. The enterprise is not yet self-sufficient, so the Deaconess Foundation and Emmaus Helsinki still support it financially.

## France

In France, measures to combat child begging are part of **the child protection and assistance strategy (ASE)**. Since the 1980s, ASE has been a compulsory competence of the department. All child protection measures start with the collection of a worrying information (IP). The IP is processed by the CRIP (Centre for the collection of information of concern). The CRIP is in contact with the department's own services (maternal and child protection, social action and child welfare), but also with the courts and mainly the public prosecutor's office, for which it is the main contact. It also works with all professionals, particularly those in the national education system, the various social services, hospitals, private doctors and specialists, associations, police and gendarmerie services, local elected representatives, etc.

There is also a **national helpline** for children in danger, which answers the 119 number on a permanent basis, particularly by receiving calls from individuals. This service informs each department of calls received concerning minors in danger or likely to be in danger by transmitting any worrying information to the departmental unit.

Situations of child begging are dealt with, depending on the case, either by social action or by judicial action.

**Social measures** are favoured when parents need help and accept collaboration with the social services. In this case, the aim is to set up mechanisms and services to improve the child's living conditions. These should enable the child to remain with his or her parents, for example through follow-up by social workers in an open environment.

In addition to child welfare measures, actions are implemented by associations, in conjunction with local authorities, to prevent begging. The Centres Solidaires d'Insertion Familiale (ESI), the Centre Protestant d'Action Sociale (CASP) of the City of Paris, and the ESI of the EMMAUS association offer accommodation and assistance to homeless families. Their mission is to protect minors while respecting parental authority and the best interests of the child. These services provide advice to families, which can lead to contractual measures (e.g., home-based educational assistance) and provide spaces for mothers and their young children to rest and talk. One way of achieving this is to offer mothers more accessible childcare options than crèches. For example, the town hall of Maxeville has organised systematic reception of all children at the crèche and this proposal has met with no opposition from families. As a result, child begging has

completely disappeared in the city. The same is true in Toulouse, where childcare is systematic. Another approach would be to send children to school not near the families' place of residence, but near the mothers' place of work (begging or not), which would increase the schooling rate and reduce the number of children in a family begging situation.

For the most precarious households that are struggling to provide for their children, financial aid exists. Indeed, the Departmental Council can grant them a child welfare allowance (ASE). Specific programmes for children in a begging situation are run in the Departments of Nord and Isère, where a monthly child welfare allowance (AMASE) is granted by the General Council to families if they send their children to school or seek help from the Mother and Child Protection (PMI); the allowance can be as much as 400 euros per month for four or more children. This form of incentive not to take children to beg is economically less costly than assigning an educator to each child. However, the measure is only effective if the children and their parents are monitored. It should be noted that the action taken is not part of a special policy for Roma but is financed by general funds for families in difficulty.

**Judicial measures** are necessary when the minor is considered to be in danger within the meaning of the law (health, morality, education, safety) and the parents' co-operation is no longer possible. In these situations, the juvenile judge takes the decisions. It may be necessary to remove the child from the family environment and entrust him or her to another family member or to a specialised institution; the juvenile judge then decides to withdraw custody from the parents. In general, an educational guardianship is established to supervise the placement

In France, the fight against forced begging of children and trafficking in human beings (TEH) has also become a policy in its own right, thanks to the action of many state services, local authorities and associations.

**At the national level**, public policy to combat trafficking is coordinated by the Interministerial Mission for the Protection of Women against Violence and the Fight against Trafficking in Human Beings (MIPROF), created in 2013. The independent national rapporteur on trafficking in human beings is also the National Consultative Commission on Human Rights. A first national action plan against trafficking was drawn up in 2014 to prevent the phenomenon, to end the impunity of criminal networks and to protect victims. A second national action plan, which was presented in 2019, in line with the child protection strategy, is based on an integrated approach taking into account all forms of exploitation and involving all institutional actors. The plan contains 45 measures based on six main areas: informing and improving knowledge for better prevention, better identifying victims, protecting and supporting, strengthening repression, coordinating public action and strengthening European and international co-operation.

