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**AD HOC COMMITTEE OF EXPERTS ON ROMA AND TRAVELLER<sup>1</sup> ISSUES  
(CAHROM)**

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**FINAL REPORT of the CAHROM thematic group of experts on  
addressing and combating human trafficking within Roma communities  
(with a focus on prostitution and street children)**

**(Tirana, Albania, 4-6 March 2015)**

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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.

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## I. INTRODUCTION TO THE THEMATIC REPORT

### 1. Composition of the thematic group of experts

Experts from Albania, requesting country:

**Mme Blerina Zoto TEPELENA**, Technical Secretariat of Roma, Ministry of Labour, Social Affairs and Equal Opportunity

Experts from GREECE, ITALY, NETHERLANDS, and ROMANIA partner countries:

Greece:

**Ms Maria VERVERIDOU**, Expert-Counsellor, Office of the National Rapporteur on Trafficking of Human Beings, Ministry of Foreign Affairs of the Hellenic Republic

**Mr Spyros BRATSIKAS**, Police Captain, Hellenic Police Headquarters, Security Branch, Security Division, Analysis & Encountering Crime Section, Anti-Trafficking Office

Italy:

**Mr Stefano PASTA**, sub-group on Roma education, Centre for Research on Intercultural Relations, Sacred Heart Catholic University in Milan

Netherlands:

**Mr Walter HILHORST**, Operational Specialist, Inspector of the National Police, Expert in human trafficking in relation to Roma

Romania<sup>2</sup>:

**Mr. Ionut LUPASCU**, Expert, National Agency Against Trafficking in Persons, Romanian Ministry of Interior

The thematic group included experts from Albania (host country), Greece, Italy, Netherlands and Romania<sup>3</sup>. The hosting country, Albania, was represented by the CAHROM member, Ms Blerina Zoto TEPELENA, working in the Technical Secretariat of Roma within the Ministry of Labour Social Affairs and Equal Opportunity. Greece nominated Ms Maria VERVERIDOU, Expert-Counsellor within the Office of the National Rapporteur on Trafficking of Human Beings under the Ministry of Foreign Affairs of the Hellenic Republic and Mr Spyros BRATSIKAS, Police Captain, Hellenic Police Headquarters, Security Branch, Security Division, Analysis & Encountering Crime Section, Anti-Trafficking Office. Italy was represented by Mr Stefano PASTA, involved in the sub-group on Roma education within the Centre for Research on Intercultural Relations, Sacred Heart Catholic University in Milan. Mr Walter HILHORST, Operational Specialist, Inspector of the National Police and expert in human trafficking in relation to Roma in Netherlands, represented the Netherlands. Romania appointed Mr Ionut LUPASCU, Expert in the National Agency against Trafficking in Persons within Ministry of Interior, who unfortunately could not be present in the visit.

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<sup>2</sup> The Romanian Expert was not able to attend but submitted a contribution for the thematic visit report

<sup>3</sup> The Romanian Expert was not able to attend but submitted a contribution for the thematic visit report

## 2. Background

At the 4<sup>th</sup> CAHRM meeting, in November 2012, the Secretariat of the Group of Experts on Action against Trafficking in Human Beings (GRETA) presented the results from the first country evaluation of the implementation of the Convention on Action against Trafficking in Human Beings based on 13 country evaluation reports regarding prevention, identification of and assistance to victims, non-punishment, compensation and prosecution. As a result, the CAHRM Members, the Committee highlighted a number of issues, among which the importance of raising awareness and understanding of Roma communities about trafficking in human beings and involving Roma themselves when tackling trafficking issues within Roma communities. The Committee emphasised also the need to raise awareness among Roma of their rights so they are better placed to protect themselves from exploitation. In addition, a human rights based approach should be used, focusing on prevention and building cooperation between member States. The Committee cautioned against using generalisations and stereotyping the Roma community and reminded that this phenomenon is not particular to any group, but that vulnerable groups to poverty and marginalisation, such as Roma, may be at higher risk of trafficking. The Committee concluded that there is a need to collect further data in order to assess the extent of the phenomenon among vulnerable groups, including Roma.

The Secretariat asked the Committee Members to provide more information on the topic, in order to better understand the magnitude of the trafficking in human beings within the Roma communities. As a result, the Secretariat was able to extract a number of general observations, as follows:

- There is a *lack of data* to assess the extent of the phenomenon among Roma groups;
- There is a need to strengthen *the identification of trafficking victims*;
- There is a need to *involve Roma themselves in tackling trafficking issues* within their communities and to associate Roma representatives in any discussion about this topic;
- **Poverty:** There is a need to strengthen measures combating poverty, both in countries of origin and host countries and to link anti-poverty policies with national Roma inclusion strategies.
- **Debts:** Countries of origin should take measures to control and, if needed stop, the practice of usury. This also requires in parallel to lift any obstacles for Roma families in need to access the banking system and credits.
- **Lack of education and employment:** Spain indicated that the decision to postpone [early] marriage is clearly linked to families that have experienced improvement in the process of social inclusion, particularly in education, as well as in access to employment. This delay in the age of marriage is often accompanied by a fewer number of children per household. There is need to enhance school enrolment, continuity and academic success through different programmes conducted by Roma NGOs, supported in many cases by the work of Roma mediators, legitimised Roma interlocutors, as well as to offer job opportunities.
- **Lack of knowledge of the danger of trafficking and about their rights:** there is a need to raise awareness and understanding of Roma communities about the danger of trafficking and about their rights so they are better placed to protect themselves from exploitation.
- **Lack of training on how to combat trafficking within the community:** Training of anti-trafficking Roma mediators (either as a specific task or in combination of other tasks performed by Roma mediators trained for instance on health and education under the ROMED joint EC/CoE programme) could be organised. Per memory, the CoE Roma and Travellers Division had organised in the past – in cooperation with the OSCE and Norwegian and Finnish voluntary contributions -such training in Albania, Slovakia and the Republic of Moldova. Good practice in Norway: The Government has developed

information and educational material as well as training programmes for newly arrived immigrants on the topics of forced marriage.

- ***Lack of training for enforcement agents, the migration unit and the border police, with the aim of increasing the efforts to completely combat trafficking in persons and prostitution.*** Good practice in “the former Yugoslav Republic of Macedonia”.
- ***Lack of legislation and measures preventing forced/early marriages:*** some countries have strengthened their legislation and have adopted legislation aimed at combat trafficking:
  - “the former Yugoslav Republic of Macedonia”: Amendments to the Criminal Code were adopted in September 2009. These amendments referred to Articles 418–a, 418–b and 418–d which sanction the responsibility of official persons for committing acts related to trafficking in persons by imprisonment of at least eight years, or imprisonment of ten years if the victim is a minor.

At the 7<sup>th</sup> CAHROM meeting (Strasbourg, 14-16 May 2014), the Executive Secretary of GRETA spoke on the issue of early and/forced marriage in relation to trafficking (Please see the thematic visit report on early/child and forced marriage for more information on the topic of early marriages). The Albanian CAHROM Member put forward a request for a thematic visit on *addressing and combating human trafficking within Roma communities, with a focus on prostitution and street children*. In the exchanges between the Committee members, Greece and Italy expressed an interest to be involved in the thematic visit as partner countries, viewed that Albania is a country of origin of human trafficking in their regard. Netherlands also expressed interest since human trafficking related to Roma is a topic that they regularly address at European level. Romania was invited to join the thematic group following a proposal from Italy, in order to seek further cooperation on the topic.

### **3. Agenda of the thematic visit**

The thematic visit has been organised by the Technical Secretariat of Roma within Ministry of Labour, Social Affairs and Equal Opportunity, which drafted the agenda of the visit (see Appendix 1 of this report) with a view to allow experts of the partner countries to get an overall idea of various institutions addressing human trafficking in Albania and exchange information and good practices. As such, bilateral meetings were organised during the first day with the Ministries of Education, Labour, Social Affairs and Equal Opportunity and the Ministry of Interior, as well as with the Ombudsperson, and the Municipality of Tirana, while the second day was devoted to a roundtable with local authorities, Roma civil society and Tirana based organisations.

## **II. SITUATION OF ROMA AND MAIN PROBLEMS ENCOUNTERED**

### **1. Albania**

In Albania there are two different groups: Roma and Egyptians. Currently Roma and Egyptians in Albania differ from each other having completely different identities.

According to the population census from 2011, 8,301 persons declared themselves as Roma (0.30% of the total population). The estimates of the size of the Roma population in Albania range from 40,000 to 120,000. Roma live all over the country, although the biggest communities are concentrated in and around Tirana, the towns of Fier, Gjirokaster and Berat, and around the town of Korçe. A great majority of them are living in deplorable conditions and face extreme poverty and social marginalization. A regional study of the UNDP published in 2006 reported that the rates of poverty and extreme poverty of Roma in Albania are particularly high (78% and 39%). The fact that a Roma woman in Albania earns 36% of the average wage of an Albanian woman is another example of the socio-economic situation of the Roma minority in Albania.

Unlike Roma, Egyptians do not speak the Romani language. Their distinctive features include particular activities such as blacksmiths, musicians, etc. They have a syncretic religion (which combines different parts of Islam, Orthodox religion and Animism). Unlike the Roma, Egyptians have been sedentary, usually living in “separate neighbourhoods” near the centre of cities or large villages which often even took their name. Compared to the Roma, they are more integrated into Albanian society.

According to the EC report on Albania from 2015, “Roma and Egyptians continue to face very difficult living conditions and frequent social exclusion and discrimination, particularly regarding access to healthcare, social protection, education, employment and housing”. According to the same report, the inclusion of Roma children in the education system has improved slightly; however, enrolment and drop-out rates remain a serious concern: 42 % of Roma children attend preschool education (3-6), but only 16.1 % finish middle school, 2.1 % have high school education, and 0.3 % have university education. 40.3 % of the Roma population is illiterate. Regarding housing, the report underlines that budgetary allocations for housing Roma and Egyptians have tripled, but remain insufficient to address needs. No long term solutions have been found for many families evicted in the last two years.

### **2. Greece**

The presence of Roma or “Gypsies” – as there are still often called including by the community itself - can be traced back to the 14<sup>th</sup> century, though their Greek nationality was effectively given to them as late as in 1979. They like to be referred to as “Greek Roma”.

Roma population in Greece is not an entirely homogeneous group, but it consists of different (often conflicting) “tribes” of Roma people. The main groups of Roma in Greece can be categorised as follows: (a) domestic nomadic Roma (albeit an extremely limited number); (b) very long-term settled distinct Roma communities, very poor and excluded; (c) very long-term settled distinct Roma communities, a number of which are almost entirely unproblematic; (d) recent Roma migrants who are not EU nationals (especially from Albania, but also from Kosovo\* and “the former Yugoslav Republic of Macedonia”); (e) recent Roma migrants from new EU Member States (mainly Bulgarian and Romanian Roma); (f) completely integrated/assimilated Roma who may never even identify themselves as Romani; (g) Roma Muslims in Thrace, who benefit from the minority protections available under the peace treaties between Greece and Turkey following World War II; (h) other persons and communities.

The total share of the Roma within the total Greek population is estimated between 2-3% (ROM Network, 2000). The estimations regarding the magnitude of Greek Roma range from 180,000 to 365,000. An average estimation of 270,000 Greek Roma seems to be closer to reality. Yet, a recent survey conducted in 2008, estimated the number of Roma population in discrete and recognisable residences to approximately 15,000 families or 65,000 persons, a very conservative estimation which should be seen with caution.

Informal estimates of the number of immigrant Roma in Greece put the figure at tens of thousands, probably close to or possibly even more than 100,000. Most of these people come from Albania, but others come from Bulgaria, Kosovo\*<sup>4</sup>, “the former Yugoslav Republic of Macedonia” and Romania. Some of these persons are temporary migrants, performing in particular seasonal agricultural work in Greece, and then returning home. Others are involved in scrap metal recycling. The majority of these people have “been legally living in Greece for over a decade, although a few have obtained citizenship. Foreign Roma are outside of the scope of state programmes”. Moreover, “the residence of these newly arrived Gypsies in Greece goes relatively unimpeded, as the public authorities tend to avoid addressing the problems of this particular group”.

The Roma are scattered all over the country, with greater density in the regions of northern Greece, northwest and west Peloponnesus, Epirus and Etoloakarnania, in several areas of the region of Thessaly (Larissa, Farsala, Sofades etc.) and in the greater area of Athens and west Attica (St. Barbara, Petralona, Chalandri, Rentis, Moschato, Menidi, Ano Liosia, Eleusis, Megara, Drapetsona, Spata, etc.). The greatest concentration of established Roma populations are found in regions of major urban centres, as well as rural regions that present the most employment opportunities. Most surveys carried out in recent years, show that Roma continue to live in more or less the same localities that they lived in 1999, which implies that the vast majority of Roma in Greece are sedentary. It has been estimated that they are settled to approximately 240 locations most of which are found in the periphery of the big cities all over Greece.

It is generally noticed that there is a spatial concentration of Roma in specific areas, neighbourhoods, suburbs or villages. This implies that Roma live, in most cases, in isolation, separately from the rest of the population and they do not mix with non-Roma. This consequently leads to their social disintegration and reinforce their social exclusion.

Greek Roma community faces persistent inequalities in all aspects of life, including access to education of Roma children, the right to housing and to other basic social goods, let alone the excessive exercise of police violence.

### **3. Italy**

The Roma, Sinti and Camminanti<sup>5</sup> (hereafter RSC) living in Italy are characterized by their heterogeneity in terms of groups, dialects and specific linguistic varieties, and cultures. When considering RSC communities, we are referring to a) Italian citizens; b) citizens from other EU countries; c) Non-EU citizens; d) foreigners who were granted asylum or subsidiary protection; e) (*de facto*) stateless people, born in Italy from stateless parents.

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<sup>4</sup> All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

<sup>5</sup> The Italian spelling was used for Camminanti (with double “m”), whilst in Sicilian it is written Caminanti.

It is estimated that nation-wide there are 100,000 to 200,000 Roma, Sinti and Camminanti present in Italy<sup>6</sup>: half of whom (about 70,000) are Italian citizens; and the other 50%, although made up of foreigners, is mostly in Italy, on a permanent basis.

The visibility of **Roma** settlements in the suburbs of large urban areas of North-Central and North of Italy leads to neglect sometimes the important presence of these communities in other areas of the country. In Scampia (Naples), there are over 1,500 Roma people from the former Yugoslavia whose presence dates back to the late eighties<sup>7</sup> (the second generation of Roma people from the former Yugoslavia, though being born in Scampia, is made up of Italians). In Puglia, on the border between Molise and Abruzzo, the Roma community is largely located there on a permanent basis.

The North of Italy is characterized by a predominance of **Sinti** (estimated to be around 32,000). They had been traditionally involved in nomadic labour activities that required them to travel around the country (fairs or circus). Anyway, it is considered that just 3% of them are actually nomadic, because the majority of them have a permanent place where they come back when they do not work.

In Noto, Sicily, the **Camminanti** community has been living there since the late fifties (some of them are still "semi-nomadic"). The majority of Sicilian Camminanti of Noto travel through all Italy for around a semester, offering small manual services and coming back in the Province of Noto for the remaining part of the year.

Regarding the recently **migrant Roma**, mainly, the precarious conditions of settlements and evictions carried out by local authorities create a forced nomadic habit linked to their vulnerable condition of marginality.

#### 4. Netherlands

There are no exact figures regarding the number of people of Roma origin in the Netherlands as registration based on ethnicity is prohibited. Estimates vary from approximately 10,000 (if we exclude Dutch Travellers) to approximately 45,000 (Dutch Travellers included), which means that no more than 0.25% of the Dutch population is of Roma and Traveller origin. Roma (general term) in the Netherlands can be divided into five different groups according to their historical presence:

- Roma, Sinti and Dutch Travellers traditionally residing in the Netherlands: this group concerns Sinti and a few Roma families present on the Dutch territory since the 15<sup>th</sup> century<sup>8</sup> who, until the 1960s lived a nomadic lifestyle. This group of Dutch Sinti and Roma contains approximately 2,500 people. Dutch Travellers (*woonwagenbewoners*) are estimated to be 35,000 and have Dutch ethnicity. They do not have a language of their own and their history dates back to 'only' around 1850. A small number of Travellers, Sinti and Roma live in caravans or mobile homes (predominantly fixed *in situ*), situated in special centres or campsites.
- About 1,500 Roma who came to the Netherlands as migrant workers and labourers around the late 1960s and 1970s and as refugees from Turkey in the 1980s.
- Roma who were granted a residence permit in 1978: this third group, often referred to as the General Pardon group, concerns Roma who were legalised in the 1970s. Although

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<sup>6</sup> This coincides with the estimated figure used by the Council of Europe (140,000).

<sup>7</sup> See the CAHROM (2014)10 Thematic report conclusions on solving the legal status of Roma from ex-Yugoslavia and their lack of personal identity documents covering Italy, Bosnia and Herzegovina, Croatia, Montenegro, Serbia and "the former Yugoslav Republic of Macedonia" at <http://www.coe.int/en/web/portal/cahrom>.

<sup>8</sup> See e.g. Marko D. Knudsen, *The history of the Roma*, RomNews Society, Hamburg, Germany and Jean-Pierre Liégeois, *Roma in Europe*, Council of Europe Publishing, 2009.



most of them did not have any identity papers, it is assumed that the majority originates from the former Yugoslavia. In 1978, this group consisted of 520 individuals dispersed around eleven municipalities. In the meantime, this group increased to approximately 2,800-3,000 individuals.

- Roma who came to the Netherlands in the 90s: this fourth group is more a collection of individuals and families from the former Yugoslavia, the Czech Republic, Slovakia, and Bulgaria. They are not concentrated into certain cities or areas but can be found anywhere in the Netherlands. This group concerns about 1,000 people.
- Roma newcomers, arriving since the expansion of the European Union (as from 2000): this last group concerns essentially Bulgarian and Romanian Roma.

Within the Netherlands, approximately 55 municipalities house Roma residents from various backgrounds. In the 1980s, eleven municipalities welcomed Roma from group C above. Most municipalities represented in the Dutch Platform for Roma municipalities acting under the Association of Dutch Municipalities (VNG) accommodate Roma from the General Pardon group.

## 5. Romania

According to the Romanian National Population Census from 2011<sup>9</sup>, only 621,573 persons out of a total population of 20,121,641 declared themselves as being Roma, i.e. 3.08 % of the total population. It should be noted that the number of self-declared Roma increased compared to the previous censuses from 2001 (535,140) and 1992 (401,087).

The National Agency for Roma (NAR) gave an estimate of 1.5 to 2 million Roma living in Romania which is in line with the Council of Europe's current estimate of 1.8 million<sup>10</sup>, close to 9% of the total population.

According to NAR and based on the population census results, out of the self-declared approximate 620,000 Roma living in Romania, 230,000 are living in urban areas and 390,000 in rural areas. About one third of the self-declared Roma population in Romania (244,000) speaks the Romani language.

Roma is one of the 18 recognised national minorities in Romania. Romania has the second highest number of Roma population in Council of Europe's member States, after Turkey. Though a part of the Roma community in Romania is socially integrated, educated and graduated and has access to the labour market (including in public administration), a majority of them remain socially excluded.

Roma sub-groups that are present in Romania include Vătrași (13,8%), Căldărari (5,9%), Rudari (4,5%), Spoitori (3,7%), Mătăsari (3,2%), Ursari (2,7%), Cărmidari (1,5%), Gabori (1,4%), Florari (1,2%)<sup>11</sup>. Other known Roma sub-groups are Horahai (Muslim Roma), Ciurari, Cortorari, Geambași, Lingurari and Rostaș<sup>12</sup>.

Sub-group affiliation is not unanimous: according to a research conducted in Romania in 2008<sup>13</sup>, 56% of the Roma respondents did not identify with a sub-group, whilst 44% of the Roma respondents also identified with a sub-group.

