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Save the Children Italy, Romania and Denmark contributed to the research undertaken for this Study and the production of this Report. The Recommendations contained in this Report do not necessarily reflect the position of Save the Children on child begging.

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1 This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

2 This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

0. Introduction

"*The life of the begging child is a lonely life – it lacks the happiness of childhood*."[1]

Child begging is a common sight in cities such as Budapest, Sofia, Paris or Warsaw. It is not so common, and in fact has all but disappeared, in Stockholm, Copenhagen or Vienna. One of the purposes of this report is to examine the reasons behind these differences, in relation to legislation, policy and responses, as well as the characteristics and causes of child begging across Europe.

Begging children occupy a place at the lowest echelons of society, come from poor backgrounds, are often badly dressed and badly cared for, and mostly treated as a nuisance by the authorities, rather than as a child protection concern. Their visibility on the streets of European cities casts doubt upon the viability of child protection frameworks and reminds passers-by of the intolerable levels of poverty, inequality, exclusion and child abuse that exist in Europe today. During the last few years, there has been increasing attention in many EU Member States and other European countries on the phenomenon of child begging. Whilst a consensus exists among Member States that child begging needs to be addressed, there has been little evidence thus far on what is the best policy approach.

In order to provide a comprehensive understanding and rigorous empirical research on child begging, it is necessary both to conduct research at a national level, and to bring the research down to a local level, to examine the reality of the phenomenon as it affects the children themselves and as it plays out in European localities. Therefore research was conducted first at a national level in 15 European countries – 13 EU Member States and 2 non-EU countries, as well as, in a second phase, in a total of thirty European cities, on the phenomenon of child begging. The Country Sections included in this Report present a complex phenomenon that is by no means homogenous in nature, and involves children of various backgrounds and in different situations. Nevertheless, there are some key features common to a number of cities, setting out the main scenarios that child begging represents.

Within the polity of the European Union, even the thirteen Member States under study do not have harmonised laws in this area. For example, a child begging who is considered in certain States as a victim of exploitation or trafficking or simply of the crime of begging with a child may, in accordance with their age, be considered a perpetrator by other States and even arrested for breaking the law. Where begging in general, or aggressive or organised begging in particular, is criminalised according to a national or local law in the city under study, the children involved may be held criminally responsible if they are over 10 years old in the UK (apart from Scotland, where it is 12), 13 years old in France or Greece, or over 15 years old in Poland.[2] Furthermore, in the case of children begging without adult accompaniment, it remains unclear as to which law applies, as these children were shown to fall through the gaps of child protection laws in many jurisdictions. Throughout the research, it is clear that it is a particularly complex and problematic situation in terms of legislative, policy and child protection response when a child is being exploited (and sometimes also trafficked) by a parent or guardian, who furthermore may also be being exploited themselves.

This comparative report brings together the results of research carried out in thirteen EU Member States (Austria, Bulgaria, Denmark, France, Germany, Greece, Hungary, Italy, Poland, Romania, Spain, Sweden and the UK) and in Kosovo and Albania, forming part of the overall *Study on the typology and policy*

1 Principal of a Secondary School in the district of Hristo Botev in Sofia, Bulgaria, during interviews conducted for this Study.

2 The legal age of criminal responsibility varies in the countries under study between 10 years (England, Wales and Northern Ireland) and 15 years (Denmark, Poland and Sweden). Note that children aged 14-17 in Spain may be sanctioned, though not under the Criminal Code.

responses to child begging in the European Union, which comprises an EU level, a national level and a local level, with desk research and interviews for each of these levels, in order to provide a comprehensive picture of the child begging phenomenon. This report focuses on various aspects of the phenomenon, its characteristics, how it is legislated for and what responses are in place, aiming to sketch out the situation in countries under study, including any recent changes. While data is available to show that child begging is, or has been, an issue in all of the countries under study, its magnitude and characteristics vary widely in the fifteen countries, as will be shown in this Report. This research is complemented by the comparative study of local case studies carried out in cities in the fifteen countries and the Typology of child begging.

The research reveals that in countries such as Austria, almost no children can be seen begging, despite the fact that five or six years ago, child begging was identified as a problem, and that the US Department of State TIP Report continues to consider "forced begging" involving Roma and other Eastern European children a problem (US Department of State, 2011). Research in Sweden and Denmark also indicates that the problem is negligible in those countries, though, as will be shown, some regional reports suggest otherwise.