- Action No. 8 of the second plan concerns more specifically minors who are victims of trafficking, exploited for the purpose of committing crimes, prostitution and forced begging. Several measures have been implemented. A convention was set up in Paris in 2016 to better identify minor victims and remove them from the influence of networks by offering them personalised support and accommodation geographically distant from their exploiters. This system is based on the creation of a specific circuit for reporting minor victims to the public prosecutor's office, which allows for urgent legal treatment. Due to its positive results, the Ministry of Justice (Directorate of Judicial Protection of Youth and Directorate of Criminal Affairs and Pardons) published a dispatch on 8 February 2021 inviting public prosecutors' offices throughout the country to develop similar agreements adapted to local situations and, in so doing, to extend this system of protection for minors who are victims of trafficking. (measure 25 of the 2nd national action plan). Victims under the influence of violent networks must be able to be removed geographically and urgently from their exploiter and accompanied in child protection centres. Measure 26 of the 2nd Action Plan provides for the creation of secure centres for minors at risk. A first secure accommodation centre with 12 places has been created on an experimental basis in an undisclosed location, to receive, secure and stabilise minors with reinforced monitoring in terms of education, psychological, legal and health support. Managed by the Koutcha association and piloted by the Ministry of Justice and the Ministry of Solidarity and Health, this centre will open its doors in October 2021 and will help minor victims with their social, educational and professional integration. Victims will be accommodated for a renewable period of six months, before being directed to other reception structures.

**At national level**, another measure is carried out by the delegation for the prevention and fight against poverty (DIPLP). This measure called « maraude mixte » designed by representatives of various ministries and associations, is intended to respond to this priority by putting together social action and child protection competencies of the departments. It targets all families living in the streets, in squats or slums, in undignified situations and without accommodation. Mixed marauding aims at preventing, detecting and putting an end to situations that violate children's rights, through the construction of a real project to get the whole family off the streets. The challenge is to cover the whole public space (metro, street, slum stations, squats) to identify and assess children in situations of danger or risk of danger. The measure provides for

the elaboration of a territorial diagnosis, the appointment of a "child protection" referent working with the marauding and children's social service referent on the issues of "street families", with the aim of building support pathways to integration (health, schooling, etc.) and a sustainable exit from the street. In the event of danger or a proven risk of danger, the ASE referent takes into account the best interests of the child and can resort to all the child welfare systems (prevention actions, financial aid, schooling assistance, educational assistance and even, as a last resort, placement).

Most of the mixed marauds have been operational in the territories since March 2020, in 16 departments; the impact of the system will be evaluated during the last quarter of 2021.

As of July 31, 2021, the measure has enabled "child protection" referees to meet with 12 212 people, implement 351 shelters, initiate 1,547 follow-ups, open rights for 1,224 children and families, and implement 193 child protection measures.

Another national measure is carried out by the delegation for housing and access to housing (DIHAL). Established by the Government instruction of 25 January 2018, the inter-ministerial action to reduce slums also considers "**education and access to children's rights**" as one of the priorities of its action. One of the priorities for the period 2020-2022 is the schooling of children and support for parents; since September 2020, the action focuses on reinforcing support to and in schools, thanks to the recruitment of more than 40 school mediators, who, in conjunction with the "child protection" focal points and national education staff, provide support to nearly 2,000 children in great difficulty, some of whom are beggars. This ambitious measure should make it possible to schooling for all children in the slums and to support the wide majority, if not all, of children. Complementary to the "mixed marauding" measure, this measure reduces considerably the number of children begging. Thanks to this program, the number of children enrolled in school has doubled in less than a year (3125 children in 2020-21 compared to 1430 in 2019) and 1900 children benefit from individual school support. In addition to the leverage effect on families' adherence to an integration project, the action plays a structuring role in resolving all the difficulties encountered by the children (access to rights, healthcare, child protection etc.) as well as in the prevention and fight against trafficking.