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<sup>9</sup> Source: <http://www.insse.ro/cms/files/publicatii/pliante%20statistice/04-recensamantul%20populatiei.pdf>

<sup>10</sup> A decade ago, international estimated figure used to be comprised between 1,800,000 and 2,500,000 like in the European Union document from 2003 "Support for Roma in Central and Eastern Europe" ([http://ec.europa.eu/enlargement/pdf/brochure\\_roma\\_oct2003\\_en.pdf](http://ec.europa.eu/enlargement/pdf/brochure_roma_oct2003_en.pdf)) or in Jean-Pierre Liégeois "Roma in Europe", 2007.

<sup>11</sup> Source: <http://www.natgeo.ro/locuri-si-oameni/comunitati/9165-neamuri-tiganesti>.

<sup>12</sup> *Come closer - Inclusion and exclusion of Roma in Present-Day Romanian Society*, Gabor Fleck, Cosima Rughinis, National Agency for Roma, 2008, page 50.

<sup>13</sup> *Idem*, page 51.

### III. SITUATION OF TRAFFICKING IN THE TARGET COUNTRIES

#### 1. International human rights standards on trafficking in human beings in brief

International agreement on what constitutes “trafficking in persons” is very recent. The first agreed definition of trafficking was incorporated into the *2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*<sup>14</sup>, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking Protocol). That definition has since been incorporated into many other legal and policy instruments as well as national laws.

The Trafficking Protocol defines the term “trafficking in persons” as follows: (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; ... (art. 3).

The three key elements that must be present for a situation of trafficking in persons (adults) to exist are therefore: (i) action (recruitment, ...); (ii) means (threat, ...); and (iii) purpose (exploitation).

International law provides a different definition for trafficking in children (i.e., persons under 18 years of age). The “means” element is not required in this case. It is necessary to show only: (i) an “action” such as recruitment, buying and selling; and (ii) that this action was for the specific purpose of exploitation. In other words, trafficking of a child will exist if the child was subjected to some act, such as recruitment or transport, the purpose of which is the exploitation of that child.

In 2003, the OSCE decided to strengthen existing commitments made by its member states by developing the *OSCE Action Plan to Combat Trafficking in Human Beings*<sup>15</sup>. This Action Plan not only recommends specific action for OSCE participating states in the fields of prevention, protection and prosecution, but it also tasks relevant OSCE bodies and missions to provide technical assistance to participating states, as well as targeting internal organisational issues in the anti-trafficking field, such as the implementation of a Code of Conduct and appropriate training of OSCE personnel.

With its *Convention for Action against Trafficking in Human Beings* (CETS No. 197)<sup>16</sup>, the Council of Europe has created the first legally binding instrument in Europe to fight the problem of human trafficking comprehensively. The Convention entered into force in 2008 and is open for signature to non-member states of the Council of Europe as well as to member states. It covers every form of trafficking, every type of victim and every sort of exploitation, and focuses on “three P’s”: prevent trafficking, protect the Human Rights of

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<sup>14</sup>Text of the Trafficking Protocol available at: <https://www.unodc.org/unodc/treaties/CTOC/#Fulltext>

<sup>15</sup>Text of the OSCE Action Plan To Combat Trafficking in Human Beings is available at: <http://www.osce.org/odihr/23866>

<sup>16</sup>The Convention for Action against Trafficking in Human Beings is available at: [https://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197\\_en.asp](https://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197_en.asp)

victims of trafficking, and prosecute the traffickers. In addition, the Convention provides for the setting up of an effective and independent monitoring mechanism capable of controlling the implementation of the obligations contained in the Convention. The Convention applies to all forms of trafficking; whether national or transnational, whether or not related to organised crime. It applies whoever the victim (women, men or children) and whatever the form of exploitation (sexual exploitation, forced labour or services).

The cornerstone of the EU anti-trafficking policy is *Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims* (Anti-Trafficking Directive)<sup>17</sup>, adopted on the basis of Article 82 (2) and Article 83 (1) of the TFEU. The directive places victims' rights at the centre, providing a number of measures specifically addressing child victims, such as the appointment of guardians. Dealing with child victims of trafficking, the EU Strategy towards the eradication of trafficking in human beings 2012–2016 seeks to promote victims' rights and safeguard their protection while ensuring appropriate support and access to justice. The strategy underlines that "comprehensive child-sensitive protection systems that ensure interagency and multidisciplinary coordination are key in catering to diverse needs of diverse groups of children, including victims of trafficking". It also calls on Member States to strengthen their child protection systems. It further notes the importance of guardianship as a key element of child protection systems and calls on FRA to work together with the European Commission on this issue.

International human rights law recognizes that certain groups require additional or special protection. This may be because of past discrimination or because their members share particular vulnerabilities.

In the context of trafficking, relevant groups include women, children, migrants and migrant workers, refugees and asylum seekers, internally displaced persons, and persons with disabilities. Sometimes, members of a group will be specifically targeted for trafficking. Children, for example, may be trafficked for purposes related to their age such as sexual exploitation, various forms of forced labour and begging. *Women and girls* are trafficked into gender-specific situations of exploitation such as exploitative prostitution and sex tourism, and forced labour in domestic and service industries. They also suffer gender-specific forms of harm and consequences of being trafficked (for example, rape, forced marriage, unwanted or forced pregnancy, forced termination of pregnancy, and sexually transmitted diseases, including HIV/AIDS).

Individuals belonging to specific groups who are subject to trafficking may be in a position to claim different or additional rights. For example, international human rights law imposes important and additional responsibilities on States when it comes to identifying child victims of trafficking as well as to ensuring their immediate and longer-term safety and well-being. The core rule derived from the obligations contained in the *UN Convention on the Rights of the Child* is *the best interests of the child*. In other words, States cannot prioritize other considerations, such as those related to immigration control or public order, over the best interests of the child victim of trafficking. In addition, because of the applicability of the Convention to *all* children under the jurisdiction or control of a State, non-citizen child victims of trafficking are entitled to the same protection as nationals in *all* matters, including those related to the protection of their privacy and physical and moral integrity. Other treaties may further specify these rights. For example, the Trafficking Protocol requires certain special measures with regard to child victims, as does the Convention on Action against Trafficking in Human Beings.

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<sup>17</sup> EU Anti-Trafficking Directive available at: [https://ec.europa.eu/anti-trafficking/legislation-and-case-law-eu-legislation-criminal-law/directive-201136eu\\_en](https://ec.europa.eu/anti-trafficking/legislation-and-case-law-eu-legislation-criminal-law/directive-201136eu_en)

The *UNICEF Guidelines on the Protection of the Rights of Child Victims of Trafficking in South Eastern Europe*<sup>18</sup> do not directly address the issues of prevention or awareness raising, but focus on the interventions required for the protection of the rights of child victims of trafficking, including their re-integration. They restate the fact that child victims of trafficking are entitled to special protection due to their status as children and as victims of crime. The Guidelines recommend, inter alia, the following:

- The pro-active identification of child victims, the presumption that a victim is a child if there are reasonable grounds to believe this to be the case,
- The appointment of a guardian to act in the child's best interests until such time as a durable solution has been identified and enacted, and the
- The completion of a thorough risk and security assessment before the child is returned to his or her home country.
- Upon return to their home countries, "child victims are entitled to receive long-term care and protection including security, food, safe accommodation, access to healthcare, psycho-social support, legal assistance, social services and education, with a view to their social re-integration".

#### **Treaties and other instruments particularly relevant to trafficking**

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

Convention on the Elimination of All Forms of Discrimination against Women, 1979

Convention on the Rights of the Child, 1989

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000

United Nations Convention against Transnational Organized Crime, 2000

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990

International Covenant on Civil and Political Rights, 1966 International Covenant on Economic, Social and Cultural Rights, 1966

Council of Europe, Convention on Action against Trafficking in Human Beings, 2005 (European Trafficking Convention)

Charter of Fundamental Rights in the European Union, 2000, article 5, and Directive 2011/36/EU of the European Parliament and Council on preventing and combating trafficking in human beings and protecting its victims, 2011

South Asian Association for Regional Cooperation, Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002

ILO Convention concerning Forced or Compulsory Labour, 1930.

<sup>18</sup> Guidelines on the protection of child victims of trafficking available at: [http://www.unicef.org/ceecis/0610-Unicef\\_Victims\\_Guidelines\\_en.pdf](http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf)

## 2. Situation of trafficking in human beings in Council of Europe member States

The *Convention on Action against Trafficking in Human Beings* was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, entered into force on 1 February 2008. GRETA is responsible for monitoring implementation of the Convention by the Parties.

The first country evaluation by GRETA<sup>19</sup> unveils that only eight out of 35 evaluated countries had set up comprehensive data collection mechanisms gathering information about victims of trafficking, allowing for disaggregation of data, among which Albania, Netherlands and Romania. In addition, a number of countries did not have a coherent system of identification and referral of victims of trafficking known as “national referral mechanism”, which enable collection of data from various actors on the potential and confirmed victims of trafficking. As a result, based on the information provided by member States, it has been difficult to assess the real extent of the phenomenon; the information is indicative however of tendencies that should be further monitored and analysed.

Such trends include an increase in the trafficking for the purpose of forced labour, which was also predictable in the context of the global economic crisis (In the Netherlands, the number of victims of trafficking for labour exploitation increased from 6% in 2007 to 20% in 2011.) and a rise in the cases of internal trafficking (in the Netherlands, 28% of the possible victims in 2011 were Dutch citizens within the country). A positive trend noted by the GRETA monitoring is the setting up of independent national rapporteurs for monitoring the anti-trafficking work of member States and collecting information on trafficking.

While many CoE member States had criminalised THB (34 at the time of the first GRETA evaluation), not all of them have translated the three constituent elements of the THB (*action, means and purpose*) in conformity with the definition of the CoE anti-trafficking Convention, i.e. the means were not a constituent element of the definition of the THB in the national legislation, but were considered as aggravating circumstances, which may contribute to confusion with other criminal offences or in cooperation with other countries that have incorporated the means in their national definition of THB.

GRETA has paid particular attention to groups vulnerable to trafficking, such as children. Thus, in the area of *prevention*, GRETA has urged the authorities of 14 countries to support social and economic empowerment measures for children, women, ethnic minorities, migrant workers and asylum seekers. Among particular concerns is the lack of registration of children of birth, school dropout and forced marriages.

In the area of protection of victims, *identification of victims* is essential. Many trafficked people do not identify themselves as “victims” are not aware of the legal meaning of the term. This is why the role of authorities in identifying victims or potential victims of trafficking is fundamental. However, in some countries identification is entirely within the competence of the law enforcement bodies and depends in reality in the presumed readiness of the victim to cooperate in the investigation. In order to improve identification of victims, multidisciplinary structures such as national referral mechanisms, which already exist in several countries would be needed. Improved and regular training of staff responsible for identification is also recommended.

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<sup>19</sup> More information available at: [http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen\\_Report/GRETA\\_2015\\_1\\_4thGenRpt\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen_Report/GRETA_2015_1_4thGenRpt_en.pdf)

Identification and assistance to children victims of trafficking needs to take account of the specific circumstances and needs of child victims and ensure the *best interests of the child*. In its first evaluation, GRETA expressed concerns about the increased number of unaccompanied children disappearing from state care and urged the authorities to provide suitable safe accommodation and adequately trained supervisors or foster parents. During the second evaluation cycle of the Convention, GRETA will pay particular attention to measures taken to address the vulnerability of children to trafficking.

Regarding *non-punishment*, pursuant to Article 26 of the Convention against Trafficking, a number of limited countries have adopted specific provisions concerning non-punishment of victims of trafficking, either in their criminal code or in dedicated anti-trafficking legislation. Many countries do not collect information on the application of the non-punishment provision or related case law. GRETA noted in its first report that police officers, prosecutors and judges were insufficiently trained to identify victims of trafficking and consequently that there was a risk of prosecuting and convicting victims for offences committed while they were being trafficked.

Regarding the provisions of *effective investigation and prosecution* of trafficking offences, GRETA evaluation found that there was a gap between the number of identified victims of trafficking and the number of convictions, as a result of over-reliance in victims' statements, credibility of witnesses or lack of sufficient evidence. Victims are often reluctant to give testimonies because of fear of retaliation or lack of trust in the criminal justice system. Police, prosecutors and judges who are not specialised and trained to deal with trafficking cases may be biased or insensitive towards victims of trafficking, while perpetrators may be prosecutors for other offences in the absence of sufficient evidence supporting a human trafficking offence.

Regarding the *protection of victims of trafficking and witnesses*, only a few countries provide for protection measures, which are specific to victims of trafficking. As such, GRETA urged countries to improve different aspects, by making full use of the measures available to protect victims of witnesses of THB and to prevent intimidation during investigations and throughout court proceedings.

GRETA's reports have indicated differences in the level of *coordination and cooperation* with civil society in addressing human trafficking. The coordination of actions of governments and public agencies is ensured through various institutional set-ups, including a dedicated Agency or an inter-agency bringing together relevant officials and experts. Some countries have formally recognised civil society as a partner in the coordination forum, however, the involvement of NGOs in designing, implementing and assessing anti-trafficking policies and activities remains limited overall.

As regards *international cooperation*, Article 32 of the Convention requires parties to cooperate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. GRETA recommends a stronger cooperation with countries of origin to prevent THB or repatriate victims. Authorities should also further develop police and judicial cooperation as well as cooperation in the area of the protection and assistance to victims.



### 3. Trafficking of people of Roma origin in the target countries

#### 3.1. General remarks

On 28 June 2012, the Parliamentary Assembly adopted Recommendation 2003(2012) on Roma migrants in Europe, according to which particular attention should be paid to establishing whether the Roma community is affected by and/or involved in trafficking in human beings and whether the measures contained in the Council of Europe Convention on Action against Trafficking in Human Beings are effectively implemented as regards Roma. In its comments to the Committee on Migration concerning this recommendation, GRETA's Bureau noted that several of GRETA's country evaluation reports (concerning Albania, Bulgaria, the Republic of Moldova and Romania) highlight the **need to step up preventive measures among Roma communities through specific campaigns and by improving their access to education, employment, health care and social assistance as an ultimate prevention measure against trafficking in human beings**. GRETA has also stressed the **need for providing training to law enforcement officers, prosecutors and the judiciary, which aims to overcome entrenched negative attitudes and prejudices vis-à-vis Roma victims of trafficking**. The Council of Europe Commissioner for Human Rights has also stated in its 2012 report on Human Rights and Roma and Travellers in Europe that "the vulnerability of Roma must be taken into account in national policies regarding trafficking in human beings". He further recommends that „Roma-specific preventive and protective measures should be adopted in order to improve victims' protection, including training of law enforcement officials and awareness-raising campaigns targeting Roma communities, in particular segregated and socially excluded communities, to change (amongst other things) prevailing attitudes and practices which result in child marriages”.

The research conducted by the ERRC and PiN<sup>20</sup> in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia indicated that trafficking in persons affected Roma disproportionately. In the absence of official data, the estimates provided for the perceived representation of Roma among trafficked persons in Bulgaria, the Czech Republic, Hungary, Slovakia and Romania are several times higher than the proportion of Roma in the general population. Research in 2010 for this study indicated that Roma represent 50-80% of trafficked persons in Bulgaria, up to 70% in parts of the Czech Republic, at least 40% in Hungary, around 50% in Romania and at least 60% in Slovakia. The 2011 report on Bulgaria by the Group of Experts on Action against Trafficking in Human Beings (GRETA) reconfirms that NGO data indicates that over 50% of trafficking victims were from the Roma community, and according to police officers, the Roma community accounted for over 80% of trafficking victims.

ERRC and PiN research confirmed that Roma are trafficked for various purposes, including sexual exploitation, labour exploitation, domestic servitude, organ trafficking, illegal adoption and begging. Romani women and children are the most represented regardless of the purpose of trafficking. In addition, certain practices which do not always constitute trafficking are often linked to trafficking of Roma, such as prostitution/sex work, exploitative begging (particularly when it involves minors) and forced and child marriages. The presence of these practices in Romani communities was found to increase the vulnerability of Roma to trafficking.

The vulnerability factors identified by the ERRC and PiN study and reconfirmed by several existing studies<sup>21</sup>, are closely linked to those commonly associated with non-Romani trafficked

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<sup>20</sup> ERRC and PiN, *Breaking the Silence. Trafficking in Romani Communities*, March 2011. Report available at: <http://www.errc.org/cms/upload/file/breaking-the-silence-19-march-2011.pdf>

<sup>21</sup> Anti-Slavery, *Trafficking for Forced Criminal Activities and Begging in Europe. Exploratory Study and Good Practice Examples*, September 2014. Report available at: [http://www.antislavery.org/includes/documents/cm\\_docs/2014/t/trafficking\\_for\\_forced\\_criminal\\_activities\\_and\\_begging\\_in\\_europe.pdf](http://www.antislavery.org/includes/documents/cm_docs/2014/t/trafficking_for_forced_criminal_activities_and_begging_in_europe.pdf)

persons, to say that there is no unique “Roma vulnerability factor,” and no indication that trafficking is a “cultural practice” of Roma. Thus it becomes clear that Roma are highly vulnerable to trafficking due to structural forms of ethnic and gender discrimination, poverty and social exclusion which result in low educational achievement, high levels of unemployment, usury, growing up in state care, domestic violence affecting predominantly women and children and substance abuse. Furthermore, many of the vulnerability factors such as domestic violence, high school dropout rates, homelessness or being in state care affect children and youth exclusively or disproportionately. The complicity of family members in trafficking of Romani individuals is apparent, which is also similar to the situation in other communities throughout the world.

In the 2014 Anti-Slavery research project study<sup>22</sup>, Roma communities were flagged as particularly vulnerable to trafficking for the purposes of street crime and begging. In the report, debt bondage is cited as a major driver of trafficking. While some Roma communities will rely on neighbours (both Roma and non-Roma) for support, many often for them to resort to informal money lenders (known as ‘kamatari’, essentially loan sharks), who charge exorbitant interest rates and use repressive measures to ensure payment’. These measures can include forcing them to undertake criminal acts such as begging and pickpocketing, or to traffic their own children for the same purpose, in order to clear debts they may have accumulated.

## **3.2. Albania**

### **3.2.1. National situation and legal framework**

Albania is a country of origin for victims of trafficking in human beings (THB). Although Albania used to be a country of transit, according to the Albanian authorities, this is no longer the case.<sup>23</sup> All the victims of THB identified to date have been Albanian nationals, the great majority of them being victims of transnational trafficking, mainly for the purpose of sexual exploitation. The Albanian authorities have identified 108 victims of trafficking in 2008 (89 women and 19 children), 94 in 2009 (72 women and 22 children), and 97 (83 women and 14 children) in 2010. The main destinations have been Italy, Greece and Kosovo\*<sup>24</sup>. Only one victim of labour exploitation was identified in 2010. However, there have also been cases of national trafficking (within Albania), a phenomenon which is reportedly on the increase, particularly in connection with migration from rural areas to towns and seasonal migration to places of tourism (trafficking of women for the purpose of sexual exploitation and children for the purpose of sexual exploitation and/or exploitation of begging).

Under Article 122 of the Albanian Constitution, the international treaties ratified form part of the country’s internal legal system and are directly applied, except in cases where the adoption of a law is required to implement them. The Criminal Code of Albania contains three main provisions relating to trafficking in human beings: Article 110(a) (“trafficking in persons”), Article 114(b) (“trafficking in women”) and Article 128(b) (“trafficking in minors”). These articles were incorporated in the Criminal Code by Law No. 9188 of 12 February 2004.

Some of the most important changes in terms of improving and completing the legal framework are those in the Criminal Code adopted in May 2013 by Law No. 144/2013 “On Amendments to the Law No. 7895, dated 27.1.1995 “Criminal Code of the Republic of Albania”, as amended,

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<sup>22</sup> Anti-Slavery, Trafficking for Forced Criminal Activities and Begging in Europe. Exploratory Study and Good Practice Examples, September 2014.

<sup>23</sup> GRETA country report 2011:

[http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA\\_2011\\_22\\_FGR\\_ALB\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2011_22_FGR_ALB_en.pdf)

<sup>24</sup> \*All reference to Kosovo whether to the territory, institutions or population, in this report shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.



which determined the difference between the domestic trafficking and inter-border trafficking, this way giving an end to legal disputes regarding cases of domestic trafficking; as well as the impunity of the trafficking victims, in cases they are involved in criminal activities.

The new law No. 108/2014 "For the State Police" provides some additional guarantees for a better protection and full support to victims of trafficking, especially children. This law, among other duties of the state police in Article 17(g) foresees the identification, protection and referral for assistance to appropriate authorities for victims of trafficking.

Whereas Article 123 specifies the measures to be taken by the state police to protect minors, and this way charges the state police officers with the direct responsibility for assisting and referring when necessary of the abandoned children or those who have left family to the appropriate service. According to the Order No. 179, dated 19.06.2014 of the Prime Minister "On the establishment of the State Committee on Trafficking of Human Beings", the State Anti-Trafficking Committee has been expanded with four new members, responding to new challenges in the fight against trafficking in persons through the provision of appropriate capacity, commitment and willingness to vigorously fight trafficking of human beings. This mechanism is responsible for setting the strategic priorities that shape the action of anti-trafficking in Albania.

For a more proactive identification and referral of victims/potential victims of trafficking by the Joint Directive No. 3799, dated 07.08.2014 of the Minister of Internal Affairs, Education and Sports, Health, Foreign Affairs and National Coalition of Anti-trafficking, the Responsible

Authority was reorganized and expanded by adapting its role and duties with the Standard Operating Procedures. The review of the Responsible Authority (RA) aimed to support the effective implementation of the agreements signed for the protection and support of children, victims of trafficking, the functioning of the MKR NRM, and the monitoring of the possible implementation of bilateral agreements and/or future multilateral agreements, between Albania and other countries in the region and beyond on issues of human trafficking.

Article 128/b of the Criminal Code "Minors trafficking and article 114/b CC on exploitation of prostitution with aggravating circumstances were abrogated. Other changes regard the article 52/a of the Criminal Code "Exemption or reduction of sentence for accomplices of justice and victims"; the Criminal Procedure Code, for guaranteeing the right of compensation of the victims in the decision to forfeiture (review of articles 58-68); article 75/a and article 158 "Exemption from the obligation to testify".

### ***3.2.2. Anti-trafficking strategies and national action plans***

The National Strategy for the Fight against Trafficking in Human Beings for 2008-2010 (hereinafter "the 2008 - 2010 Strategy") and the additional document entitled "National Strategy for the Fight against Trafficking and the Protection of Child Victims of Trafficking" (hereinafter "the Strategy against child trafficking") were adopted by decision of the Council of Ministers No. 1083 of 23 July 2008. The Action Plan underpinning the Strategy against child trafficking covered prevention, protection and reintegration of child trafficking victims and prosecution of child traffickers.

Based on the findings in the report on the implementation of the 2008-2010 Strategy, a new National Action Plan on the Fight against Trafficking in Persons for 2011-2013 was drawn up and approved by Council of Ministers Decision No. 142 of 23 February 2011.

The Office of the National Coordinator for the Fight against Trafficking in Persons (ONAC) coordinates and monitors anti-trafficking activities at the national level. In 2012, the National

Anti-Trafficking Task Force was established (a panel of anti-trafficking experts, local and central authorities, and NGOs). The Task Force meets periodically.

In 2012, the Anti-trafficking Unit (ATU) reviewed and amended the *"Cooperation Agreement to Establish a National Referral Mechanism for the Enhanced Identification of and Assistance to Victims of Human Trafficking" (NRM)*, with the aim of identifying, referring, protecting, assisting and reintegrating trafficking victims. Amendments aimed at increasing cooperation between the GOA and civil society. The new NRM was enacted on June 15th, 2012, and Ministry of Health, Ministry of Education and Science, General Prosecutor's Office, and World Vision are the new Parties to NRM.

After the end of the implementation period of the National Action Plan 2011-2013, the Office of National Coordinator (ONAC), launched consultative meetings with its partners to design a new anti-trafficking strategy and its action plan. The final National Strategy and Action Plan to Combat Trafficking of Human Beings 2014-2017, was approved by Decision No. 184, on 26.11.2014.

In the new action plan, one of the main objectives that are foreseen is the prevention and prosecution of trafficking in men and internal trafficking. Through the trainings for police, prosecutors and judges, ATU has aimed at increasing information and knowledge of proactive investigation techniques, for the identification of new cases of trafficking, in particular internal trafficking for exploitation of labour, begging etc.

Regarding strengthening cooperation with neighbouring countries, in June, 2012 Albania signed an additional protocol with Kosovo\* on stepping up efforts against trafficking in persons, and improving identification, notification, referral and assisted voluntary return of victims and presumed victims of human trafficking, especially children". The protocol pays particular attention to children trafficked and aims at intensifying cooperation between Albania and Kosovo\* as a destination country. A similar one has been signed in 2014 with Montenegro.

### **3.2.3. Existing data on Roma in relation to trafficking**

Albania, as other countries, does not collect disaggregated data on ethnicity in the field of anti-trafficking. However, other governmental or independent reports indicate that Albanian Roma children are increasingly victims of trafficking for the purpose of forced beginning and other forms of forced labour in Greece, Kosovo\* and within Albania.<sup>25</sup> Roma girls may be subjected to sex trafficking or forced labour following arranged marriages.

According to the EC report on Albania from 2015<sup>26</sup>, the number of Roma and Egyptian street children remains a concern, as up to 2,500 children, mostly Roma and Egyptian, live and/or work on the streets.

An earlier report of the OSCE-ODIHR on trafficking of Roma and Egyptian children in Albania<sup>27</sup>, identified begging and prostitution as predominant forms of trafficking in Roma and Egyptian children. Thus Roma and Egyptian children would be found in situations of begging and "other informal/unprotected labor activities like selling roses, washing car windows, playing an instrument." In addition, Albanian children would also be trafficked for prostitution, usually to Italy and Greece. The report findings describe the main methods of this type of trafficking as

<sup>25</sup> Trafficking in Persons Report 2014, available at: <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226665.htm>

<sup>26</sup> Commission Staff Working Document, Albania 2015 report available at: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_albania.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_albania.pdf)

<sup>27</sup> The CPRSI Assessment Trip to Albania on Trafficking in Children from Roma and Egyptian Communities (2003) can be accessed at [www.osce.org/odihr/documents](http://www.osce.org/odihr/documents).

\*All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation's Security Council Resolution 1244 and without prejudice to the status of Kosovo.

kidnapping, selling by family members, fake marriages, or the child leaving on its own. The report cites cases reported by Roma community NGOs that involve parents selling their daughters into prostitution. According to the report, the three main reasons for trafficking for prostitution are: poverty, early marriage, and lack of employment opportunities due to exclusion and social marginalization.

According to another report by the OSCE<sup>28</sup>, the NGO, Amaro Drom, identified the lack of official documentation as critical to trafficking: “There are numerous barriers in helping children who work and are exploited in the street of Greece. The lack of documentation of the immigrants is an important element. The police or the social workers of Arsis anti-trafficking organisation have often found it hard to distinguish if the person accompanying the child was his parent or the tutor, when they had no identification means. The worst thing is that even in Albania, Roma children and families often prove not to be registered in the registry office.”

The ECRI 2010 report on Albania<sup>29</sup> shows that many Roma and Egyptians in Albania live in extreme poverty and social and economic marginalisation. Many of them live under precarious conditions in dwellings that are often without access to potable water, electricity and sewer networks and in areas with limited health care provisions. Roma in Albania are at particularly at risk of being evicted from their homes without the possibility of being rehoused. The 2015 ECRI report on Albania<sup>30</sup> highlights that: “[T]here is no comprehensive and coherent data to evaluate the outcome of the strategy and the action plan for Roma inclusion. No proper budget has been allocated to their implementation; as many programmes rely on donors’ funds, their long term sustainability is uncertain. Only one out of four Roma children has access to pre-school education. The education outcomes of many Roma and Egyptians remain poor and obstruct their access to the regular labour market. In practice, most Roma and Egyptians cannot benefit from social housing. 60 % of Roma housing premises do not have running water. Many Roma and Egyptians cannot regularise their homes. A considerable number are threatened by forced evictions without alternative housing. Only one in five Roma have health insurance cards.” At the time of the thematic visit, 50 Roma families in the “Selita” community in Tirana were at risk of being evicted as a result of the Ring Road construction by the Ministry of Urban Development and the Tirana municipality.

In accordance with Albanian Employment and Vocational Strategy 2007-2013, the Government supports the employment of all vulnerable groups, such as females of particular groups (including females victims of trafficking), Roma and Egyptian communities, emigrants and youth employed for the first time. Through the governmental employment programs, 74 persons from the Roma community have been employed in the year 2013.

In accordance with the National Program of Zero School Abandonment 2009-2013, the Government aims at eliminating the number of school drop-outs, especially of those children belonging to vulnerable groups, such as Roma community. However, reports<sup>31</sup> indicate situations of segregation in school in Gjirokastra, Pogradec and Korça, where schools have been established with children only from Roma and Egyptian communities. In Korça, children reported dropping out of school because they cannot attend another school if it is not called a “school for Roma children” since other school directors refuse to include these children in their own schools. The same situation is also reported in Tirana, where school directors refuse to

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<sup>28</sup> OSCE, CPRSI, *Position Paper: Awareness Raising for Roma Activists on the Issue of Trafficking in Human Beings in South-Eastern Europe*, Warsaw, April 2006

<sup>29</sup> ECRI fourth report on Albania, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Albania/ALB-CbC-IV-2010-001-ENG.pdf>

<sup>30</sup> The ECRI fifth report on Albania was adopted on March 2015 and published on June 2015, after the thematic visit took place. The full report is available at: <https://www.coe.int/t/dghl/monitoring/ecri/country-by-country/albania/ALB-CbC-V-2015-18-ENG.pdf>

<sup>31</sup> National Study on children in street situation in Albania, pg. 56, 2014, UNICEF and Save the children, available at: [http://resourcecentre.savethechildren.se/sites/default/files/documents/final\\_research\\_report\\_english.pdf](http://resourcecentre.savethechildren.se/sites/default/files/documents/final_research_report_english.pdf)

include children in street situation in their classes. A key NGO stakeholder from Tirana is reproducing a quot by a school representative: “we have an elite school...we cannot have one of these children...”<sup>32</sup>

The Law “On the Civil Status” amended in 2009 aimed at eliminating the number of unregistered cases in the civil status register. The Ministry of Interior has approved in 2012 a bylaw to reduce to zero the number of unregistered children. ONAC continued to lead the process of amending and facilitating the registration of unregistered children. The Interior Minister issued the Guideline No. 07 date 10.01.2012 on “Approval of procedures and record sheets to be filled in by the State Police and Municipality/Municipality Unit/Commune representatives for the found unregistered children”. The Ministry of Health has improved the “Certificate-Assistance at birth” document, requiring more personal information from the mother for a better evidence of children’s birth.

A joint agreement has been signed between the Ministry of Interior, the Ministry of Foreign Affairs and “Free Legal Service Tirana” center to create shorter procedures and timelines for the registration of children born outside the territory of Albania. During year 2012, 270 children were registered, while during year 2013, 212 children were registered. To date, there have been established 12 Child Rights Units at district level and over 170 Child Protection Units at the municipal/commune level and their staff is taking different trainings. „Different and Equal” in cooperation with local authorities in Tirana is working on establishing CPUs in every administrative unit in Tirana.

Office of the National Anti-Trafficking Coordinator has been an active participant in the study that “ARSIS” NGO conducted on the situation of street children in Albania in 2014. The study<sup>33</sup> is aimed at understanding the magnitude of the phenomena of children in street situation in Albania and identifying the elements of the child/family protection system to be reinforced through a qualitative and quantitative analysis. According to the report, trafficking and exploitation of children in street situation “is not currently the focus of particular interventions.” The study recommends further research to understand the extent of the phenomenon and intervene appropriately to protect children and prosecute exploiters. However, the study provides a number of references regarding Roma.

- From initial interviews, children self-declared to belong to one of three different groups of Albanian society. While in the past children in street situation have been categorised from project based evidence on the ground as being part of two specific communities, Roma and Egyptian, the present study found that there is also a significant number of children from the Albanian majority in street situation. In fact, children from the Albanian majority are between one quarter and one third of the total number of children counted.
- The majority of children begging are from the Roma and Egyptian communities (74,3%), whereas the Albanian majority children are involved in selling small items. There is a big difference between the numbers of the Albanian majority children involved in informal work and selling items on the street during two waves: sale of item - wave 1 was 79.8% (624 children), wave 2 became 22.9% (179 children); informal job - wave 1 was 16.5% (129 children), wave 2 became 73.4% (547 children). This difference in numbers and changes of the activities is due to seasonal influences of these types of street activities. In the summer tourist areas there is a demand for certain items from the tourists and since schools are on summer holidays, the number of children involved in selling

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<sup>32</sup> 2014 National study on children in street situation in Albania, UNICEF and Save the Children.

<sup>33</sup> The study is available at: [http://resourcecentre.savethechildren.se/sites/default/files/documents/final\\_research\\_report\\_english.pdf](http://resourcecentre.savethechildren.se/sites/default/files/documents/final_research_report_english.pdf)

increases. In October the schools are open and there is not much tourism going on so children are more involved in informal jobs.

- There are more girls in street situation from the Roma community compared to the other two, and girls in the Albanian majority community are a relatively small percentage
- In Tirana children in street situation are mainly from Egyptian and Roma communities. In Tirana, children in street situation are found in Kinostudio, Babrru, Bregu i Lumit, Qyteti i Nxesve areas. In Durres, the majority of children in street situation are from the Roma community. Families of children in street situation from the Albanian majority community migrated during the period 1995 – 2000 from northern cities in Albania and are located in the Porto Romano area. In Dibra, children in street situation are mainly from the Albanian majority community. In Kavaja, children in street situation are mainly from the Egyptian community while in Fushe Kruje they are mostly from the Roma community.
- The majority of Roma families that live in the streets or in huts in Tirana and Durres or who move around come from the following areas: Driza, Levan, Zhupan in Fier region; Otlake, Lapardha and Berat city in Berat region; Bilisht, Maliq, Pogradec and Korca city in Korca region; Fushekruja, Kenata, Nishtulla in Durres region; Cerrik, Peqin, Paper and Elbasan city in Elbasan region; Thumane, Shengjin, Lac and Lezha city in Lezha region; Shkoder city and surrounds in Shkodra region and; Rrogozhine Kavaje, Tirana city and surrounds in Tirana region.
- Even though in most cases economic reasons lie behind children becoming involved in street situations, from the initial interviews in waves 1 and 2, interestingly 22% (172) of children said that they entered into a street situation on their own volition, 19% (149) of children learned and were introduced to the street activities by their friends, 11% (86) of children learned or were introduced to the street activities by other adults, 7% (55) did not answer, and (41% (320) of children said they were in the street both because the families live on the streets and where parents force their children to work on the streets. In the study, 96% of children (750) stated that “earning income for their families” was their main reason for being on the streets, while only 4% (32 children) claimed that they kept the money for themselves.
- The study therefore shows that the majority of street children in Albania need to make money to support themselves and/or their families. Most of the children utilise one or two major income generating strategies. The most prevalent are begging (especially among younger children and girls), and working (such as petty trade, delivering goods, collecting glass or scrap metal, and car washing). Children’s involvement in such income-generating activities is primarily motivated by their family’s economic hardship, especially in the case of younger children, who do not spend nights on the street. Income-generating activities often supplement (or substitute) family income, or allow the children to sustain themselves, thus reducing family expenditure. The type and frequency of children’s activities on the street are affected by specific root causes but also linked to their individual situation in life. Children who are begging are often accompanied by someone, whereas children who are working are usually alone. There are also incidences of scavenging and theft, particularly visible among children actually living on the street. Some children in street situations, (particularly older ones who live without their families, those who do not have a primary care-giver and live on the street full-time, or those who have run away from their families), also engage in street begging or street labour to meet their own survival needs because there is nobody else to secure those needs for them. These children apply more income generation strategies than their counterparts who live with their families, and spend the money almost exclusively on themselves. Begging typically prevents children in street situation from going to school with only 20% (156 children) of working children still try to combine school

attendance with income-generating activities, while children who do not engage in generating income have the highest school enrolment rates (52%).

### **3.2.4. Main findings of the thematic visit**

In the first day of the thematic visit, the CAHROM experts had four bilateral meetings with state officials from the Ministries of Education and Sports, Ministry of Social Welfare and Youth, the Ministry of Interior and the Municipality of Tirana, but also a meeting with the Albanian Ombudsman.

#### **3.2.4.1. Meeting with the Ombudsman**

In the meeting with the Ombudsman, the Director of Cabinet and other experts presented the main activities of their work on Roma. As such, the Office is placing a great emphasis on Roma issues, particularly on complaints and reports. For the period 2013-2015 in the Ombudsman institution has addressed around 400 (four hundred) complaints. The number of complaints received from Roma has increased in the last years as a result of their on-going awareness activities.

In 2012, the Ombudsman published a report on children's rights with a focus on Roma children, with a focus on the causes of trafficking in human beings and exploitation for forced labor. In 2013, the Ombudsman published a specific report on Roma rights, which provides a mapping of their situation and the challenges that they face. In October 2014, he submitted to the Parliament a special report "On the situation of housing issues in Republic of Albania".

The office addressed a number of specific challenges such as the issue of social housing for Roma, registration, and housing evictions. The office explained that the Government would have to facilitate criteria for social housing through amending the legislation on social housing since Roma and Egyptians cannot meet the eligibility criteria in terms of minimum income. The ombudsman recommended that the minimum income criteria should be waived in the case of Roma and that quotas should be introduced at the local level to ensure that Roma are represented among social housing beneficiaries.<sup>34</sup> The Ombudsman emphasize that his Recommendations remained unimplemented to the date of the CAHROM thematic visit.

The Ombudsman also highlighted the civil registration of Roma and Egyptians as a major problem, especially because it is conditioned by a fixed address and/or payment of taxes. Once they obtain identity documents, Roma and Egyptians are at time unable to register a transfer of residence due to the lack of property ownership records or housing lease agreements in the municipality where they moved.

Regarding housing evictions, the Ombudsman informed the CAHROM experts about the plans of the municipality of Tirana to build a ring road, for which reason 300 people would be evicted.

#### **3.2.4.2. Meeting with the Ministry of Social Welfare and Youth**

In the Meeting with representatives of the Ministry of Social Welfare and Youth it was highlighted that the situation of children in street situation or 'on the move' in Albania dates back to 20 years ago. In 2014, UNICEF and Save the children commissioned national study on children in street situation in Albania<sup>35</sup>, prepared by ARSIS and GFK Albania, which showed that

<sup>34</sup> The Ombudsman's recommendations can be found also in the "Legislative recommendation about an amendment to law no. 9232/2004 <On social housing programs for the inhabitants of the urban areas>", 2013, p.6.

<sup>35</sup> National study on children in street situation in Albania, 2014, UNICEF and Save the children, available at: [http://resourcecentre.savethechildren.se/sites/default/files/documents/final\\_research\\_report\\_english.pdf](http://resourcecentre.savethechildren.se/sites/default/files/documents/final_research_report_english.pdf)

74.3 per cent come from Roma and Egyptian communities. Among activities identified the most common are selling different items (38% wave 1- 25% wave 2) such as cigarettes, lighters, water, farm produce and other foods, flowers, pens, pencils, car fresheners or other accessories, as well as begging for money (35% wave 1 - 21% wave 2), recycling plastic and metal (8% wave 1 – 20% wave 2), and informal jobs (12% wave 1 – 15% wave 2). Informal jobs include loading and unloading goods trucks, working in agriculture, cleaning roads, cleaning at cemeteries, looking after sun beds on beaches, working at entrances to mines, and busking.

About 100 children are placed into institutions of social care each year and approximately 30-40 per cent of them come from Roma and Egyptian communities.<sup>36</sup> The Transitory Emergency Centre in Tirana is treating families with children together. The Centre also employs families who live there, provides material packages, facilitates registration and ensures school enrolment.