As part of the support that the DIHAL provides to field actors involved in slum clearance, it has entered into a partnership with the Trajectoires association, which is made up of experts of fight against trafficking in human beings. They are called upon to support and train field workers and help them to spot, identify and deal with situations of trafficking. They have intervened and continue to intervene in Loire-Atlantique, Indre-et-Loire, Haute-Savoie, Val-de-Marne, Gironde, Alpes-Maritimes and Yvelines.

At last, an experimental protocol has been agreed between France and Romania where direct contact is possible between the French judge and the Romanian counterpart.

Successful strategies include the UASA (Unité d'Assistance aux Sans-Abri) which has been carrying out an experiment since 2004 that has proved its worth. This system, financed by the Paris City Hall, intervenes throughout the Paris municipal territory (notably the Bois de Vincennes and the Bois de Boulogne, parks and gardens) or in places where marauding teams cannot access (particularly sensitive sites, ring road embankments, canals, etc.). This municipal unit, the only one of its kind in France, is made up of 27 safety inspectors, 2 social workers and 2 interpreters who maraud to maintain a link with the homeless (14,000 contacts in 2014), direct them to reception structures and help them "get off the street" (150 "get off the street" cases in 2014). In the context of the Paris Pact to Combat Extreme Exclusion, in connection with the "great Parisian cause", this unit also plays a fundamental role in sheltering families living on the streets, if necessary by making reports and assisting the social services in implementing child protection measures taken by the justice system.

## Greece

Following the EU Directive, the Ministry of Foreign Affairs established The Office of the National Rapporteur on Trafficking in Human Beings in 2013. The tasks of such mechanism shall include:

- carrying out of assessments of trends in trafficking in human beings,
- measuring results of anti-trafficking actions, including collecting statistics in close co-operation with relevant civil society organisations active in this field,
- Reporting.

One of the initiatives that has been supervised by that Office but managed by the National Centre for Social Solidarity of the Ministry of Labour and Social Affairs/ (EKKA) is the Formal Establishment of the National Referral Mechanism (NRM). The NRM is the coordinating mechanism of monitoring the protection provided to human trafficking victims by state actors and Civil Society Organisations, focusing on the victims and their rights. At the same time, a data collection system is maintained to form an up-to-date and accurate portrayal of the dimensions and forms of the phenomenon in the country.

In Greece, the NRM was established pursuant to Law 4198/2013 "Prevention and combating human trafficking and protection of such victims and other provisions" (transposition of Directive 2011/36 / EU) and according to the Joint Ministerial Decision No. 30840 (Government Gazette 3003/20-9-2016), its supervision and coordination were assigned to the Office of the National Rapporteur for Combating Trafficking in Human beings of Ministry of Foreign Affairs, and its management to the National Centre for Social Solidarity (Greek abbr. "EKKA") - a public entity supervised by the Ministry of Labour and Social Affairs.

The NRM was officially launched on 1<sup>st</sup> January 2019 and many competent state agencies and over 50 non-governmental protection actors have participated up to now.

The Plan includes the following packages of individual actions:

- recruitment of staff that will contribute to its full development the EMA at the national level with the co-operation of all Co-competent bodies involved
- governmental and non-governmental agencies such as the Police, the Asylum Service, the House Labor Inspectors, Hospitals, Psychosocial Services support of non-governmental organisations and others.
- training / information meetings throughout Greece from the executives of EKKA that takes over the management of Coreper and will addressed to the professionals of the above bodies.
- creating an online platform through which it is possible to start the immediate recording of data aiming at victim identification and the services provided to their protection by the Bodies involved.
- publication of a manual in Greek and English, which will present in detail the operation of EMA with parallel description of the institutional framework and the mapping of its Institutions.
- information leaflet, which will present in a most comprehensible way a brief explanation of the phenomenon as well as rights arising from the recognition of an individual as victim of trafficking and also the operation of EMA. The current duration of the Plan implementation is 01/12/2017 - 15/10/2022.