As a way to provide an enhanced protection and assistance to children in street situation, the Ministry of Social Welfare and Youth signed a Memorandum of Understanding with the Ministry of Interior/National Anti-Trafficking Coordinator on September 2014 and developed a Plan of Action for a pilot action regarding children in street situation in collaboration with the civil society. The action aims to protect children in begging situation, also by avoiding separation from parents as much as possible. The Penal code provides for criminalisation of begging, nonetheless, the aim is to act preventively. As a result, mandatory guidelines for professionals, including for social workers have been drafted about addressing children in street situation, respecting the standard operating procedure, in the framework of which workers are trained on child protection. Criteria have been developed to identify the child as a victim or potential victim of trafficking. The Ministry of Social Welfare and Youth finalised the child protection protocols, which provide the basis for the work of municipalities.

Currently, Albania is going through territorial and administrative reform (from 375 local government units to 61), which includes decentralisation and social services reform. The way the services will be shaped will affect also the processes initiated on child protection. The social protection system aims to strengthen the local level and social service delivery at local level and child protection services will be part of the social services at local level. It is expected to have a monitoring system of central and local government and local budget allocations.

According to the Law on child protection, each municipality should have a Child Protection Unit with the task to identify children at risk, mainly children abused, in doubt of abuse or in very difficult situations. So far, these units include only one person, but, as it is envisaged that child protection is going to be part of the social services at local level, the child protection units should become wider by encompassing social workers, psychologists, doctors etc. In this process, municipalities should be trained to improve their current understanding according to which social services include only social assistance. A similar problem was identified by the CAHROM expert in Netherlands, where social workers are not equipped to deal with vulnerable groups, such as the Roma.

In addition, the reform on social care focuses on working more with families and parents to transform institutions into community based care and avoid institutionalisation of children. Thus, the Albanian Ministry of Social Welfare and Youth is working to develop methodologies for community outreach. Increased funding is needed at central and local level to establish new services, especially for families, including on empowering, parenting, community-based services and residential type system. Discussions with the European Commission have been initiated on this as well.

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<sup>36</sup> National Action Plan for Integration of Roma and Egyptians in the Republic of Albania, 2015-2020



The Ministry of Social Welfare and Youth is also working on a law on social enterprises, whereby economic empowerment of women and families is envisaged.

In this overall process, the local municipalities remain one of the biggest challenges. The social services will need to provide social services at local level to strengthen families. Therefore, financial support and training are needed to increase awareness and build capacity at local level. One aspect to have in mind is the fact that in June 2015, local elections will be held in Albania.

Protection and assistance for victims of trafficking is provided through shelters. Albania has 4 shelters, one state owned with limited services and three operated by NGOs. They provide psychological, health and legal assistance, medical care, reintegration services and assistance for victims' children.

During the meeting with the Ministry of Social Welfare and Youth, the experts were informed that the Government was looking into ways to increase funding for the NGO shelters. Later that month, the Government allocated funding for staff salaries at two NGO shelters.

Both the Ministry of Social Welfare and Youth and the Ministry of Interior informed the experts about the establishment in 2013 of three mobile units in Tirana, Vlora and Elbasan, funded by the US Department of State -J/TIP Office and implemented by the International Organization for Migration (IOM) in partnership with the National Coalition of Anti-trafficking. The mobile units are composed of 2 social workers each from the National Anti-trafficking Shelters Coalition ("Të Ndryshëm dhe Të Barabartë" in Tirana, "Tjetër Vizion" in Elbasan and "Vatra" in Vlora). In November 2013, the cooperation with the police was enhanced with the cooperation agreements signed between the Regional Police Directorates and the abovementioned shelters. Between June 2011 and September 2013 the Mobile Units identified a total of 94 potential victims of trafficking of whom 40 are adults and 54 are juveniles<sup>37</sup>. The majority of the victims are trafficked for sexual exploitation, forced labour and begging.

Regarding cross-border cooperation, Albanian children are begging mainly in Kosovo\*. Recently, the Vice Minister went to Kosovo\* to discuss cooperation and harmonisation of definition of potential victims of trafficking. According to Albanian laws, children in street situation are automatically identified as victims or potential victims of trafficking as opposed to Kosovo\*. Regarding the cooperation with Greece, the biggest challenge is the registration of Albanian children when they are returned to Albania. Seldom, when Albanian children are returned from Greece, the registration documents they hold are not recognised in Albania.

It is important to stress also that the 2015-2020 *Action Plan for the Integration of Roma and Egyptians* will be part of a broader framework for implementation of the Social Protection and Social Inclusion Strategies 2015-2020, under the umbrella of the *National Strategy for Development and Integration* for the same period. The Action Plan is also inspired by the Social Inclusion Strategy 2007-2013, Social Protection Strategy 2007-2013 and the Social Care Reform Action Plans, which recognise the multi-dimensional nature of poverty and social exclusion. The Action Plan focuses on the core areas of civil registration and access to justice, social protection, education and promoting intercultural dialogue, employment and vocational education and training, housing and urban integration and healthcare.

At the end of the meeting, the representatives of the Ministry of Social Welfare and Youth have requested the Council of Europe Secretariat to provide the Government with additional support in training various professionals on the issue of trafficking and Roma, in the context where the Government has limited funding for enhancing the capacity of professionals to respond to the

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<sup>37</sup> Data provided by the Ministry of Interior.



issue of trafficking in human beings in line with human rights international standards and national legislation.

#### 3.2.4.3. Meeting with the Ministry of Education and Sport

In the meeting with the Ministry of Education and Sports, the Deputy Minister, Ms Nora Malaj presented a short overview of the legal framework and projects that support the access of Roma children to education, but also prevent drop-out. In 2011, at the initiative of the Ministry of Education together with the Ministry of Finance, children from poor families received free textbooks, including Roma children. In 2014, the Ministry of Education issued Guidelines according to which Roma children from preschool are exempted from financial guarantees that usually parents pay at the beginning of each month to cover any expenses and damages and which are reimbursed at the end of the year. In 2013, the Ministry of Education and Sports introduced Guidelines for the Second Chance programme introduced by the Ministry in 2011. The programme itself appointed 93 additional part-time teachers (including 35 Roma and Egyptians) to be in charge of specific courses for Roma children in order to stimulate their school performance, encourage them to return to school or prevent them from dropping out. In 2012-2013, out of 917 children who attended the second chance programme, 625 were Roma and Egyptian.<sup>38</sup>

The further help preventing school drop-out of children in street situation, the Ministries of Education, Health and Interior signed a memorandum of Understanding, particularly to prevent the drop-out of girls between 6 and 9 grades. In order to promote and stimulate attendance in higher education, The Ministry of Education and Sports has introduced quotas. According to the quota, 20 spaces are reserved at the Bachelor level, 20 in professional schools and 20 in Masters level (all with scholarship).

In the meeting with the Municipality of Tirana, the Director spoke briefly about their cooperation with ARSIS NGO, Save the Children and local actors regarding social services provided by the Tirana Municipality. Regarding social housing, the experts were told that 20% of the total allocation of social housing is intended for Roma and single moms as well as that 385 apartments were distributed under the Rental Social Housing Programme, funded by the Council of Europe Development Bank, though there is no information on Roma or Egyptian beneficiaries.

#### 3.2.4.4. Meeting with the Ministry of Interior

The CAHROM met also the Deputy Ministry of Interior, who is also the National Anti-Trafficking Coordinator and her team.

The National Anti-Trafficking Coordinator described some of the challenges in addressing trafficking, among which the limited proactive investigations by the Courts on serious crime, the limited budget allocated to anti-trafficking, included to NGOs addressing anti-trafficking. During 2014, the Court of Serious Crimes has issued 7 criminal decisions for the offense of “trafficking of adults”, “trafficking of women” and “trafficking of minors”. Ten people have been convicted during 2014. In 2014 the National Anti-Trafficking Coordinator proposed the establishment of a Task Force between the Prosecution of Serious Crimes, Serious Crime Court and State Police in order to strengthen cooperation between authorities and discuss concrete cases of THB. Following the CAHROM thematic visit the National Coordinator on Anti-Trafficking and the Ministry of Internal Affairs of Slovenia would have a workshop in Tirana on Joint Investigation Groups regarding THB in the Western Balkans on 24 to 26 March 2015.

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<sup>38</sup> The Action Plan for Integration of Roma and Egyptians includes a review of the Second Chance programme.

In terms of regional and international cooperation regarding trafficking issues, a Memorandum of Understanding between the Secretary of State for the Home Department, acting through the Office of Internal Affairs and the Ministry of Internal Affairs of the Republic of Albania “On the intensification of cooperation in the fight against trafficking of human beings on improving identification, referral and assisted voluntary return of victims/potential victims of human trafficking” was signed on 4 December in London. On 8 December 2014, the additional protocol was signed with the Republic of Montenegro to “Intensify Cooperation in the Fight against Trafficking of Human Beings ” and the improvement of identification, referral and assisted voluntary return of victims/Potential Victims of Trafficking”, in addition to the Agreement between the Council of Ministers of the Republic of Albania and the government of the Republic of Montenegro, for cooperation in the fight against organized crime, terrorism, illegal trafficking and other illegal activities, approved by DCM No . 483, dated 16.7.2004.

At the end of March 2014 and in January 2015, joint meetings were held in Pristina with the Anti-Trafficking Coordinator of Pristina and Montenegro, as well as with experts from Kosovo\* and Albania, here it was highlighted the revitalization of the Additional Protocol and gaps were identified in the implementation of the obligations arising from this protocol on information exchange regarding the identification of victims and potential victims of trafficking.

The National Coordinator for Anti-Trafficking mentioned a series of meetings in the framework of the agreements and signed protocols with regional counterparts, such as Montenegro, „the former Yugoslav Republic of Macedonia”, Kosovo\*, Greece, also in international level, with Italy, France, Switzerland and Belgium for the signing of the Agreements in the fight against trafficking of human beings.

The National Coordinator mentioned also a number of anti-trafficking preventive and reactive measures implemented by the Government, such as the mobile team units, the HELPLINE for victims of trafficking, the GOOGLE application for reporting and assistance, as well as a number of information brochures and awareness raising campaign for vulnerable groups, including the Roma and Egyptian communities.

Albania is among the first countries in the region to use mobile technology to prevent THB. Citizens can anonymously send a short message which reaches simultaneously 6 public officials, members of the Responsible Authority for the Identification, Referral and Protection of Victims/Potential Victims of Trafficking. They can also call for free the national line 116,006 to report cases of suspected trafficking, and send free sms (500 sms received last year regarding children in street situation). The Google application “Report!Rescue!” can be downloaded for free from Google PlayStore.

Since 2011, Albania enforced the Standard Operation Procedure (SOP), according to which every victim/potential victim of trafficking in Albania is identified as a victims or potential Victim of trafficking. According to SOP, *the identification process is divided in two stages: initial and formal identification*. Victims of trafficking can be identified within the country, at the border and abroad. The initial identification can involve any individual and agency, governmental or nongovernmental within the country. To assist the process of initial identification there are set indicators of trafficking, which are divided into two categories: primary trafficking indicators and secondary trafficking indicators. If the situation of a child or adult indicates one or more primary indicators as components of trafficking and some secondary indicators that may be interpreted as consequences of the trafficking process, the person is considered a potential victim of trafficking.

The Office of the National Anti-Trafficking Coordinator pointed out that a number of trainings on SOPs have been conducted to date for all actors involved in the process of identification, referral and assistance of victims and potential victims of THB in order to appropriately

identify, refer and assist victims in full compliance with the rights they are entitled to. Part of these trainings is an increased focus on the identification of male victims of trafficking as well as national victims.

For instance, eight people have been trained as trainers that provide further training to all sectors that provide assistance. They were trained by international organisations and NGOs and now they train other structures at national level, such as: social workers, police and prosecutors. In their training, they put together the police with social services, as they work together to determine whether the person in question is a victim or potential victim of trafficking.<sup>39</sup>

Trainings on awareness-raising for elementary and high school directors, teachers, and school psychologists in urban and rural areas have also been organized in 2012-2013. The aim of these trainings was to enhance their knowledge, ability and their responsibility to identify and refer potential victims of trafficking, reporting tasks, and measures to take to prevent human trafficking.

#### 3.2.4.5. Meeting with the Municipality of Tirana

The meeting was attended by the Director of Cabinet of the Mayor of Tirana and a representative of the Arsis anti-trafficking organisation. The representative of the Tirana Municipality presented briefly the work of the office regarding Roma, in the area of social protection and services. On the issue of social housing, the experts were informed about the possibilities of social housing for vulnerable groups, including Roma, while it was highlighted that Roma did not submit requests for social housing and that this might prevent some of them in ensuring security of tenure, especially those threatened with evictions.

The representative of ARSIS addressed more specifically the issue of children in street situation and referred also to the findings of the 2014 national study on children in street situation in Albania, published with the support of UNICEF and Save the Children.

#### 3.2.4.6. Roundtable meeting with local authorities and civil society

The Roundtable organised in the second day of the thematic visit by the Albanian authorities provided a unique possibility for a wide range of stakeholders, including Roma representatives to discuss some of the challenges in addressing human trafficking in Roma communities.

At the Roundtable, the CAHROM experts were invited to share their country experiences. As such, Mr Spyros Bratsikas, Police Captain in the Hellenic Police Headquarters, Anti-Trafficking Office presented shortly the Anti-Trafficking "ILAEIRA" Initiative, which is referring to the operational action of Law Enforcement Agencies, for preventively and repressively combating criminal organisations that are activated in Trafficking in Human Beings, mainly women and children. In order to combat THB, the Hellenic Police Headquarters established two Anti-trafficking Departments and 12 Anti-Trafficking Unites throughout Greece.

Regarding the representation of children among victims of trafficking, there were 9 children trafficked for sexual exploitation in 2012 and 7 in 2014, with a decrease to 1 child in 2013. Among them, in 2012 1 was Greek, 5 were Romanian, 2 Albanian and 1 Bulgarian girls, while in 2013 the one victims was a Greek girl. In 2014, there were 1 Greek, 4 Romanian and 1 Albanian, all girls. Regarding begging, there were 4 children victims of begging in 2012 and 6 in 2014 with 0 children in 2013. In 2012, there were 3 Romanian boys and 1 Greek girl, while in 2014, there was 1 Greek boy and 2 girls and 2 Romanian girls. As for labor purposes, there were

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<sup>39</sup> Prison staff have not been trained so far.

2 victims in 2012 and 2013 and only one in 2014. In 2012, there was 1 Romanian boy and 1 Bulgarian girl. In 2013, there were 1 Bangladesh boy and 1 Romanian girl. In 2014, there were two Romanian girls.

Ms Maria Ververidou, Expert-Counsellor to the Office of the National Rapporteur on Trafficking of Human Beings in the Ministry of Foreign Affairs of the Hellenic Republic spoke about the latest developments in the legislative changes, such as the ratification of the Palermo Protocol (2010), the ratification of the CoE Convention on Action against THB (2013) and the transposition of the anti-trafficking EU Directive (2011/36/EC) into the Greek legal order with the Law 4198/2013.

Ms Ververidou focused her presentation mainly on the role of the Office of the National Rapporteur on Trafficking in Human Beings. The Office of the National Rapporteur (NR) on Trafficking in Human Beings was established in October 2013 by the Minister of Foreign Affairs along with 9 other competent Ministers. The NR Office cooperates closely with focal points in other competent Ministries as well as with the IOM and the accredited NGOs in the field of anti-trafficking. This is promoting a better cooperation between the competent authorities and stakeholders and facilitates the national ownership of internationally acknowledged best practices against THB. Through National Structural Funds (*ESPA*), the Internal Security Fund (ISF) and other EC Funds, the Office of the National Rapporteur (NRO) is coordinating competent State, NGO, Private and Cultural sector stakeholders, towards a large-scale, multi-disciplinary anti-THB Action Plan in Prevention, Prosecution, Protection and Partnership (4-Ps approach).

The mandate of the National Rapporteur Office focuses on increasing partnerships and facilitating synergies among all actors and stakeholders involved in combating THB. Towards that end, the NRO has launched several ongoing initiatives and important meetings resulting into: a) the establishment of a permanent Consultation Forum with Civil Society actors; b) a permanent Coordination Mechanism with public authorities, which include senior officials and agencies from the Ministry of Justice, Ministry of Citizens' Protection, Ministry of Health, Ministry of Education, Ministry of Interior, Ministry of Mass Media, Ministry of Labor, and the International Organization for Migration (IOM Greece); c) a Memorandum of Cooperation with the private sector aimed at targeting the demand for trafficked persons and implementing awareness-raising projects with businesses and consumers. This Memorandum, signed with Corporate Social Responsibility/ CSR Hellas Network, is under the umbrella of the "Break the Chain" campaign, committing all companies to slave-free supply chains; d) an agreement with the Ministry of Education to introduce THB awareness -raising lessons in the courses of Human Rights and Sexual Education and an Agreement with the Local Administration and Municipalities to join forces against THB with major cities in Europe.

The main priorities of the NRO, which have already been submitted to a proposal to the ISF (2014-2020) are related to: improving the National Referral Mechanism for the identification, assistance and support of victims of trafficking (VoTs); establishing a comprehensive and systematically updated database for VoTs, according to EUROSTAT standards; promoting cooperation of state agencies and NGOs in EU projects; and implementing large-scale education, train the trainers and awareness-raising projects.

The NRO gives special emphasis to organizing public awareness events, through culture and arts. To this end and on the occasion of the 2014 EU Anti-Trafficking Day (18.10), cultural events (free and open to the public), including theatrical performances, audiovisual material and artwork relevant to THB, have been organized under the auspice of the NR Office and in collaboration with EU Institutions, the IOM and NGOs. Also, an open to public Workshop on Sexual Exploitation has been recently (27.11.2014) organized by the NR Office in partnership with the French Embassy in Greece, at the Institute of France in Athens, with the participation of Greek, French and EU

officials, as well as heads of NGOs with a leading role in anti-trafficking issues. On the occasion of the 2015 EU Anti-Trafficking Day, the NRO prepares the organization of a transmedia public awareness festival under the umbrella “Break the Chain” in cooperation with our partners from local authorities, private sector and civil society organizations.

Ms Ververidou also informed participants about the fact that the NRO had planned to host a transnational meeting between Greece, Albania, Bulgaria and Romania on Joint Actions for the Protection of Children on the Move in the framework of MARIO Project. in Athens, at the Ministry of Foreign Affairs on 16 March 2015.

Mr Walter Hilhorst, Operational Specialist, Inspector of the National Police, Expert in human trafficking in relation to Roma, Netherlands, spoke in his intervention about the Dutch approach in combating the exploitation of children in forced criminality with a focus on Roma children. The expert explained that the sense of urgency in addressing Roma appeared in 2009 when municipalities increasingly raised concerns about Roma families, regarding public order, school absenteeism or early drop-out, high crime rates, including Roma children from Romania and Bulgaria forced to beg and steal in Netherlands but also in other Western European countries. As a result, the Ministry of Justice and the Platform of Municipalities with Roma population developed a national program, based on three pillars: knowledge development on Roma; developing links with the EU and the Council of Europe and piloting the program in 4 Municipalities. The principles that guided the implementation of the program were the focus on welfare and future of the children and employing an integral approach on “multi problem-families”. As such, the initiative required that there is 1 plan for each family and 1 family manager/worker. In addition, a very good coordination among the social network, the police, the youth care, mental institutions, schools, housing associations, child protection services and other aid agencies was required.

From the police perspective, the aspects that were noticed before the implementation of the national program were only the: burglaries, home diversions, pickpocketing, shop lifting and scams, where the police acted ad-hoc and with little impact. But when starting to look closely at the families involved in crimes, the Dutch police could identify children that were exploited and needed protection, including from their families. Before, the police would look at criminal acts by Roma from a bias perspective, ignoring the best interest of children. Finally, the expert concluded that they were not “combating Roma, they were combating trafficking in human beings”.

Mr Stefano Pasta, from the Centre for Research on Intercultural Relations, Sacred Heart Catholic University in Milan, working on a sub-group on Roma, spoke briefly about the situation of Roma children in Italy and the obstacles they face in the access to education, especially those living in camps and forced to move all the time. He also spoke about Italy’s initiatives to promote the social inclusion of Roma and the role of various institutions including the National Office for Combating Discrimination.