The National Centre of Social Solidarity (EKKA) operates the Child Protection Line 1107. It is staffed with specialised social workers and psychologists and is aimed at children and adolescents and those who must report and wish to work out problems or questions concerning minors. It:

- provides counseling, psychological and social support to minors and parents.
- informs minors about issues that concern them and their parents about issues of upbringing and child protection and will liaise or refer them to the competent Social Protection Services for their further service
- receives requests and reports for at-risk minors (due to abuse, neglect, trafficking, exploitation or victimisation of children who are unaccompanied or asylum seekers in the country) facing crisis situations or engaging in illegal activities
- co-operates with the competent prosecutor's office and other services for the immediate social protection of minors at risk and juvenile offenders
- mobilises the mechanisms of on-site emergency social intervention of E.K.K.A. and other Services for the provision of social assistance to minors
- collaborates with public and private child protection bodies for the immediate service of urgent requests for social care and protection of minors and support of their families
- collaborates with public bodies at regional and local level (e.g., Juvenile Protection Groups) to conduct social research to investigate living conditions and identify the risks that threaten the minors for whom there have been requests, reports and corresponding prosecutorial orders.
- provides information and support to professionals dealing with children and adolescents.

The services are provided free of charge.

In addition, the service network of EKKA includes:

- Social Support Centres, which are located in the Regions of Attica and Thessaloniki. These Centres are staffed with psychologists, social workers and sociologists and provide psycho-social support and immediate social care to individuals and families.
- The Immediate Social Intervention Service, which offers hospitality and immediate relief in cases of intense psycho-social crisis, especially during the first 24 hours after the occurrence of some psycho-socially stressful event.
- Short-stay hostels providing accommodation and care to vulnerable groups, such as adolescents who are been neglected or abused, female victims of domestic violence, victims of trafficking and trafficking for sexual exploitation and, in general, persons in emergency.

The second national instrument is the National Committee of Human Rights. The main role of this Committee is the human rights protection on the domestic and international system, but it focuses especially on the proper information of the Greek public opinion about human rights-related issues and on providing guidelines to the Greek Parliament so that developments regarding human rights protection can be achieved. Moreover, the Committee co-operates and maintains contacts with a network of international organisations, such as the United Nations Organisation, the Council of Europe, the OSCE, with National Human Rights Institutions of other States and most importantly with national or international non-governmental organisations that are devoted to specific purposes like the protection of children or sexually abused women.

#### Social Assistance Service provided by Governmental Institutions & NGOs

Victims of trafficking have access to all medical and psychosocial services available to every citizen, in addition to specialised services provided to victims of violence (e.g., secure shelters, specialised psychosocial support, compensation, free legal aid, etc.)

Legislation against human trafficking recognises the right of victims in life, physical integrity and personal and sexual freedom. Victims of trafficking crimes, as defined in the Penal Code get assistance, food, accommodation, medical care, psychological support, legal advice and interpretation services. Victims of child trafficking, in particular, are entitled to access public education and intercultural educational programmes, while children and young people aged 15 to 23 can have access to vocational training programmes.

Pursuant to the Article 9 of the Law 4109/2013, the establishment of twelve (12) Regional Centres for Social Services including Centres the scope of which is the hospitality, care and provision of social services to children that were mistreated or left abandoned, has contributed severely to the support and safety of these minors.

Specifically, a series of “Units and Protection and Assistance Services” (hereinafter referred to as the Units) provide support and care, i.e. public child welfare institutions, counseling centres and shelters for children, as defined by applicable legislation. All these units must also ensure, in co-operation with the police, security and protection of victims from potential threats from their traffickers during their stay. In addition to these units, there are several NGOs working for the assistance and care of trafficking victims, with whom the state has co-signed Memorandum of Co-operation to this end. The National Centre of Social Solidarity and Fight against Poverty acts as a coordinator between government agencies and NGOs to protect victims of trafficking, (see also above).

The NGO “**The Smile of the Child**” in the context of collaboration has signed a Co-operation Agreement with the Hellenic Police/ Ministry of Citizen’s Protection, which lists the procedures provided for. At the “National Telephone Line SOS-1056”, they receive daily calls for/from children begging either alone or with an adult. When they receive the calls, it is essential to quickly identify the exact point of begging and the description of minors and/or adults. The Police is then contacted and the urgency of the case is reported so that the Juvenile Prosecutor or Service Prosecutor working with minors be informed to decide on the procedure.

For cases where the Prosecutor orders the transfer of the minor, accompanied by a Social Worker or Psychologist, to On-duty Children's Hospital to undergo medical examinations and child psychiatric assessment. Greece provides also access to all medical and psychological support to migrants and refugees.

The above-mentioned State Institutions or NGOs such as "The Smile of the Child", "A21", "ARSIS", are in charge of mediating and providing their services in accordance with the Juvenile Prosecutor's mandate. The network of mediators is important and there are stewards who support begging families. A follow-up is ensured for child beneficiaries.

### **3.3.3 Good practices identified at international level**

On 19 January 2021, the European Court of Human Rights condemned Switzerland in the case of [Lăcătuș v. Switzerland](#) (application no. 14065/15) when it held, unanimously, that there had been a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights. This case concerned an order for the applicant to pay a fine of 500 Swiss francs (CHF) (approximately 464 euros) for begging in public in Geneva, and her detention in a remand prison for five days for failure to pay the fine. The Court observed that the applicant, who was illiterate and came from an extremely poor family, had no work and was not in receipt of social benefits. Begging constituted a means of survival for her. Being in a clearly vulnerable situation, the applicant had had the right, inherent in human dignity, to be able to convey her plight and attempt to meet her basic needs by begging. The Court considered that the penalty imposed on the applicant had not been proportionate either to the aim of combating organised crime or to the aim of protecting the rights of passers-by, residents and shopkeepers. The Court did not subscribe to the Federal Court's argument that less restrictive measures would not have achieved a comparable result. In the Court's view, the penalty imposed had infringed the applicant's human dignity and impaired the very essence of the rights protected by Article 8 of the Convention, and the State had thus overstepped its margin of appreciation in the present case<sup>13</sup>.

The Council of Europe has developed the European Programme for Human Rights Education for Legal Professionals (HELP) which offers free online courses for legal professionals and law enforcement officials. The module on [Trafficking in Human Beings](#) will help professionals to apply the standards developed under the Council of Europe Convention on Action against Trafficking in Human Beings in their daily work. A HELP course for legal professionals on Trafficking in Human Beings was launched in Bosnia and Herzegovina.

## **3.4 Envisaged short-term and mid-term follow-up**

### **3.4.1 Bosnia and Herzegovina, hosting country**

Developing further the establishment of Day Care Centres with secured sustainable financial support from the local, regional and/or national level and ensuring that they are sufficiently staffed, equipped and effective in reaching out to the target populations.

There are three different authorities working on the issue of Roma children's begging in BiH. The department for Human Rights, which also produces reports for the human rights bodies. The department for National Minorities, which oversees the Conventions and the Gender Agency. All departments are working on projects against anti-discrimination, the prevention of hate speech and freedom of information but it is sometimes difficult to create synergies between the departments.

The census carried out in 2013 did not require a declaration of ethnicity, and as a result it is difficult to tell the exact number of the Roma population in the country. Data has only been segregated by gender, households and its family members (sex & age disaggregated). Communities in BiH with a large Roma population have provided data and the EC has undertaken a mapping of the specific needs of Roma, which encouraged Roma to provide data. As regards Roma children, there are no specific data for national ministries to work with as schools are not segregated.

To obtain data, the objective is that every sector identifies their own baseline indicators, such as the ones regarding housing and main infrastructure needs. As regards employment, the number of people registered with an employment agency serves as an indicator. However, more than 50% of Roma do not wish to register with an agency as they prefer to remain "self-employed". There are also key indicators for health such as reproductive health, nutrition, birth rate and child deaths. The aim is to provide universal health care for those without insurance. For instance, children in school are insured and have a right to social benefits

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<sup>13</sup> Press release issued by the Registrar of the Court. 10.02.2021



in case of disability or free school lunches, which provide an incentive for parents to send their children to school. As regards education the number of children enrolled in school versus school dropouts serves as an indicator.