Discussions from participants focused on the overall situation of Roma and Egyptian communities in Albania, particularly of children as vulnerable to trafficking. It was pointed out that Roma children register high drop-out rates and that as a result may fall victims of trafficking. A Roma representative pointed out that often teachers do not know where to report or what should be the procedure to react when children are at risk of being trafficked.

Regarding the responsibility of parents towards their children, it was underlined that sometimes parents and relatives are involved in the trafficking of their children and family members and that this poses a high risk for re-trafficking.

Another Roma representative pointed out that the lack of trust by Roma in police and local authorities is a major obstacle in preventing and tackling trafficking. It was noted that on a few occasions Romani women went to the police to report acts of domestic violence against them

and that the police did not respond adequately to the victims and as a result the cases were dropped by the women involved. In response, a representative of police forces said that it is critical to have community policing in order to improve relationships with the Roma community. Examples were also given about Romani women having difficulties to accessing the shelters for victims of violence and the need for increased awareness raising and community reach-out. A concrete example of 25 Roma families living and working on the property of a land owner and potentially trafficked for the purpose of forced labor was mentioned in the discussions, where it was highlighted that there is a need for a better and prompt response from the social authorities, police and other responsible bodies to identify, investigate and respond to potential acts of trafficking. In this regard, the speaker concluded that a stronger partnership with Roma NGOs is needed.

A representative of the state social services discussed about the need for an enhanced cooperation with the International Office for Migration (IOM) in order to avoid overlap. More specifically the speaker referred to the situation of returned victims of trafficking, about whom the social services need to be notified upon their return so that they can receive assistance and avoid re-trafficking. The speaker emphasised that holistic approaches provide better protection of children against trafficking and in this sense she mentioned that since 2014, state social services provide services and assistance to families, including Roma families and not just to children, especially children in street situation.

The IOM representative talked about IOM's efforts towards the implementation of Albania's 2009 Reintegration Strategy for Returning Albanian Citizens, thus making possible the return of illegal migrants to Albania.

#### 3.2.4.7. Field visits

The CAHROM thematic group had also the opportunity to visit the National Reception Centre of Victims of Trafficking (NRCVT) and the Centre for Children in Street Situation in Tirana.

The NRCVT is an institution supervised by the Ministry of Labor, Social Affairs and Equal Opportunities (MoLS AEO). It is the only state sponsored centre for the reception of trafficking victims. The target group of this center comprises: trafficked women and girls or those at risk of trafficking; unaccompanied children at risk of being trafficked; and sexually exploited young women who have returned to Albania. All the services in the center are offered by a multi-disciplinary team. The center also assists the trafficked people that have testified against their traffickers with services related to their protection in accordance with the Law for the Protection of Witnesses and Justice Collaborators.

The Centre for Children in Street Situation is a day centre in premises provided by the municipality of Tirana and operates under a project implemented since 2009 by Save the Children and, most recently, funded by the EU Delegation in Albania (in 2011 and 2012).

The centre undertakes outreach to identify children at risk and establish contact with the children's families. Beyond outreach, services provided by the centre include birth- and civil-registration assistance, medical support and school enrolment. At the same time, the centre provides training for service providers in working with children living and working in the streets and with their families.

In each year of its operation, the centre has served approximately 300 children at risk of living and working in the streets and being subject to exploitation and abuse, including trafficking. Insofar as Roma and Egyptian children account for the majority of children living and working in the streets, they also constitute a main target group of the centre. The approximately 300 Roma/Egyptian children (6-16 years) benefit from improved access to education and gained

life-social-vocational skills. Children here are also offered with development opportunities and recreational activities which help children to increase their self-esteem and confidence and empower them to make positive choices in life. This initiative has been validated as a good practice by the OSCE-ODIHR.

### **3.3. Greece**

#### ***3.3.1. National situation and legal framework***

Greece is a transit and destination country for victims, trafficked for commercial sexual exploitation and forced labour. As Greece is one of the main entry points for migration flows into Europe, potential victims of trafficking may be identified amongst the undocumented migrants entering the country.

On a national level there have been intensive efforts to fight THB, following a comprehensive approach that includes legislative reforms, inter-agency coordination, a more inclusive protection regime for victims, public awareness campaigns and partnership with stakeholders from major international organizations, as well as from countries of origin, transit and destination. Towards this end, Greece ratified the three fundamental legal instruments against THB: the UN Convention against Transnational Organized Crime and its Protocols – the “Palermo Protocol”: Law 3875/2010 (158/A’/2010), signed and ratified the Council of Europe Convention on Action against Trafficking in Human Beings with the Law 4216/2013 (266/A’/2013) and transposed the 2011/36/EU Directive into the Law 4198/2013 (215/A’/2013). The new Law establishes the Office of the National Rapporteur (MFA) and gives an official mandate of accountability to the informal Coordination Mechanism of competent Ministries, International Organisations and accredited NGO’s. It is meant at promoting a better cooperation between the competent authorities and stakeholders, and it facilitates the national ownership of internationally acknowledged best practices against THB.

According to the Government assessment, in 2014, less victims of THB were identified than in previous years; while from 2010 to 2013 the number of identified victims remained stable (ranging from 92 to 99). Similarly, in 2014 fewer perpetrators were prosecuted comparing to previous years. The number of identified perpetrators has been decreasing from 2010 onwards. This may imply that traffickers have resorted to new, tacit means of exploitation and that their new modus operandi is more difficult to be detected and prevented. Moreover, more often than before traffickers are choosing different routes other than Greece. As concerns the type of THB most often identified, labor and sexual exploitation remain the majority of identified cases. Most female victims were recruited by their “partner” who falsely promised that he could offer jobs to Greece as domestic workers or waitresses. Most of the victims originate from EU countries (Bulgaria and Romania) and travelled along with their recruiter to Greece. Female victims continue to appear in greater numbers than male victims (with the exception of 2013, when more male victims of THB were identified). Only four female minors have been identified as victims of THB in 2014. This number may be much higher, given the thousands of unaccompanied minors entering Greece at risk of being exploited.

In the majority of cases, the trafficker’s nationality is Greek, Albanian, Bulgarian and Romanian. Perpetrators from Czech Republic, Russia, Ukraine, Belarus, Georgia, Bosnia, and Turkey were also prosecuted. A few perpetrators from African countries, such as Nigeria, have also been prosecuted. In 2014, three perpetrators from Syria were also identified.

Human trafficking for *sexual exploitation* remains the predominant manifestation of trafficking in Greece. The majority of victims for commercial sexual exploitation originate from: Romania, Bulgaria, Albania, Russia, Ukraine, Moldova and Nigeria. Their ages range from 20 to 30 years old. According to official statistics, the predominant trafficking route originates from eastern

European countries, towards western European countries. Over the last years however, two additional routes are often used by traffickers: a) from south-eastern Asia to Europe, and b) from Western Africa to Europe.

The recruitment of victims for exploitation in *forced begging* is another aspect of THB occurring in Greece. Statistics show that in 2011 and 2012, forced begging increased, while from 2012 to 2013 the situation has remained stable. In the majority of cases, perpetrators and victims were Romanian and Bulgarian citizens, from the Roma community. Perpetrators approach potential victims, especially those with physical and mental disabilities, transfer them to Greece and force them to begging in several public spaces (shopping malls, traffic lights, metro station etc.).

*Child trafficking* in Greece concerns unaccompanied minors (girls and boys) who are recruited by perpetrators and are trafficked to Greece for further exploitation. The age of young victims ranges from 15 to 18 years old. Perpetrators recruit young girls and by falsifying their IDs so as to verify that they are adults, transfer them to Greece for commercial sexual exploitation. There have been cases of entire families with minor members, who have been exploited by traffickers. Greek law enforcement authorities have investigated cases related to exploitation of minors in forced begging. The victims (boys and girls) originate from the Roma community and their parents either force them to begging or, in some cases, children are “sold” to other Roma, so as to exploit their begging. In the majority of such cases, both victims and perpetrators were Roma from Bulgaria and Romania.

*Exploitation of begging and labour exploitation* in the form of selling petty items on the street (such as paper handkerchiefs or flowers) is the most common type of exploitation affecting Roma children in Greece. The crime of exploitation of begging did not previously fall under the anti-trafficking legislation or under the legislation relevant to begging. As a result it remained largely unpunished, despite the fact that it was increasingly committed against economically deprived persons. Anti-begging legislation concerns Article 409 of the Penal Code which criminalises the act of a) coercing persons under one’s custody or dependent on him into begging or neglecting to prevent them from begging; and b) supplying persons under the age of majority, or adults who are mentally or physically handicapped, to others with the aim of gaining themselves, or others, financial benefit through the pity or curiosity these persons evoke to the public.

Recent field research<sup>40</sup> suggests that that “law-enforcement authorities in Greece find it difficult to investigate and prove whether or not involving children in begging constitutes trafficking when there is no evidence of the involvement of a third person or group of persons, beyond the parents/legal guardians, as traffickers”. It remains unclear whether the anti-trafficking legislation applies to situations when the parents/legal guardians are the (suspected) perpetrators. This is especially the case when no clear signs of use of physical violence, abuse or coercion against the child, are detected at the stage of the investigation. This is so even though Law 3875/2010 foresees that the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in the relevant legislation.

These challenges in the identification of children as victims of trafficking have important implications as regards the prevention of the crime, the prosecution of offenders and the protection and assistance that child victims receive. They reveal that Roma child begging constitutes a “grey zone”. The difficulty lies in drawing the line between the two. The limited ability of the anti-trafficking legal and policy framework to prevent the crime and adequately identify the victims is more profound in situations of child trafficking in begging but it is not

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<sup>40</sup> CONFRONT. *Countering new forms of Roma children trafficking: participatory approach. National report: Greece*, February 2015. Report available at: [http://childrentrafficking.eu/wp-content/uploads/2015/05/CONFRONT\\_Country-Report\\_Greece.pdf](http://childrentrafficking.eu/wp-content/uploads/2015/05/CONFRONT_Country-Report_Greece.pdf)



limited to those. While anti-trafficking efforts and the cooperation between relevant stakeholders have strengthened in recent years, the CONFRONT study suggests that the number of identified child victims of trafficking grossly understates the reality.

At the time of the thematic visit, Greece had not put in place a formal national identification and referral system for victims of trafficking. Nevertheless, a quasi-formalised process of identification and referral involving the anti-trafficking units and Public Prosecutors existed, while the national identification and referral mechanism (NRM) foreseen in legislation was in the process of development.

Since the thematic visit took place, positive and significant development concerning the establishment of the National Referral Mechanism took place. Greece has now put in place a formal national identification and referral system for victims and presumed victims of trafficking through the Ministerial Decision 3003/2016, published in the Official Government Gazette in September 2016 (20.09.2016). The Office of the National Rapporteur on THB (ONR) supervises the National Referral Mechanism (NRM) and operates as a hub for path-breaking action and partnership building, among all actors involved in combating modern slavery. This does not merely concern law enforcement (police and prosecutors), but it also involves additional front-line professionals, such as labour inspectors, health providers, migration services, public transportation employees, local administration authorities and other stakeholders who may come across presumed victims (notably unaccompanied minors and presumed victims among migrants and refugees). The National Referral Mechanism (NRM), as the coordinating authority of protective actions for potential or officially identified THB victims in Greece, will be responsible for data collection with regards to the following: profile information, recruitment and exploitation background information, co-operation with law enforcement, numbers of officially identified THB victims, residence permit issuances, provision of psychosocial and legal support services, participation in penal procedures, compensations granted. The Mechanism is managed by the National Centre for Social Solidarity of the Ministry of Labour.

Regarding *child trafficking for sexual exploitation*, girls trafficked for this purpose make up the largest share among the identified victims of trafficking in Greece. The CONFRONT 2015 study indicates that a number of Roma girls from Bulgaria and Romania have been trafficked into Greece and exploited in prostitution. Unlike sex trafficking of girls, sexual exploitation of boys in general, and Roma boys in particular, is an under researched phenomenon.

Since the thematic visit took place, it should be noted that there are some legislative updates. The President of the Hellenic Parliament approved in March 2016 the National Rapporteur's proposal to establish a parliamentary sub-committee on issues related to Trafficking in Human Beings. This parliamentary committee, established in June 2016, addresses issues of exploitation of vulnerable groups at risk of being trafficked and follows up on international developments with a view to proceeding up to possible amendments in the current legal framework.

### **3.3.2. Existing data on Roma in relation to trafficking in human beings**

According to the 2015 study, the first instances of Roma child trafficking in Greece were reported in the late 1990s. Children of Roma origin were to be found among Albanians who were trafficked and exploited in begging or forced labour in the streets of big cities in Greece. Trafficking from Albania for begging and other purposes affected mainly boys. Cases of Albanian Roma girls who had been trafficked for exploitation in prostitution in Greece were also reported in the early 2000s.

Nowadays, law enforcement authorities and service providers estimate that trafficking of Roma children from Albania in the form described has substantially decreased, if not altogether subsided. Instead, there is an increased presence of Roma children from Bulgaria and Romania in the streets where they are involved in begging and other income-generating activities. The EU accession has enabled legal and unhindered entry to Greece.

According to the 2014 Trafficking in Persons report for Bulgaria, a number of Roma children are forced into street begging and petty theft in Greece. The same report identifies Romania as a country of origin of men, women, and children subjected to labour trafficking, sex trafficking, as well as forced begging and theft in Greece, with victims of forced begging being typically ethnic Roma. In recent years, the police and NGOs have noted the presence in Greece of a significant number of Roma children from Albania, Bulgaria, and Romania subjected by family members to sell goods on the street or beg.

A significant obstacle to have an overall understanding of the extent and forms of Roma child trafficking in Greece is that no data on the ethnic origin of the identified victims of trafficking is collected. The data that is available, collected by the Hellenic Police, can be disaggregated by the sex of the victims, their nationality and the forms of exploitation to which they were subjected.<sup>41</sup> Minors make up a minority among the victims of trafficking registered by the Greek Police. During the period 2011-2013, 34 minors were detected as victims of trafficking in Greece in total. Of these, four had been trafficked for begging (3 males of Romanian nationality and a Greek female), nine were victims of labour exploitation (mostly males of Romanian nationality), 19 were subject to sexual exploitation, and one Bulgarian child was found trafficked for illegal adoption.<sup>42</sup>

According to the CONFRONT national trafficking report, street activities, in which Roma children are substantially engaged, have not been perceived as trafficking or exploitation, either by the Roma or by the majority population, not least because cross-border movement is not present. They are instead viewed as culturally endorsed or tolerated Roma family and community practices.

The tendency of child trafficking to switch from an activity organised by third parties and criminal rings to one under the control of parents or extended family has triggered many discussions among police authorities and civil society organisations. Taking a criminal law approach towards parents or family members as traffickers is arguably likely to only worsen the position of the children by holding liable and taking away from them those who are often their most important source of stability and security. Exploitation may also take place within the immediate and extended family, including from parents themselves and from relatives vis-à-vis their children. At the same time, Roma families may be themselves vulnerable to exploitation by criminal groups.

The CONFRONT national report explains step by step (detailed in the following paragraphs) the complexity of the phenomenon of Roma child begging, which renders the identification of trafficking victims among child beggars a challenging task. The domestic legal framework provides for a process for the official identification of someone as a victim of trafficking. But for the process to be set in motion it is essential that the police authorities who have initial contact with the incident have grounds to suspect that the child involved is a (potential) trafficking victim rather than a victim of begging. Many times it is the police that first spots child-begging incidents through daily patrols or special operations. Begging is under the competence of the local police stations. Departments dealing specifically with cases involving minors – such as juvenile delinquency and those involving children as victims, related, inter alia, to child abuse,

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<sup>41</sup> CONFRONT National report: Greece, February 2015

<sup>42</sup> CONFRONT National report: Greece, February 2015

harassment and neglect involving care givers – operate within the Security Divisions of Athens and Thessaloniki as well as within the Security Subdivisions of Herakleion and Patras. As the begging of children is considered a misdemeanor, child beggars are brought in for further investigation. When the child is accompanied by a parent or when the parent appears before the police to claim the child, the case is most of the times - if not always - treated under the begging legislation. This means that the police take down the beggars' details and let them go or they may arrest and charge the parent for neglect of child supervision and incitement to beg in line with the provisions of the begging legislation. It needs to be noted, however, that the possibility of children being penalised for begging exists, though in practice it is not generally applied.

At this first point of contact, the role of the police in detecting signs of trafficking in the child begging incidents that come to their attention is crucial. Nevertheless, standardised procedures requiring that a preliminary assessment of the incident for potential signs of trafficking be performed do not so far exist. Therefore any effort to detect signs of trafficking in child beggars, to the extent that it takes place at all, does so in an ad-hoc manner. This means that the interpretation of a case as a trafficking incident or a begging situation may differ substantially even within law enforcement.

Like adult victims of trafficking, many times children are reluctant to give evidence either because of fear, or simply because they do not see themselves as victims. This is especially true for Roma children trafficked into begging who often see begging as a job and are convinced that they must help their families financially. As a result very few, if any at all, of these children are granted the official verification of the status of a victim. The official verification of the status of a victim of trafficking is not an eligibility condition for accessing interim assistance and support. But it ensures that victims who are non-EU nationals shall not be immediately deported and, thus, it is important as far as Roma children from Albania are concerned. There are however, Prosecutors who, acknowledging the necessity to offer protection to a child and the difficulties hampering the official verification procedure (unclear legislation, bureaucracy creating delays, etc.) refer the child for protection and assistance on grounds of suspicion that it is a victim of trafficking.<sup>43</sup>

### **3.3.3. Anti-trafficking initiatives implemented in Greece**

#### **3.3.3.1. Awareness raising campaigns**

The National Rapporteur on Trafficking of Human Beings has initiated a Festival and a general initiative of social awareness raising entitled BREAK THE CHAIN. The Office of the National Rapporteur aims at stepping up efforts to reduce demand for trafficking through Awareness Raising initiatives. The campaign “Break The Chain” is an on-going awareness raising initiative undertaken by the National Rapporteur on issues relating to Human Trafficking and modern day slavery. Part of the campaign is the ‘*Break the Chain Festival*’ that took place in Athens on the occasion of the 2015 EU Anti-Trafficking Day. The Festival participants comprised all the competent state partners, civil society and private sector actors and cultural stakeholders, as well as key international partners. The trans-media concept of the events aimed at combining culture and art with awareness raising and social activism. Preparations for “Break the Chain 2016” (BtC) have been made in close cooperation with all stakeholders actively engaged in the field of combating trafficking in human beings. The “BtC #2” took place in Athens, on 22-23 October, attracting the attention and interest of the general public and the media and social media.

In addition, numerous awareness-raising campaigns have been implemented on a local or national level, mainly by NGO's, such as PRAKSIS, Smile of the Child, ARSIS, KMOP, GCR, “The NO Project”, “the A21 Campaign”, or IOM and the General Secretary of Gender Equality.

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<sup>43</sup> CONFRONT National report: Greece, February 2015

The 'No Project' is mostly active in Schools and Universities and uses performance art and trans-media events as an awareness raising medium. A basic aim is to address the "demand side" and the role of the client before it is "too late";

"The A21 Campaign", is very active in organizing awareness -raising events. From 2011 to 2013, the A21 Campaign has organized: art festivals and sports events (12-day festival KODRA in 2011, Athletes against Human Trafficking in 2012, Alexander the Great Marathon in 2013, Half night Marathon in 2013); a "Human Trafficking Summit" (2012), called "27 Million", an open to public event with a photo exhibition, the featuring of the documentary, "Sex Slaves". The "Human Trafficking Summit" of A21 is organized annually; an awareness campaign to taxi drivers in the two major cities, Athens and Thessaloniki (2013). The team of A21 distributed anti-trafficking materials to more than 300 taxi drivers and 770 people on the streets and organised concert nights. At the end of the summer of 2013, the A21 organized the first "A21 Freedom Fest", two concert nights with various famous artists raising awareness about Human Trafficking and 1109 Hotline. Over 4000 people attended the concerts. The A21 is also very active at schools since 2012. Using dramas, dances and media, A21 presented to over 400 teenagers on the issue of human trafficking in 2012. In 2013, the A21 handed out material to 5,000 high school students and invited them at Freedom Fest as an initiative to inform them. Overall, the A21 had access to 6330 pupils and students in 2013.