Roma mediators have been working with the parents to send their children to school. This mediation system has been built on the Council of Europe ROMED programmes, which encouraged municipalities to develop mechanisms for support, however their capacities are limited. Some additional training for under 18-year-olds to finish primary education has been created in direct co-operation with adult learning centres. Secondary education is not mandatory in BiH. New modules for employment have been generated together with the municipalities. There has also been co-operation with the Roma Women's Network, which provides support to Roma women in the fight against poverty and helps them to improve their social inclusion.

By now 12 local action plans have been developed to improve local capacity and the situation of Roma families. These plans need to be operational and realistic. There is also a need to obtain additional funding and establish a mode of co-operation with Roma families. So far, the approach has been fragmented as currently there are 13 different associations which are working with Roma. Thus, there is a need to create a platform for co-operation among these associations.

A national action plan for BiH has been developed based on the concept of empowerment of Roma activists and small organisations. 90% of its activities are implemented at local level. However, both monitoring and reporting currently take place at government level, which is the essential approach. Measures include giving land free of charge to Roma for agriculture, supporting adequate town planning for provision of affordable accommodation and provision of education grants. However, many challenges exist, one of them being that there are also municipalities who do not have any interest in participating in the implementation of these measures. Monitoring and reporting of all activities is also an issue. Furthermore, every canton has to develop its own model.

### **3.4.2 Partner countries**

#### **Belgium**

Raise the issue of children begging at the political level as there is no judicial answer. The answer is political.

Create a strong commitment from Roma communities: Roma participation in cultural and social projects at local level.

Usually begging is not a criminal activity but rather a means of survival for families. As such it needs to be distinguished from organised crime. Children are also at risk of other forms of exploitation. A solution for inclusion of the Roma population needs to be found and a multi-sectoral approach is needed. There is also a need to strengthen mobile teams to complement Roma mediators and raise the awareness of social workers to the issue of begging.

#### **Finland**

Public services for Roma communities need to be established.

Inclusion of minorities in communities but also in societies as such.

#### **France**

Progress and recommendations can be envisaged along **five lines**:

##### **1. Identification and assessment of situations**

- Identify children who beg, children who are forced to beg and if they are forced, try to find out by whom they are forced (parents, relatives, networks). The precise assessment of the situations determines the solutions and levers to be considered (social, legal, police).
- The issue of begging appears to be a gender issue, with girls generally being found begging more often than boys. In this respect, the support offered must be gender sensitive.
- Develop collaboration with the countries of origin of the families (Romania, Bulgaria, etc.) to better analyse the situations and profiles of the people.
- Existing projects aimed at preventing child trafficking and more specifically child beggars, victims of trafficking, should be monitored and evaluated to obtain a reliable assessment of their relevance and

effectiveness. There is a need to work on elements/standards for effective child trafficking prevention activities.

## 2. Coordination of actors

The implementation of a coordination of the many actors involved is a necessity (Child welfare (ASE), Integrated reception and orientation service (SIAO) / Departmental Directorate of Employment, (SIAO) / Departmental Directorate of Employment, Labour and Solidarity (DDETS) / Departmental Directorate of National Education Services (DSDEN) / Shantytown operators / "Housing First" referents / Judicial Youth Protection (PJJ) / Primary Health Insurance Fund (CPAM) / Mother and Child Protection (PMI) / Unit for the Collection of Information of Concern (CRIP) / Departmental Houses for the Disabled (MDPH), municipal services, mobile teams and outreach workers, associations. Essential organisation of steering committees, technical committees, commissions for complex cases, etc.

## 3. Support

Police controls and threats of systematic placement of children may be necessary but are not appropriate for all situations. Outreach, support and contractualisation with families are more effective. This support includes:

- The development of "outreach" to families and children. Deployment of outreach and mobile teams to provide initial care to those who are on the street and begging.
- Establishment of special units (child protection referents, social workers, interpreters) to intervene in means of transport, in shanty towns, on the roadside, etc. and to refer to shelters, social services, etc.
- Providing resting places for families and children to take a break and make initial contact with social workers.
- Systematically offering nursery places to children from families in a begging situation.
- Schooling of children not near their place of living, but near their family's place of work or begging.
- Contractualisation with the families: schooling and request for assistance from the maternal child protection service in exchange for a monthly allowance (distribution to be planned each month with regular support for parenthood and effective monitoring of the children).
- Development of families' capacity for action; deployment of peer mediators.
- Provision of suitable accommodation for families to remain in the home (kitchen, rooms for children, etc.).
- Implementing mediation and schooling support programmes for children to improve their school attendance, educational success and vocational training. (See the mediation programme set up by the DIHAL in France).
- Set up schooling arrangements adapted to allophone children based on the model of UEP2A and UPE2A NSA classes (educational units for allophone and newcomer pupils; previously unschooled) to enable them to catch up (writing, reading) and learn the language of the host country.
- Proposing and financing comprehensive support programmes for families (access to rights, employment, housing, health, school, etc.): comprehensive support is a prerequisite for a sustainable exit from precariousness.

## 4. Implementation of judicial responses: for proven cases of forced begging that put the minor in danger, it is necessary to provide for:

- Creation of secure centres to receive, stabilise and accompany minors.
- Systematic recourse to child protection measures, including open educational assistance programmes and, if necessary, placements.
- The establishment of specific long-term support for child victims of trafficking. Action should be coordinated between relevant actors: national and local authorities, relevant ministries, NGOs, child protection agencies, schools through a designated contact person and long-term follow-up established to monitor the child's progress.
- Standardising the treatment of Roma children in begging situations (discrimination of children is based on the fact that laws often do not apply to them in the same way as to other children). Establishment of non-differentiated treatment for school absences and reporting of information of concern.
- Establishment of 'trafficking in human beings' desks in the prosecutors' offices. Designation of "trafficking in human beings" referents within public prosecutors' offices (action underway in France with 40 referents already designated).

## 5. Training on the issue of discrimination and antigypsyism.

- Develop training programmes for educational staff, municipal councillors and elected representatives to deconstruct the representations and antigypsyism that prevent progress from being made in understanding the problems of extreme precariousness.
- Develop interventions in schools to help young people deconstruct their prejudices and misperceptions about Roma and Traveller communities.

### Greece

- Establishment of adequate social protection mechanisms and legislation
- Importance of creating synergies and co-operation at all levels with the participation of Roma representatives
- Best practice examples from Greece as a transit country for migrants

### 3.4.3 ADI-ROM and the Council of Europe in general

[ROMACTED II](#) Council of Europe and EU's joint programme to build further synergies with national authorities through the Horizontal Facility II, which covers 6 Balkan countries and Turkey, on the project "Preventing and Combating Trafficking in Human Beings" where members of the Community Action Groups from 15 partner municipalities took part in the training on "Detection, early identification of, and assistance to victims of human trafficking". Develop co-operation through another Horizontal Facility II project on "Promoting anti-discrimination and protection of the rights of vulnerable groups".