The General Secretariat for Gender Equality of the Ministry of Interior launched a three-year long (2012-2015) awareness-raising campaign on gender based violence, trafficking in women included. The Secretariat has also created a new website, aiming at raising the awareness of the youth. On the website women can find a list of indicators showing that human trafficking is taking place and be informed about their rights and in what ways they can assert their rights.

In 2011, the NR in cooperation with the Ministry of Education, IOM, UNICEF, the US State Department, and other partners, organized an awareness raising multi-media and sports youth event in the Olympic stadium that gathered almost 10.000 high-school students.

On the occasion of EU Anti-Trafficking Day 2013, the theatrical performance "Invisible Olga" was organized under the auspice of the NR's Office and the cultural platform "Eλculture.gr". Partners to the event were IOM and the National Centre for Social Solidarity (EKKA).

The "Shoot it" Festival (2013) in collaboration with the cultural platform "Eλculture.gr" invited amateur hopeful cinematographers to "shoot" with their smart phones and compete on short films about trafficking.

The theatrical group "Omada Oneiro" performed several times in Athens and other cities of Greece the production "Sex Trafficking".

The Department of Mental Health and Social Welfare, Institute of Child Health, in the context of the project "SESN" - funded by the ISEC program - combines social theatre techniques and psychological support, aiming to empower and support unaccompanied minors to develop and train behavioral patterns which would function protectively against THB. In addition, through psychological support, unaccompanied minors will be allowed the opportunity to deal with traumatic experiences and take more informed decisions on their future. The prevention program will be applied to four open shelters, in different locations of Greece. The Institute of Child Health, together with partner institutions in four other EU countries, also develops printed and online material on social auditing for THB, targeting both the public and the private sector. This material is the result of a 2-year ISEC-funded project, whose short name is RESAURSE.

The NGO European Public Law Organization (EPLO) implemented, in 2012, an awareness raising campaign by disseminating posters and flyers in relevant stakeholders as well as in places with high risk of THB and also published a video in Greek online newspapers with high visibility.

In the framework of the EU-funded project “Victor”, two TV spots have been created by the NGO the Smile of the Child: one to be used in order to raise awareness to the general public, the second one aiming at reducing demand by addressing potential clients. In addition, two leaflets providing information on child trafficking have been produced and distributed to the public. Finally, the victor website was launched ([victorproject.eu](http://victorproject.eu)). The Smile of the Child also participates in numerous events aiming to provide information and raise awareness to the public on the phenomenon of THB.

### 3.3.3.2. Shelters for victims and temporary accommodation services

The General Secretariat for Gender Equality in cooperation with municipalities all over Greece established Shelters for women victims of violence, including victims of trafficking. The Project is funded by the National Strategic Reference Framework (NSRF 2007-2013). Currently, 16 shelters are in operation, and 3 more are operated by the National Centre for Social Solidarity (EKKA) offering assistance to 15 new cases in 2013. One (1) shelter is operated by the “A21 Campaign” in Thessaloniki, exclusively for THB victims. The A21 shelter offered specialized assistance and legal support to 20 new cases in 2013.

THB victims (identified or potential ones) receive psycho-social support, psychotherapy, medical care, vocational guidance and legal representation or the facilitation of repatriation. The support continues to transition period towards their reintegration. To this end the “A21 Campaign” operates a Social Enterprise called “Renew Boutique” where second-hand clothes are given and sold and the NGO “Nea Zoi” is going to establish a non-profitable handicraft business for the women to be members in order to make and sell handbags. In addition, IOM provides voluntary return (AVR) and post-arrival assistance to the victims, the majority of which are young women who had been sexually exploited. Prior to returning, IOM Greece meets with the victims and conducts a risk-analysis. To assist these women, IOM Greece works with NGOs and government authorities in Greece (Anti-Trafficking Unit of the Hellenic Police, EKKA, the A21 Campaign) and with IOM missions in the origin countries (Russia, Romania, Bulgaria) to provide post-arrival assistance including shelter, counseling and re-integration into their community.

Another important project is implementing for some time now from the NGO PRAKSIS. This is the *STEGI* project which provides *temporary accommodation* services in twenty-five apartments in Attica, Central Macedonia and the island of Lesbos. The project provides psycho-social support and legal aid to particularly vulnerable groups of victims of trafficking, asylum seekers, single parent families, victims of torture, people with chronic health problems.

A21 NGO addressing the human trafficking problem in Europe and in Greece runs the only *accommodation facilities* particularly addressing victims of trafficking, women and girls. It is a crisis shelter where enhanced safety measures are followed and which offers food, accommodation and counselling services lasting up to six weeks on a voluntary basis. Girl victims are enrolled in school and usually stay in the crisis shelter longer than 16 weeks. Women, on the other hand, move to transitional residence where career counselling, financial management, and educational enhancement are provided.

NGOs Arsis and Praksis undertake street-work on a regular basis in common begging spots in Athens and Thessaloniki (occasionally also in other cities) under the project “Mobile School”. The aim is to establish a trusting relationship with children engaging in begging and other street

income-generating activities and, thus, be able to understand their situation, record instances of exploitation and approach the child and family. Street working is done by trained professionals, some of them native speakers of Bulgarian, Romanian and Albanian or speakers of Romani. In addition to outreach work, the NGOs run *day centers* in Thessaloniki that further operate as a contact point for street children and the families who want to ask for help and support. They provide psycho-social support, counselling, liaison with social services and opportunities for children to be involved in educational and leisure activities. The combination of these practices offers a framework for intervention appropriate to the needs of the street child in question. At the same time, the building of trust with children allows for suspected trafficking incidents to be detected, and to be referred to the police authorities for investigation and to the National Centre for Social Solidarity for assistance. Both NGOs run *shelters for unaccompanied minors*, while Arsis also runs a short-term stay shelter particularly addressing mistreated, neglected and children victims of trafficking and exploitation in the outskirts of Thessaloniki.

The Smile of the Child in cooperation with the Ministries of Justice and the Hellenic Police, operates a *centre for children victims of abuse and exploitation*. Within this Centre, a child-friendly and fully equipped space is provided for the video recording of a child's court testimony. This way children victims or children witnesses will be protected by secondary victimization and further trauma that comes with repetitive testimonies during criminal proceedings. This Centre is being implemented with the support of Ministry of Justice and Ministry of Public Order and Citizen Protection, and is at the disposal of the national referral mechanism and all relevant competent authorities in order to accommodate the needs of child victims/potential victims of trafficking as well, as per article 15/b-e, of the EU Directive 2011/36 (preamble article 20).

#### 3.3.3.3. Training and education programs on THB

The Office of the National Rapporteur on Trafficking of Human Beings gives special attention to the training of professionals and to Human Rights Education at schools.

More specifically, following the “train the trainers” educational model, the Office and its partners from National Center of Social Solidarity (NCSS/EKKA) and the Hellenic Police are working with the National Centre of Public Administration & Local Government (State Institute of Training) in order to deliver anti-trafficking training seminars designed for civil servants, school teachers and front-line professionals. Moreover, the Office cooperates with leading international organizations (IOM, UNCHR and UNODC) in preparing a number of trainings for specialized professionals, aiming at the identification of potential victims of trafficking among refugees and migrants. As concerns human rights education at schools, the Office's priority is to address the root causes of trafficking, shifting the emphasis to the social and cultural dimensions of the phenomenon. The objective is to provide information on fundamental human rights, sexual and reproductive health education, so as to breakdown social stereotypes about the commodification of female dignity before it is “too late”. In this respect, the National Rapporteur has been appointed as a permanent member in the newly established National Council against Racism and Intolerance.

IOM Greece has carried out numerous training and awareness raising meetings and conferences for different stakeholders. In 2011, a 2-day meeting was organized for prosecutors, judges, law enforcement, NGOs from Greece, Bulgaria and Turkey. The purpose of the meeting was to increase cooperation and share information. In 2012, IOM Greece along with IOM Georgia and IOM Moldova organized two separate study visits to Athens for law enforcement and prosecutors from the visiting countries to meet with Greek authorities and share information and best practices. In 2013, IOM Greece, along with the NR Office and the US Embassy, was involved in organizing a training session for judges, prosecutors and police officers on investigating and prosecuting THB cases.

*Police Training:* The “A21 Campaign” has developed a training curriculum against human trafficking (based on POLARIS training) in order to provide practical and applicable tools on a victim-centered approach to the police officers and equip them with useful material in their battle against human trafficking. Since the launch of this initiative in October 2013, there have been successfully completed five presentations to 142 policemen at Police Headquarters at 5 important districts: Ptolemais, Kozani, Arcadia and Achaia, and Attica. The main goal is for these presentations to continue until 2016, with the final objective of training 3,500 police in all Police chief in Greece. Furthermore, several other State agencies and Greek NGOs that have been accredited by the Commission’s Civil Society Platform (Praxis, ARSIS, GCR, Smile of the Child) have engaged Greek law enforcement authorities in various trainings in cooperation with leading international agencies such as IOM, UNHCR, FRONTEX. Especially, the police staff that works in the border control participates in educational programs which are organized by Hellenic Police in cooperation with competent European or national, governmental or non-governmental organizations (e.g. IOM, FRONTEX, CEPOL, etc.), paying special attention on awareness, recognition and handling of (suspected) victims of trafficking. Worth mentioning is the recent (in 2013) training of the Greek police staff on trafficking via teleconference by police expertise, the law enforcement training received by the “Warnath Group” and the training of police & judiciary within the “train the trainers program” of the ISEC Project EuroTrafGuide.

*Judiciary training:* Besides the aforementioned training programs, targeting both police and judiciary, awareness-raising and continuous training of judges on trafficking issues is constantly promoted.

The European Public Law Organization (EPLO-Greece), in the framework of the project “Integrated Approach for Prevention of Labour Exploitation in Origin and Destination Countries” JLS/2009/ISEC/AG/207 and in partnership with stakeholders from Bulgaria, Cyprus, FYROM and Hungary, has implemented *regional seminars* in all participating countries with key stakeholders (labour inspectors, judges, prosecutors, police officers, social workers, NGOs representatives). EPLO implemented the national regional seminar on 4 and 5 February 2013 in the premises of EPLO in Athens. The participants included prosecutors, the NR, Police officers, representatives from NGOs, and from the Greek Ombudsman.

The Smile of the Child, in close cooperation with the Ministry of Education is implementing a comprehensive prevention program within the school community. Upon invitation by schools, teacher associations or parents and legal guardian associations, a team of specialized psychologists deliver *prevention sessions* and lectures across Greece on selected topics, such as: abuse, neglect, exploitation, online security, school violence, bullying etc. Child trafficking is included in such sessions about sexual exploitation and online security and this NGO is currently in the process of creating additional educational material in order to deliver these sessions separately. Tools used in these sessions vary according to the age and educational level of the children: Interactive, experiential workshops and activities, Puppet theatre, new technologies – YouLearn platform, ‘Odysseus’: the 1<sup>st</sup> Multi-educational mobile lab of Information, Education & Technology As referred previously (section 2.3.), other NGOs like the A21 Campaign and the NO PROJECT are also very active at schools.

In the framework of the EU-Funded VICTOR Project, which aims at establishing a strong partnership among a broad range of public and non-governmental actors working in the field of child trafficking in the region of South Eastern Europe, the Smile of the Child organized a *training seminar* in Athens (April 2014) for the identification of children victims/potential victims of trafficking. It brought together national experts and stakeholders, healthcare professionals, social workers, psychologists, public prosecutors and law enforcement personnel. The seminar reflected on how the situation in the field of identification can be improved by providing training to professionals likely to come in contact with victims or potential victims of trafficking. More than 170 professionals and practitioners across Greece took part in this

training, which was delivered in plenary session as well as in 4 specialized working groups: a) psychologists and social workers, b) doctors and health professionals, c) law enforcement personnel and d) judges and prosecutors.

### **3.4. Italy**

#### **3.4.1. National situation and legal framework**

Italy is a destination, transit, and source country for women, children, and men subjected to sex trafficking and forced labour. Victims subjected to trafficking in Italy often originate from Nigeria, Romania, Morocco, Tunisia, Moldova, Slovakia, Ukraine, China, Brazil, Peru, Colombia, Pakistan, Bangladesh, Ecuador, Poland, Bulgaria, Pakistan, Egypt, Somalia, Eritrea, and India. Victims are subjected to sex trafficking after accepting false promises of employment as waitresses, dancers, singers, models, or caregivers. Children subjected to sex trafficking and forced labour in Italy are from Romania, Nigeria, Brazil, Morocco, and Italy, specifically Roma and Sinti boys who may have been born in Italy. Transgender children from Brazil are subjected to sex trafficking in Italy. Experts estimate approximately 2,000 children are exploited on the streets in prostitution. Nigerian children and women are subjected to labour trafficking through debt bondage and coercion through voodoo rituals. Roma children from Italy are subjected to forced labour in begging or petty theft and sex trafficking. Unaccompanied children, mainly boys from Bangladesh, Egypt, and Afghanistan, some of whom are employed in shops, bars, restaurants, and bakeries are at risk of trafficking.

In Italy, trafficking principally takes the form of sexual exploitation, and recent years have seen an increase of the “indoor” exploitation, i.e. exploitation inside apartments, nightclubs and spas/health clubs, alongside street exploitation. Most victims of sexual exploitation are Romanians and Nigerians. According to the interviews and researches carried out in the past and for this project, victims can be controlled by their exploiters either through the use of violence or through the creation of a strong emotional bond.

By Legislative Decree No.24/2014, Italy has fully translated into domestic legislation, Directive 2011/36/UE (on the prevention and the fight against trafficking in human beings and protection of the victims, replacing Framework Decision 2002/629 JHA). By this Directive, the EU has set minimum common criteria for the definition of criminal offenses in relation to trafficking. Directive No. 36 pursues the objective to ensure the strengthening of the repressive criminal protection system in order for effective protection of victims, intended as "an essential step/element of the fight against trafficking in persons, which necessarily requires an integrated approach".

As far as children are concerned, trafficked children are provided with special assistance and care programs, carried out by individualized age-appropriate-related services, as supplied under national assistance projects co-funded by the Department for Equal Opportunities, including dedicated shelters, specific counselling, medical and social support.

The Italian Criminal Code specifically envisages prosecution in case of trafficking in children under 'child prostitution' (article 600-bis), 'child pornography' (article 600-ter) and 'possession of pornographic material' (article 600-quater). Pursuant to the Italian Criminal Code, whoever commits trafficking in human beings shall be liable to a term of imprisonment from 8 to 20 years. Penalty is harsher if the offence is perpetrated against minors (Prostitution *per se* is not criminalised in Italy, but the act of procuring is a crime under Article 3 of Act No. 75/1958).

Provided that all forms of trafficking in human beings are prohibited in Italy. (The specific offence of trafficking in persons was introduced in the Italian Criminal Code (article 601) in 2003 by Act No. 228/2003)), by Legislative Decree No./2014, the Italian legislator amended



Articles 600 (Placing/ holding a person in conditions of slavery or servitude) and 601 (Trafficking in persons) of the Italian Penal Code with the aim of strengthening the punishment of perpetrators by ensuring that all forms of trafficking in human beings are punished under the Criminal Code, and with a view to providing a comprehensive definition of such crimes in compliance with the relevant European Directive. More specifically, in case of conducts against children, the conduct is punished under trafficking in persons even if the crime is not committed by fraud, deceit, threat or by promising or giving money. As for the protection of victims of human trafficking, in accordance with the relevant European Directive, the above Legislative Decree also amended the Italian Code of Criminal Procedure in order to extend the existing protection - already envisaged for child victims or mentally ill adult victims - to all adult victims being under particularly vulnerable conditions. Art.1 enlists those who can be considered vulnerable, namely children, unaccompanied minors, elderly persons, disabled persons, women, especially if pregnant, single parents with underage children, persons with mental disorders, as well as persons who suffered rape or other serious forms of physical, psychological, sexual or gender-based violence. With the aim of further strengthening the protection of victims, the above Legislative Decree provides for the obligation to adequately inform them, especially unaccompanied minors who are victims of human trafficking, of their rights. This also establishes that a further decree will be adopted to define specific mechanisms as for the determination of their age and their identification.

In compliance with Directive 2011/36/EU, one of the main novelties introduced by the above Decree is the recognition of the victims' right to compensation. This form of compensation, amounting to 1,500 Euros for each victim, shall be paid in accordance with the terms established by the Decree under the Annual Fund for Anti-Trafficking Measures. The fund already exists and, according to the relevant law, it should be fed with the proceeds derived from the confiscation of assets following a judgment of conviction. Further, by Act No. 190/2014 8 million Euros are to be allocated for the single unified program.

The victims or alleged victims of trafficking benefit from assistance and social protection projects promoted and co-funded by the Department of Equal Opportunities (DEO). As said, these people, both adults and children, can be victims of both forced labour and forced prostitution or other forms of exploitation (forced begging, illegal activities, etc.). From 2000 to 2013, 665 projects were co-funded within the framework of Art. 18 of Legislative Decree No. 286/1998 while, from 2006 to 2012, 166 projects were co-funded under Art.13 of Act No. 228/2003. From 2000 to 2013, 22,699 people (of whom 1,215 were children) had been assisted within the framework of "The Art.18 program". From 2006 to 2012, 4,207 people (of whom 240 were children) received assistance under "The Art.13 program" (2013-related data is still being elaborated). More generally, as for data-collection, DPO is currently working with ISTAT to set up a national data-base on trafficking in human beings.

Furthermore a National Referral Mechanism will be set up through the ad hoc National Action Plan. Guidelines will be developed for the identification of minimum standards for reception and assistance of victims, as well as for the definition of shared operating procedures. In this context, multi-agency Memoranda of Understanding to address THB cases will be signed, and further initiatives to promote the regular and systematic training of professionals working in this field have been envisaged too (police officers, border police, immigration service officials, public prosecutors, lawyers, the judiciary and the judicial staff).

In 2014, with a view to implementing an even more comprehensive national strategy against THB, the Department for Equal Opportunities - in cooperation with all the national authorities committed to this issue and all other relevant public and private actors - developed an ad hoc National Action Plan against Trafficking in Human Beings. Through an effective coordination among the Ministries, NGOs and associations involved, this Plan is intended to enhance the governance of all national measures against THB and to defining the effective cooperation

among all national stakeholders involved in the protection of trafficked people and in the fight against THB.

### **3.4.2. Existing data on Roma in relation to trafficking in human beings**

It is very difficult to assess the situation of Roma as victims of trafficking; however existing data<sup>44</sup> show that a total of 342 non-Italian Roma minors were handled by Offices in 2012, 56.4 % of whom male and 43.6 % female. This figure corresponds to about 9% of all foreign nationals handled. The main countries of origin are those in the Balkan areas, with most minors coming from Bosnia Herzegovina (89), Croatia (82), Serbia (58) and Macedonia (22), followed by a large group of children of Romanian origin (73). Roma children handled by these services are characterised by the large percentage of females of a young age. Among Roma minors handled, the percentage of minors aged between 14 and 15 is quite high (42 %), to which should be added 4 % of minors who are not criminally responsible.

With regard to offences for which they are detained by Juvenile Services, the most common offence is theft (64 %), followed at a considerable distance by robbery (8 %) and receiving stolen goods (5 %) (fig. 2). The analyses carried out did not definitively reveal the existence of any structured trafficking of Roma children for exploitation specifically in begging.

Begging is considered as an activity “typical” of the Roma population. In reality, for many Roma families relegated to the margins of society and of the city, begging is one of the few ways to get together the money to live. Involvement in activities on the street does not necessarily imply a lack of care and attention to the children, who are usually accompanied by one or more adults and adequately looked after, making this a “borderline” phenomenon, where authorities have difficulties to decide what to do for the best interest of the child, especially if the child is taken care of by his family.

According to the CONFRONT country report, there has been no confirmation that systematic and organized movements of Roma children from the country of origin in order to exploit them in illegal activities and profit from them, with the consent of the family or through deceiving them, are in progress.

There is therefore a certain degree of discretion on the part of local institutions in deciding whether or not to take action when a Roma child is found begging on the street, and if so what sort of action to take. Similarly, there is no uniformity among different Juvenile Courts and among social workers in deciding on the best course of action for the child, in particular whether or not to take the child away from the family of origin. In this regard, the Municipal Police of Rome follows some informal criteria regarding the circumstances in which it is necessary to act by investigating into Roma children begging on the street. Action is suggested when a child is found (by police, or reported by the public) to be alone, or with an adult in those cases in which the child might be mistreated. In such cases inquiries are made into possible abuse, and cases are reported to the Court, while in other situations “softer” checks are generally carried out.

It is extremely difficult to prove enslavement and trafficking for begging, and usually, following the indication of the judge, children involved in begging are returned to their parents, unless there are obvious signs of mistreatment and violence. It is thus rare for investigations to be opened to look into a possible trafficking phenomenon. This fact is corroborated by the very small number of child victims of trafficking in legal proceedings as per data from the National Anti-mafia Directorate.

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<sup>44</sup> CONFRONT. Italy country report, 2013, available at: [http://childtrafficking.eu/wp-content/uploads/2014/04/CONFRONT\\_Country-Report\\_Italy.pdf](http://childtrafficking.eu/wp-content/uploads/2014/04/CONFRONT_Country-Report_Italy.pdf)

### **3.5. Netherlands**

#### **3.5.1. National situation and legal framework**

The Netherlands is a source, destination, and transit country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labour. A significant number of underage Dutch residents continued to be subjected to sex trafficking in the country. Identified trafficking victims primarily originated from within the Netherlands and from abroad, including from Romania, Hungary, Bulgaria, Nigeria, Guinea, Sierra Leone, China, the Philippines, and Vietnam in 2013; victims are also from other countries in Africa, Europe, and South and East Asia. Women and children are primarily subjected to sex trafficking, and men and boys are subjected to various forms of forced labour, including in the maritime sector, agriculture, horticulture, catering, food-processing, and cleaning. Some victims were forced to commit crimes, including illegal narcotics trafficking. Groups vulnerable to trafficking include unaccompanied children seeking asylum, women with dependent residence status obtained through fraudulent or forced marriages, women recruited in Africa and Eastern Europe, and East Asian women working in massage parlours.

The Government of the Netherlands fully complies with the minimum standards for the elimination of trafficking. The government further institutionalized the role of its independent national anti-trafficking rapporteur and established a statutory basis for the position in Dutch law; it also continued to implement a multi-disciplinary approach to its trafficking problem through its national-level taskforce. It continued to mobilize a range of governmental, non-governmental, and private entities to proactively identify trafficking victims and increased its conviction rate on trafficking defendants. Trafficking experts reported deficiencies in the government's identification and response to underage domestic trafficking victims, and victim advocates noted concerns about the government's pilot project linking the reflection period with a viable investigation or prosecution, noting potential detrimental effects on victim protection.

According to data provided by the Dutch authorities, 993 possible victims of human trafficking were reported in 2010, 1 222 in 2011 and 1 711 in 2012. Children represented 16% and men 19% of the total number in 2011.

As regards nationalities, in 2011, 28% of the total number of possible victims were Dutch, 11% Nigerian, 10% Hungarian, 9% Polish and 6% Bulgarian.<sup>3</sup> A constant feature over the last years is the high proportion of national victims, the great majority of whom are young women or girls who fall prey to so called "lover boys" who manipulate and force them into prostitution (see paragraph 20).

The proportion of possible victims of THB in sectors outside the sex industry increased from 6% in 2007 to 20% in 2011.<sup>4</sup> The levels of victims of trafficking for the purpose of labour exploitation have therefore increased sharply over the last years and they will in all likelihood continue increasing, in particular in high-risk sectors (e.g. agriculture, horticulture, catering and construction).

At the international level, in addition to the Council of Europe Anti-Trafficking Convention, the Netherlands is Party to the United Nations (UN) Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), ratified respectively in 2004 and 2005. The Netherlands is also Party to the UN Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (ratified respectively in 1995 and 2006), the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol (ratified respectively in 1991 and 2002), as well as

conventions elaborated under the International Labour Organization (ILO), in particular the Convention concerning Forced or Compulsory Labour (No. 29), the Convention concerning the Abolition of Forced Labour (No. 105) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) (ratified respectively in 1933, 1959 and 2002). Further, the Netherlands is party to a number of Council of Europe conventions in the criminal field which are relevant to action against trafficking in human beings (THB).<sup>5</sup>

As a member of the European Union (EU), the Netherlands is bound by EU legislation with a bearing on combating THB, in particular Directive 2011/36/EU of the European Parliament and of the Council of the EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims;<sup>6</sup> Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities; Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims; Directive 2012/29/EU of the European Parliament and the Council of the EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Framework Decision 2001/220/JHA of 15 March 2001 of the Council of the EU on the standing of victims in criminal proceedings.

### ***3.5.2. Existing data on Roma in relation to trafficking in human beings***

In connection to Roma, a national programme against the exploitation of Roma children was launched in 2011. The desire to protect children – regardless of their background – and the duty to defend children from exploitation was the major impetus behind this broad-based programme, which aimed to crack down on the exploitation of (Roma) children and prevent future occurrences of such offences by means of a cooperative approach involving municipalities, police, central government and other organisations needed to ensure a comprehensive approach at local level. An integrated approach was used under the direction of the individual municipalities, using the instruments afforded by criminal and administrative law. This approach combines law enforcement and the active discouragement and prevention of deviant and criminal behaviour. It also involved the VNG, the Child Protection Board, Youth Care the Netherlands, the OM, the Police, the Ministries of Security and Justice, Social Affairs and Employment, and Foreign Affairs. Thus the programme aimed at addressing, inter alia, the participation of children in criminal activities, exploitation of children and forced marriage of underage girls, through (i) knowledge improvement, (ii) pilot projects in four municipalities to solve concrete problems faced by Roma families, and (iii) European co-operation, including through CAHRM, to exchange information and share good practices to combat better transnational child trafficking as well as deal with push and pull factors between countries.

At the start of the programme it emerged that local governments, the Public Prosecution Service, the Dutch police, social workers and professionals in related fields needed well-documented, reliable information on problems specific to Roma. More insight into the nature and extent of the problem was needed to formulate and implement the most effective possible response to crime and child exploitation. The Police College drafted this report to meet that demand.

Four municipalities (Nieuwegein, Lelystad, Ede and Veldhoven) were assisted in their approach to child exploitation and crime in Roma problem families. The parties involved are working on an integrated family-centred approach that could eventually be applied to other municipalities. They are seeking to strike a balance between enforcing the law and offering opportunities. A 'barrier model' will be developed to explain the nature of this type of child exploitation and how best to combat it and to identify which organisations can play a role in taking preventive

measures, picking up signals of exploitation, and preventing or penalising this kind of behaviour.

Within the parameters of the programme's third track, efforts were directed towards promoting bilateral and multilateral cooperation and making agreements (especially with victims' and perpetrators' countries of origin and with transit countries), because child exploitation (e.g. forced marriages involving underage girls) is often a transnational issue that must be dealt with jointly.

The programme came to an end in December 2013 and a follow-up programme was proposed. The Dutch Police College also produced an information document on problem families with a Roma background for social workers and law enforcement officials as part of this wider process.

The Dutch government policy vis-à-vis Roma has varied substantially over the years: from emphasising social work to applying the law very strictly to turning a blind eye to the problem. For a long time, coordination between the various institutions was lacking, and no unified approach existed.

Around 2008 a radical change took place within a number of municipalities, following the adoption of an integrated approach, which focused less on Roma as a group, and more on individual families, especially those experiencing multiple problems. Measures are tailored to the needs of these families. Intermediaries act as contact points for these families and play a key role in the process as a whole. The success of this approach depends on close collaboration between the various local partners, strong oversight on the part of the municipality and, needless to say, the family's willingness to cooperate.

### **3.6. Romania**

#### ***3.6.1. National situation and legal framework<sup>45</sup>***

Romania is mainly an origin country for European states, but also a destination country for Romanian citizens (internal traffic).<sup>46</sup> To a lesser extent, in the period 2011-2013, Romania was a destination country for trafficking in persons for 13 foreign citizens, from Bangladesh, Republic of Moldova, Serbia and Poland.

Most of the identified victims between 2011 and 2013 are adults, with a percentage of 70% in 2011, 65% in 2012 and 66,5% in 2013. The majority are women, with a percentage of 63% in 2011 (664 female victims), 65% in 2012 (675 female victims) and 64% in 2013 (577 female victims). They mainly graduated secondary or high school, the moment they entered into traffic, came from the rural area and were between 14 and 40 years, but the highest percentage are aged between 18 – 25 years.

Most of the identified minors came from the rural areas (55% in 2011 up to 58% in 2013), which represent an environment with high risk for minors, besides other factors such as economic and family related. Most of them were in school the moment they entered into traffic and they abandoned or interrupted the studies when they were recruited for trafficking. Generally, when recruited, they are approached with prostitution or labour offers in the country or abroad, by persons from the group of their friends or acquaintances.

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<sup>45</sup> Information provided by the Romanian National Agency for Trafficking in Persons, according a national evaluation between 2011-2013..

<sup>46</sup> According to the Romanian legislation, National Agency against Trafficking in Persons, as an Equivalent Mechanism to the National Rapporteur, is not collecting data regarding victims of trafficking taking into consideration ethnic criteria. The ethnic appurtenance is recorded on their statements only when and if the victims are consenting expressly for that.

During 2011-2013, the main counties/regions of origin were: Brasov, Arges, Iasi, Arad, Bihor, Dolj, Prahova, Olt, Bacau, Mures, Galati, Vaslui. The geographical distribution of minors-victims shows a wide spread, mobility and flexibility of the groups of traffickers, who get to recruit victims almost in all counties of Romania. The percentage of the minors-victims trafficked internally was from 70% in 2011 to 82% in 2012 decreasing to 78% in 2013.

The rural area is a source also for adult victims of trafficking in persons. Gender distribution is balanced among adult victims of trafficking, in 2011 and 2012; the number of female victims is slightly higher than the number of male victims. The main origin counties for the adult population were: Mures, Ialomita, Iasi, Timis, Salaj, Bacau, Olt, Timis, Botosani, Constanta, Brasov, Teleorman and Olt. The distribution of administrative regions in Romania shows, as in the case of minors, the vulnerability of persons independent of the geographical areas as well as the flexibility of the groups or the presence of criminal factors specific for the trafficking in persons in all the regions/ counties of Romania.

Unlike the minor victims, the adults are mostly trafficked abroad, in European states such as Greece, Germany, Italy, Spain, Czech Republic and other. The adult victims trafficked internally represented 10% of the number of adult victims identified in 2011, 29% in 2012 and in 2013 18%.

If we carefully observe the dynamics of the equation victim – trafficker, we acknowledge that, like in previous years, the circumstances which lead to the victims' vulnerability as indicated by the analysis and criminal investigations are connected with factors such as: quality of life, seeking for better life opportunities, inconsistency of the formal and informal training, the limited access and the low interest for information, lack of opportunities on the labour market, the unemployment, lack of relevant life experience, limited cognitive development and emotional immaturity, naive attitudes and judgments such as „it cannot happen to me!”, coming from disordered families, the victims' wish to escape an abusive or neglecting environment, the desire to satisfy one's needs with any costs, legal or illegal, special vulnerability (sensory, motor, mental deficiency or any other disability), people's lack of interest to get informed on the risks they can be expose to in situations of labour migration.

Being forced to practice prostitution, to participate in pornographic representation or any other form of sexual exploitation, later on called "sexual exploitation" represent the main reasons why the victims end-up in being trafficked. Thus, 1482 persons were victims of sexual exploitation, representing 50% of the total number of victims identified in the reference period.

Sexual exploitation takes place in various public or private areas and has many forms starting from forced prostitution in the streets or in hotels and ending with forced pornographic representations and even on the internet. The number of victims trafficked in various forms of sexual exploitation was, as it follows: no. of victims forced to practice prostitution in the street: 567; no. of victims forced to practice prostitution in private dwellings: 418; no. of victims forced to practice prostitution in clubs: 249; no. of victims forced to practice prostitution in brothels: 103; no. of victims forced to practice prostitution in hotels: 95 and no. number of victims forced to pornographic representation: 53.

The analysis on forced labour and forced lucrative services shows that, according to the trends in the last period, this form of exploitation continues to be the second most common form of exploitation, 1193 victims being trafficked for this purpose, their number representing a percentage of 40%. These were forced to provide lucrative services in agriculture (797), in the field of constructions (109), HORECA (7), or in other situations (street selling, clothing and shoes manufactory, wrapping factory or advertising production – 235 victims). 167 victims were forced to practice beggary, 20 victims were forced to commit “petty” thefts (pick-

pocketing or shop-lifting). In the reference period, 82 cases of attempt to commit crimes of trafficking in persons were registered.

Out of the total number of 2985 identified victims, 1916 were female victims (894 of them were minors). The risk among male victims maintains low in this period, 1069 male victims were identified (95 of them were minors).

The analysis of gender and age indicators reveals the adult female victim population (1022 victims representing 34% of the total number) and of minor female victims (894 victims representing 30% of the total number). The number of adult male victims identified in the reporting period is smaller than the number of female victims (1069 victims representing 32%).

One of the main particularities of the victims' recruitment process is misleading the injured parties, under the false promises of ensuring better-paid jobs than in Romania and emotional confidence of the victims gained through servitude. After the victims are recruited, the traffickers use various methods and mechanisms of constraint. Thus, the sexual exploited victims are especially constrained through abuse and emotional blackmail, physical violence and sexual abuse, seizure and documents' retention, constant surveillance of brothels, periodic movement in other locations as well as inducing fear of severe reprisals including family, if they ask for police assistance. Labour exploited victims are constrained through threats, deprivation of water, food or personal hygiene products, and the retention of documents, financial penalty or unpaid work performed.

The trust that the victims have granted to the job offers or any other, coming from people they know, the people in the circle of friends and acquaintances was significant, and this is reflected by the high percentage of such victims recruited (67 % of all victims were recruited by acquaintances, relatives, neighbours, pimps or life partners).

Thus, a decrease in the number of the victims recruited through placement agencies and job announcements in the media was registered. In conclusion, it seems that people are starting to realize the existing dangers in the vague job ads, which does not ensure transparency in the conditions regarding the wages and the working conditions, or does not fulfil the conditions of understanding accessibility of the agreement object.

In 2013 the destination states for traffickers were Italy, Germany, Spain, Greece, Great Britain, Czech Republic, Netherlands, France, Belgium, Portugal, Denmark, Austria, Hungary, Ireland, Poland and Cyprus. This shows the mobility of criminal groups that act in the country of destination/ exploitation – i.e. transferring the criminal activity from one country of exploitation to another. Cooperation between criminal groups mainly engaged in trafficking of persons is reduced.

According to the ANITP assessment, the structural feature of criminal groups is that they are established at large based on family ties, kinship, and ethnicity – and that the profits of criminal activities remain in the possession of a small group of people/ families/ relatives.

From data provided by the specialized structures of the Romanian Police, a growing tendency is noticed in the cases of trafficking for labour exploitation, both in the European area and beyond, in countries like Libya, Qatar and Equatorial Guinea.

Regarding forced prostitution, the classic *modus operandi* is maintained (false promises regarding better paid jobs abroad as waitresses, exotic dancers, baby-sitter, hostesses, etc.). Most victims are recruited from rural areas or from dysfunctional families with limited financial potential, often with large gaps in education. There is however an increase in the cases in which the victims are aware that they will practice prostitution in the country of destination where

this practice is legal. Even in those cases, they do not receive the sums agreed upon, the arguments given by traffickers being that the victims need to pay for fictitious debts related to accommodation, meals, specific clothing items, accessories etc.

Forced begging has a lower rate compared to other types of exploitation, often begging it is identified as a form of isolated elements without taking forms of organized crime. In most cases this modus operandi involved ethnic Roma, reflecting an obvious difficulty in collecting data and recording information and material evidence in the case.

When analysing the evolution of the reference period and estimate trends in child pornography through a computer system, carried out by cybercrime specialists within DCCO, the following conclusions can be shaped:

Creating/joining groups established online, composed of members engaged with children sexual exploitation through the use or creation of social networks, forums, and virtual groups using specific services available on Internet (ex. Yahoo Groups, Newsgroups). In these groups, the members exchange between them child pornography material by sending/ making available/ purchasing as well as information both on minors sexual exploitation and on the use of specific applications and how to avoid or strain on their detection by law enforcement structures;

Use of online social networks by suspects in order to tackle minors and determine them to develop sexual activities while communicate audio-video with suspects. They make materials consisting of images or audio-video recordings that present child pornography, materials that are stored in systems or data storage media. Subsequently, suspects use the materials created in order to blackmail those minors so that they continue to develop child pornography materials, prostitution etc. This modus operandi is known as "Sextortion".

*Regarding the legal framework*, in 2001, Romania adopted Law 678/2001 on Preventing and Combating Trafficking in Human Beings, which was subsequently amended and supplemented as the institutional anti-trafficking structure evolved.

Thus Law no. 678/2001 on preventing and combating trafficking in persons, hereinafter called framework law, after recent amendments, includes provisions on prevention trafficking, offenses related to trafficking in persons, protection and assistance to victims of trafficking and aspects of international cooperation in this field.

Also, through the amendments made, the framework law has progressed in terms of Romania's alignment with the European standards in the field of combating and preventing trafficking by criminalizing the use of services of trafficked persons and by providing a definition of the concept of victim of trafficking. This new indictment was repeated in the content of the new Criminal Code, being a consequence of Romania's ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (Law no. 300/2006).

The legal framework became applicable in February 2014, established by the new Criminal Code adopted by Law no. 286/2009, provides a comprehensive framework concerning the criminalization of trafficking and other similar acts, and in terms of special procedural provisions necessary to combat crime. In relation to the Criminal Code, it keeps the content of the previous regulation, but bringing them through systematising improvement and alignment to the European standards.

Chapter VII of Title of special section of Law no. 286/2009 – Criminal Code - comprises trafficking and exploitation of vulnerable persons' crimes, bringing in this chapter incriminations currently contained in Law no. 678/2001 and Government Emergency Ordinance no. 194/2002.



The texts criminalizing trafficking in persons, child trafficking and migration were systematized for an easier understanding and better correlation with other incrimination texts, however without bringing substantial changes. The aggravated form of trafficking in persons' crime committed by a public servant in the performance of its duties, was added to implement art. 24 of the Council of Europe Convention on Action against Trafficking in Human Beings, ratified by Law no. 300/2006. The chapter includes child trafficking, as distinct offense with a more severe sanction regime, submission to forced or compulsory labour, pimping, begging, using a minor for begging, using the services of an exploited person.

Regarding the sexual exploitation and the incrimination of these behaviours, the Criminal Code does not anymore incriminate the practice of prostitution, while it keeps incrimination of facts that determine the expansion of prostitution, namely, the facts of its exploitation (pimping, trafficking in persons, use of the services of an exploited person), being in most cases manifestations of organized crime, while the person who provides sexual services is only a victim of human trafficking or sexual exploitation.

Moving the burden from the person who recruited to the recruiters is, thus, likely to help punishing the real perpetrators for extending the prostitution and other correlative phenomena characterized by a higher degree of social danger, especially trafficking in persons.

The fact that prostitution will be removed from the scope of criminal penalties, it does not mean its "legalization" or the activity's transformation into one regulated or allowed by law, because the act of prostitution will still be sanctioned. Mere decriminalization means only to remove this work from the field of criminal sanctions, aimed not necessarily at changing the perception of society from a moral point of view on prostitution.

In this context, even the criminalization of child pornography should be mentioned under the Criminal Code, incrimination that keeps the existing provisions (incriminations of Law no. 678/2001, Law no. 161/2003 and Law no. 196/2003), but also with a more functional systematization.