## 4. RECOMMENDATIONS

- Establish a clear legal definition of child trafficking and review the practice of requalifying a possible trafficking offence as a lesser offence.
- Train prosecutors and judges on human trafficking and the rights of children participating in the criminal justice system.
- Train specialist investigators familiar with the characteristics of child trafficking in collecting evidence, including forensic evidence to carry out preventive actions.
- Develop a standardised training module.
- Build the capacity and human resources of law enforcement agencies and social services with staff who are trained to work in Roma communities and include Roma mediators in multi-disciplinary mobile teams with access to accredited interpreters to overcome language barriers if needed.
- Establish standardised protocols involving law enforcement agencies, social services, child protection services, schools and teachers, judiciary, civil society, associations, including Roma civil society and associations and mediators to prevent begging, identify potential victims of child trafficking, process and assist children victims of trafficking.
- Reliable data collection to monitor anti-trafficking responses through its inclusion in the protocols and mechanisms to identify children victims of trafficking.
- Monitor and evaluate existing projects aimed at preventing child trafficking and more precisely children victim of forced begging, to obtain a reliable assessment of their relevance and effectiveness and identify elements/standards for effective activities to prevent child trafficking.
- Develop a well-functioning model for the re-integration of children into their country of origin via a thorough assessment by both the countries of origin and destination to determine the best course of action for the child, keeping in mind his best interest. E.g. Family situation and danger of being re-trafficked.
- Provide specific long-term support to children victims of trafficking in human beings. The action should be coordinated among the relevant actors: national and local authorities, relevant ministries, NGOs, child protection agencies, schools, an appointed contact person and a long-term follow-up established to keep track of the evolution of the child.
- Address misconceptions of Roma "traditional cultural practices" and cases of child trafficking for forced begging, forced marriage and other purposes among all stakeholders.
- Create employment opportunities through social enterprises, micro-credits and traineeships to reduce poverty and consequently reduce the number of people begging. The potential for effectiveness is high as begging is not lucrative and is evidently not a cultural issue.

- Break the cycle of homelessness and poverty through the provision of accommodation and assistance, financial aid, child welfare allowance, systematic childcare and access to school near to where the mother is working.
- Offer gender-sensitive support as the issue of begging emerges as a gendered-issue with girls generally found begging more often than boys.
- Standardise at the national level regulated protocols signed by most municipalities and ensure cross-entity and cross-canton coordination, co-operation and information sharing for day centres, mostly run by NGOs with funding from the municipality and legislated by the canton, and which offer services of physical care (bathing, food, clothing), psychosocial treatment, family counseling, educational work, development of creative abilities and talents, exercise of rights, free legal aid.
- Include operating budget of daycare centres in the next Strategy for the Inclusion of Roma and related action plans.
- Create a task force involving all relevant stakeholders to allow for more effective and coordinated actions to support victims of THB and their follow-up.
- Prefer institution-based as opposed to project-based initiatives which are less effective because limited in time.
- Use the experience of the JP ROMACTED network in BiH to reach out to families and develop sound protocols for the running of daycare centres.
- Develop measures and policies to deal with children left behind in the country of origin when parents leave to work in other countries.
- Consider the fine line between migration and Roma migrants in policies.
- Ensuring a baseline and synergy on how to work on the issue of begging of Roma children using relevant statistics. Indicators by age, unorderly conduct, people found begging and performing other activities.
- Include measures and instruments in future Strategy for Roma inclusion.
- Find alternative sources to map Roma communities such as analysis of national census, registrations in municipalities, schools, hospitals, healthcare facilities, social services, employment services, housing services. Statistics do not reflect actual numbers. Identify minimum baseline and regionally sensitive monitoring mechanisms.
- Employment indicators: number of people registered, length of registration, how many people want to upskill. Employment model to be developed
- Health indicators: UNICEF survey, reproductive health, births, deaths
- Registry of discrimination cases
- Support strategy for Roma women and prevention of domestic violence. Build empowerment programmes as action plans to help implement the gender equality strategy. New models for employment in co-operation with local communities and employment bureau. Mechanisms to support Roma start their own businesses. Adult education centres will provide additional training and reskilling of people above 18.
- Ensure Roma children are attending school which is compulsory under the law.
- Reinforce local action plans and funding project proposals from municipalities for action plans for Roma. Municipalities implement 90% of projects funded and coordinated by the Ministry for Human Rights and Refugees.
- A platform to facilitate co-operation with and between all Roma organisations to empower Roma activists.

### **Recommendations by the ADI-ROM Rapporteur on children**

- Multi-disciplinary and multi-agency approach is needed to develop projects to fight discrimination, with the Balkan horizontal facilities.
- Solutions to fight voluntary begging can be different from forced begging. The victim's story has to be kept in mind.
- Determine if the child is victim of economic exploitation or Trafficking in human beings (THB).
- Removing the child from its parents should be used as a last resort.
- Establishing the cross sectional link between THB and economic poverty
- Having a holistic approach to the begging phenomena as criminal activities are covered by other ministries.

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