The new code gives up the criminalization of begging in the form established by the Criminal Code into force, but brings two separate indictments, related to begging and designed to meet the common situations in the recent years. It is about child begging or the one practiced by a person with disabilities (inducing begging or obtaining benefits from this activity) and the use of a minor by an adult who has the ability to work and thus, in order to obtain material help from the public. This latter situation - for example, a woman who goes for begging, and to inspire public charity she keeps a child a few months old in her arms - presents an obvious danger, not only in that seriously violates human dignity, the child coming to be used as props, but endangers the health or even the life of the minor, given the conditions in which he/she is held during begging (very cold or very hot temperatures, rain etc.).

The crime of using services of an exploited person was inserted after ratification by Romania of the Council of Europe Convention on Action against Trafficking in Human Beings (Law no. 300/2006). For example, the text will be applicable if the person agrees to receive an organ transplant, knowing that it is illegally taken from a victim of trafficking in persons, or of the one who agrees to use forced labour imposed on these victims or benefits of forced prostitution services, if he knows that these people are victims of human trafficking.

Within the Criminal Code the concept of exploitation was defined as:

- a) submission to the execution of work or performance of services, by force;
- b) keeping in a state of slavery or other similar deprivation of liberty or servitude;

- c) compelling to prostitution, pornography, manifestations for producing and disseminating pornographic materials or other forms of sexual exploitation;
- d) forced begging;
- e) the removal of organs, tissues or cells of human origin, illegally." (art. 182 of the Criminal Code)

The Criminal Code entered into force on February 1, 2014 according to Law no. 187/2012 for the implementation of Law no. 286/2009 on the Criminal Code.

With regard to the Directive 2011/36 / EU of the European Parliament and of the Council, 5 April 2011 on preventing and combating trafficking and protecting its victims, and replacing Council Framework Decision 2002/629 / JHA, it was found that most criminal and procedural law material contained in the Directive are already set in law, without involving major interventions when transposing the Directive into Romanian legislation.

*In terms of national mechanism regarding THB*, in 2006, the Romanian Government established the National Agency against Trafficking in Persons (ANITP)<sup>47</sup> under the auspices of the Ministry of Interior. ANITP coordinates and monitors anti-trafficking efforts at large. ANITP is supported by its 15 Regional Centres throughout Romania and presides an Inter-Ministerial Working Group (IWG) on this issue. The National Authority for the Protection of Family and Children's Rights (ANFPDC)<sup>48</sup> within the Ministry of Labour, Family and Social Protection is responsible for the portfolio concerning trafficked children at the national level. It chairs a National Coordination Committee on Child Labour and Child Trafficking, which is closely linked to the IWG.

The National Agency against Trafficking in Persons (ANITP) is the main state actor in Romania's fight against trafficking in human beings. Its mandate spans from research to monitoring and operational tasks such as providing support to victims of trafficking. In addition, ANITP coordinates the Inter-ministerial Working Group (IWG) to Combat Trafficking in Persons. The IWG is composed of the Ministry of Interior and Administration Reform and its police inspectorate, Public Ministry, Ministry of Justice, Ministry of Labour, Family and Equal Opportunities and its various agencies, Ministry of Education, Research and Youth, Ministry of Public Health and the Ministry of Culture and Cults.

Selected non-governmental and international organisations are invited to be permanent IWG members with observer status. The National Agency for Roma formally is a member of the IWG<sup>49</sup> but has not been pulled into actual coordination activities.<sup>50</sup> Then again, its input has been requested at various occasions within the framework of the EU Twinning Project "Supporting Institutional Capacity to Prevent Trafficking in Human Beings in Romania".

As a member of the IWG, the National Authority for the Protection of Family and Children's Rights (ANPDC) is responsible for all issues related to trafficking in children. The agency operates as the technical secretariat for a National Coordination Committee dealing with child trafficking and child labour. The deliberations of which are taken into consideration by the IWG. Also, each county has inter-disciplinary teams dealing with child exploitation and child trafficking, which are coordinated by the county councils.

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<sup>47</sup> Originally the agency was called "National Agency for the Prevention of Trafficking and Monitoring of Assistance provided to Victims of Trafficking", established through GD 1584/2005 of 8 December 2005, published in the Official Journal 5/04.01.2006. For more detailed information, see: <http://anitp.mai.gov.ro/en/>

<sup>48</sup> For more detailed information, see: <http://www.anpfdc.ro/content.aspx>

<sup>49</sup> Governmental Order 1951/2007 from 24th October 2007 on the establishment, organization and operation of a Working Group for the coordination activities regarding the protection of and assistance to victims of human trafficking at the national level.

<sup>50</sup> Interview with the National Agency for Roma, March 2010

ANITP runs 15 Regional Centres<sup>51</sup> composed of one coordinator (from law enforcement structures), one psychologist and one social worker. The Regional Centres' original attribution was to monitor available assistance for trafficked persons. In an effort to assist its partners in supporting victims of trafficking, ANITP's Regional Centres started to offer emergency assistance in crisis situations as well as to refer victims directly to specialised organisations. Staff of the Regional Centres furthermore monitors the victim's social integration in the "post-assistance period" for a minimum period of six months.

Even though cooperation between ANITP and ANPDC seems to be working well, other stakeholders are confused about their mandates resulting in an over-reliance on these two agencies without getting engaged themselves. This trickles down to the local level, where the interest in dealing with trafficking is very low, especially in rural areas. Local authorities have too little concern, will and interest in creating and developing cooperation and networks on this issue. For instance, trafficking in human beings has never been on the agenda of local authorities in Iasi County. In contrary, civil society initiatives are expected to make up for the lack of state involvement. This burdens the work of civil society as much as it waives the responsibility of authorities.<sup>52</sup>

The National Victim Identification and Referral Mechanism<sup>53</sup> sets out the main principles and guidelines for Romanian stakeholders to identify, refer and assist presumed trafficked persons. In fact, this tool should enable anybody to initiate victim identification and referral. Based on good cooperation and a clear understanding of responsibilities and mandates, any action should rest upon the following:

- recognition of a victim's right to physical, psychological and social recovery
- equality and non-discrimination in accessing protection and assistance measures
- participation of victims and self-determination
- continuity and smooth flow of operations in referring and supporting trafficked persons.<sup>54</sup>

All prevention campaigns were designed to educate and inform certain segments of urban and rural population, taking into account in terms of projects and programs framework, particular target groups. Public message content had in mind the most common forms of exploitation of victims of trafficking, as they were revealed by statistical reality and media of the period: sexual exploitation, labour exploitation and forced begging.

Probably the most important gain is the fact that all campaigns have been designed, planned and implemented within different local, national and international partnerships, being adapted to the local context, regional and international levels, taking into account the configuration of the target groups receptors of the anti-trafficking message.

As in many countries, good cooperation and smooth operations are facilitated through good personal contacts and informal networks between law enforcement and social services at various levels. The entire system of support should apply regardless of a victim's decision on whether s/he participates in criminal proceedings and is based on the National Standards for Victims of Trafficking in Persons Assistance Services.<sup>55</sup>

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<sup>51</sup> ANITP's Regional Centres are based in Alba-Iulia, Bacău, Braşov, Bucharest, Constanţa, Craiova, Cluj Napoca, Galaţi, Iaşi, Oradea, Piteşti, Ploieşti, Suceava, Timişoara and Targu Mureş.

<sup>52</sup> Interview with Romanitin Iasi, April 2010

<sup>53</sup> The Romanian Ministry of Interior and Administration Reform issued Governmental Order no. 335 of 29 October 2008 to adopt the National Victim Identification and Referral Mechanism (Romanian Official Journal no.849 of 17 December 2008)

<sup>54</sup> GO 335/2008, p. 4

<sup>55</sup> GD 1238/2007

### **3.6.2. Existing data on Roma in relation to trafficking in human beings**

Many Roma communities, especially in rural areas, live in poverty with limited access to social welfare, medical services and education. Many revert to informal labour or live off marginal resources generated through begging, metal collection or prostitution. Roma's traditional system of norms and values underwent a lot of changes in recent years, a trend that can actually be observed in Romanian society at large.

Poverty in the case of both Roma and non-Roma is one of the main vulnerability factors for exploitation and ultimately trafficking in human beings. This is aggravated by a lack of education, lack of employment as well as a high degree of credulity and desperation. The inherent lack of perspectives back home puts many people at risk of becoming re-trafficked.

According to existing data<sup>56</sup>, street children are amongst the most vulnerable of becoming victims of trafficking. The majority of them are runaways from state-run placement centres as well as they are of Roma ethnicity. They may also be the second or third generation born on the streets, invisible for the state due to their lack of identity papers. Many are drug consumers and exercise prostitution. In general, they are settled in a specific zone, which is controlled by a "boss", who is also a street child.

There are victims of trafficking among Romani sex workers (i.e. bought and sold among pimps). Many of the victims of trafficking for sexual exploitation are from urban areas because the communities in the rural areas are conservative and closed to outsiders while the urban Roma community "is built on the independence of its members and is more open." The social background of Roma victims varies. In principal, they are from very poor families and agree to become sex workers. Their families tacitly accept their decision. On the other hand, there are Romani girls with education, who use drugs, and become sex workers in order to generate „easy money“ for drugs and ultimately become trafficked abroad. Drug addiction is frequently used by pimps to increase the vulnerability and dependence of sex workers.

Research<sup>57</sup> on Roma migration patterns from Romania to Italy (especially Naples and Rome) led to the identification of cases of trafficking in human beings. Romanian Roma in Naples entertain connections to the Italian mafia and oversee the market for begging, prostitution, stealing and garbage collection. It appears that all Roma (app. 5,000) in Naples come from the town of Calarasi in Romania. The migration/exploitation modus works as follows: Roma communities in Calarasi are extremely poor and live on the margins of society. Loan sharks (camatari) send people to Naples to work for one year in order to have their debts cancelled. Fake NGOs are organising trips from Calarasi to Naples. People come and go between Romania and Italy on a regular basis for begging, prostitution and metal collection. Their main source of income is a combination of Romanian social aid and begging or prostitution abroad. A worrying trend is that parents are reported to increasingly subject their children to prostitution in Italy since Italian state authorities are taking children, who they find begging on the street, into state care. Roma have to pay fees, either to the network that facilitates the travel or for a place in a camp. Most Roma from Calarasi reportedly migrate to Naples, most Roma from Craiova reportedly migrate to Rome.

It is difficult to assess the extent of Romani women among female prostitutes, who may be victims of trafficking since women commonly do not identify themselves as Roma and because of sex work being an underground business. Within Romania, there is a tendency to move commercial sex from the streets to hotels and apartments in order to circumvent police. Pimps

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<sup>56</sup> ERRC Country report: Romania, 2011

<sup>57</sup> ERRC Country report: Romania, 2011

contact clients through the internet and newspaper ads, establish meetings and bring the clients to the sex workers.

Law enforcement and social workers dealing with trafficking cases indicate<sup>58</sup> that their perception was that the majority of victims of trafficking for “committing felony” were of Roma origin.

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<sup>58</sup> ERRC Country report: Romania, 2011

## **IV. CONCLUSIONS AND LESSEONS LEARNT**

### **4.1 Lessons learnt from the thematic visit in Albania**

At the end of the thematic visit, the CAHROM experts debriefed on the meetings that they had with the Albanian authorities, the roundtable with local authorities and civil society and the field visits.

The experts were very positive about the organisation of the thematic visit by the Albanian CAHROM Member, Ms Blerina Zoto Tepelena.

Concerning the findings of the thematic visit, the experts were very pleased with the wide range of meetings they had and with the amount of information they had received, particularly that the experts from Greece and Netherlands were working intensively with the issue of trafficking in their countries and could further use the exchanges of information in their daily work.

Overall, although exact data about the real extent of the phenomenon in Roma communities in Albania were lacking, the experts could conclude that Roma communities are particularly vulnerable to trafficking for the purposes of street crime and begging.

They agreed that the issue of identification and protection of victims is an on-going challenge for all countries and while Albania has made important steps through involving various actors at national level, this should remain a priority going forward. In this sense, the experts acknowledge the role of the Albanian National Referral Mechanism (NRM) in developing guidelines, assessing progress and promoting an inclusive approach to anti-trafficking, including the consultation with the civil society.

While the Government cooperates closely with the civil society, through the coalition of NGOs dedicated to THB, the Roma civil society should be also encouraged to work closer with the Albanian anti-trafficking organisations, including with the National Anti-trafficking coordinator and the NRM. Building the capacity of Roma NGOs to better understand and address issues of trafficking in Roma, including those at risk of trafficking, particularly children is also key to the prevention their further victimisation and trafficking.

The experts agreed that the Standard Operating Procedure (based on which victim identification and referral are made), according to which social services, the Ministry of Foreign Affairs, the border police etc. reacted so far when in contact with potential victims of trafficking seemed to be proving efficient.

The national help line for victims of trafficking – application from Google, free sms and calls are regarded as good reactive measures and could inspire countries that do not use such services. Other awareness raising tools and mechanisms, particularly the mobile units was seen as essential for raising awareness about trafficking of vulnerable groups, including Roma and Egyptian communities. The mobile teams' project was financed by US Government to help identify those communities at risk of trafficking and provide services. The Albanian Government would like to replicate it, but they need more resources, thus this is an initiative that would need further consideration.

The trainings implemented for professionals on anti-trafficking, including social workers, police and prosecutors should continue. The Council of Europe Secretariat took note of the request by the Ministry of Social Welfare and Youth to provide additional support for training needs regarding professionals in order to contribute to identifying and providing assistance to more victims, including to front line professionals such as law enforcement, coast guards, health professionals, labour inspectors, educators and others.

It was clear that the Roma children in street situation and begging belong to poor and vulnerable families. Therefore providing support for economic and livelihood opportunities for Roma families as a way to prevent trafficking or children being at risk of trafficking is needed. Imminent housing evictions may represent a major push factor to trafficking. Resolving the on-going insecurity of housing of Roma in Albania can prevent further victimisation and the risk of trafficking and re-trafficking of Roma children.

From discussions with the Albanian authorities, the experts concluded that more work needs to be done on cross border cooperation protection system and management – to build joint systems and to exchange experiences, including working together on concrete cases on issues just as identification and registration of children without identity documents.

Finally the exchanges that took place between with the Albanian authorities and civil society as well as between all the experts are seen as very useful and the experts suggested that such exchanges should continue in the future.

## **4.2 General conclusions**

In the absence of ethnic data, it is difficult to assess the real extent of the phenomenon of trafficking in human beings in Roma communities; the information gathered in this and other reports however is indicative of tendencies that should be further monitored and analysed.

Conclusions from the thematic visit on the issue of trafficking in Roma point to the fact that Roma are indeed vulnerable to trafficking as they are disproportionately affected by the discrimination they face in their home country and the barriers they face in accessing public services such as schools, health and social services and employment opportunities. More so, it was evident from the visit to Albania and the reports of the groups of experts that Roma children are particularly at risk of being trafficked and re-trafficked for the purpose of sexual exploitation and street crimes, including begging.

Begging of Roma children is viewed in Albania but also in Greece, Italy, the Netherlands and Romania as part of a family survival strategy, especially that the Roma children begging come from very challenging economic backgrounds, where parents lack employment and whose income is daily based, mostly from what children bring home. The begging of children raises a number of questions, however clarification should stem from prioritising on the best interest of the child. As a result, it is obvious that children should not be made responsible for the financial and social wellbeing of their families and that the social and child protection authorities should intervene to assess the family situation and support through combined measures and interventions the social and economic empowerment of poor families, accompanied by additional psychological, educational, medical services and employment services for the child and the adults in the family. If this is done, the dilemma about the criminalisation of parents involved in the beginning of their children diminishes greatly, thus allowing for harsh measures only to extreme situations, including those of relapse.

Regarding the general protection of victims of trafficking, proper and timely *identification of victims* is essential. Firstly, the existence of multidisciplinary structured is proved to be critical, but so its functionality and effectiveness. In this structure, all relevant bodies, including civil society and representatives of communities at risk have to be included and committed to an agreed process and guidelines of operation. Secondly, needs-oriented and regular training of staff responsible for identification is highly recommended. Identification and assistance to children victims of trafficking needs to take account of the specific circumstances and needs of child victims and ensure the *best interests of the child*.

A particular attention should be paid to providing further training to *law enforcement officers, coast-guards, prosecutors and the judiciary*, on various aspects of trafficking and to further enhancing their internal capacities to multiply expertise on trafficking to their peers. A particular focus to training activities should be Roma as victims of trafficking, including through sessions aimed overcoming negative stereotypes and attitude towards Roma as victims or potential victims of trafficking.

From the discussions with the Roma civil society in Albania and reports by the group of experts, increased *coordination and cooperation* with Roma civil society in addressing human trafficking is needed. All countries concerned need to adopt an inclusive approach and develop formal consultation methods between governmental and Roma NGOs on human trafficking. Building the capacity of Roma NGOs to better understand and address issues of trafficking in Roma communities, including those at risk of trafficking, particularly children should be one of the priorities. Further links and exchanges with the Council of Europe sectors can also contribute to this process.

As regards *international cooperation*, a wider and more consistent, on the ground cooperation is needed to prevent and combat THB in Roma communities, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. A stronger cooperation with countries of origin is needed in this regard.

All countries participating in the thematic visit shared good practices in tackling human trafficking; however, such examples need to be better known by those on the ground. Therefore, it would be very useful to explore further ways to disseminate and raise awareness of good practices at national and regional level.

Finally, the CAHRM Committee should continue to discuss the issue of trafficking in human beings and provide the space for further exchanges and joint initiatives among member States.



## APPENDIX 1: AGENDA OF THE THEMATIC VISIT



### AGENDA

#### Ad hoc Committee of Experts on Roma Issues (CAHROM)

**CAHROM thematic group of experts on addressing and combating human trafficking within Roma communities (with a focus on prostitution and street children)**

**(Tirana, Albania, 4-6 March 2015)**

*The working languages will be English and Albanian (whenever needed, consecutive English/Albanian interpretation will be provided by the hosting authorities).*

#### **DAY 1: Wednesday, 4 March 2015**

- 10:00 – 11:00 Meeting with Mr Igli Totozani, Albanian Ombudsman**  
Venue: Ombudsman's Office (address: Bulvardi Zhan D'Ark, Nr.2)
- 12:00 – 13:00 Meeting with Ms Bardhylka Kospiri, Deputy Minister of Social Welfare and Youth (MoSWY)**  
Venue: MoSWY premises (address: Rruga e Kavajës)
- 13:00 – 14:20 Lunch**
- 14:30 – 15:30 Meeting with Ms Nora Malaj, Deputy Minister of Education and Sport**  
Venue: Ministry of Education and Sport (address: Rruga e Durrësit)
- 16:00 – 17:00 Meeting with Mrs Elona Gjebrea, Deputy Minister of Interior/National Anti-traffic Coordinator**  
Venue: Ministry of Interior (address: Sheshi Skënderbej, Nr.3)
- 17:15 – 18:15 Meeting with Ms Nevila Xhindi, Deputy Mayor of Tirana,**  
Venue: Municipality of Tirana (address: Bulevardi Dëshmorët e Kombit)

**DAY 2: Thursday, 5 March 2015**

**Venue: Hotel Tirana International**

**9:00 – 13:00** Round table on addressing and combating human trafficking within Roma communities (with a focus on prostitution and street children) with experts from partner countries (Greece, Italy, the Netherlands and Romania), Council of Europe Secretariat, representatives of the Albanian government, and representatives of NGOs and Albania-based international organisations

**13:00 – 14:30** **Lunch**

**Afternoon** Visit organised in the National Centre for the Trafficking Victims

**DAY 3: Friday, 6 March 2015**

**Venue: Hotel Tirana International**

**09h00-11h00:** Debriefing meeting and conclusions of the two-day thematic visit in Tirana between the CAHROM thematic group of experts and the National Anti-trafficking Coordinator Office

**11h00-12h00:** Visit organised in the Centre for Children in Street Situation

**12h00:** **End of the programme. Departure of experts and CoE Secretariat**