One of the results of this study is that there is a remarkable dearth of literature at national and local level on the phenomenon of child begging. Although some cities produced media reports on cases of children begging, there is a marked absence of rigorous empirical research. Some research has been conducted in Italian cities into Roma issues in general, and particularly on the issue of removal of custody of children from Roma parents.[3] The situation of Roma in settlements in Italian cities has also been taken up by EU-level organisations such as the European Roma Rights Centre and the EU Fundamental Rights Agency.[4] However, none of these publications specifically addresses begging among children in Italy.

Research in some of the countries under study, such as Albania, Greece, Kosovo and Bulgaria, on the other hand, shows that there are a significant number of children on the streets begging - and engaged in other related income-generating activities. Additional information on Albania and Greece is available from the research carried out by Emily Delap for Anti-Slavery International and published in *Begging for Change* (2009), with its accompanying *Toolbox*, the most recent and pertinent study in this field, though with a different geographical focus to the present research. This is complemented by the recent publication of the Mario project on Bulgarians in Greece,[5] and the publication, in late 2011, by Save the Children of a regional report on child begging in Southeastern Europe.[6] The research points to child begging as always constituting child exploitation.

A report conducted by the European Roma Rights Centre and People in Need, published in 2011 and

3 Rozzi, Elena (2012, forthcoming) *MINORanze – Bambini e adolescent rom: dall'esclusione alla tutela dei diritti e all'inclusione sociale*; Associazione 21 Luglio (2010) *Esclusi e ammassati: Rapporto di ricerca sulla condizione dei minori rom nel villaggio attrezzato di via di Salone a Roma*; Osserv-Azione (2011) *Protecting the Rights of Romani Children in the Italian Child Protection System*.

4 Fundamental Rights Agency (2008) *Incident Report – Violent Attacks Against Roma in the Ponticelli District of Naples, Italy*; ERRC (2011) *Life Sentence: Romani Children in Institutional Care.*

5 The Mario project – supported by the Oak Foundation – is a joint effort of influential NGO players in the field of child protection who formed a joint advocacy platform to enforce better protection of migrant children in Europe and put pressure on European and national decision-makers to better protect children from exploitation, abuse and trafficking. Mario Project (2010). *Observation Report*: *Exploitation of Albanian children in Street Situation in Kosovo*. Mario Project, available at: http://tdh-childprotection.org/documents/vulnerability-to-exploitation-and-traffi-cking-of-bulgarian-children-and-adolescents-in-greece

6 Save the Children (2011). *Regional Report on Child Begging: Prevalence, Prevention and Suppression of Child Begging*. Save the Children Prevention of Child Exploitation in South East Europe. This report was supported by the Norwegian Ministry of Foreign Affairs and conducted in cooperation with the network of Ombudsmen for Children of South East Europe, focusing on the region of former Yugoslavia (not including Kosovo), and therefore outside the geographical scope of this project.

focusing on Bulgaria, the Czech Republic,[7] Hungary, Romania and Slovakia,[8] found that 20% of the trafficked Roma people interviewed were children at the time that they were trafficked. No statistics could be obtained on the proportion trafficked for the category of "forced begging/petty crime", though it was considered present in all countries under study. Exploitative begging was found to be linked with the phenomenon of trafficking amongst Roma. Nevertheless, in some cases, exploitative begging did not constitute trafficking as such, particularly in relation to children. Due to the fact that vulnerability factors for trafficking were found also in non-Roma trafficked populations, there was no evidence to support the notion that trafficking or exploitative begging are "cultural practices" among Roma.[9]

An aspect that becomes evident from the research is the over-representation of Roma and other traditionally nomadic people among victims and perpetrators in this regard (such as Sinti, "*Egyptians*" and Ashkali)[10]. Belonging to the Roma community is considered in the existing literature as a "risk factor" when it comes to child begging.[11] Care was taken to avoid biasing the research or stigmatising this population further, while also placing the focus on child protection and putting the best interests of the child to the forefront, regardless of the child's origin. It is therefore also interesting to note that in all of the countries under study, children of other origins become involved in begging, raising child protection concerns about children of majority national as well as other ethnicities and origins and calling for responses and interventions that protect all children, while acknowledging the prevalence of children of Roma origin among those who beg, due to specific socio-economic vulnerabilities.[12]

The local research showed that children begging in the cities under study, as well as the adults accompanying them, where this is the case, are overwhelmingly of Roma origin, from Romania, Bulgaria, Albania, Kosovo and Slovakia. The common origins of many begging children in the EU raises the suspicion that organised networks are involved in moving the same victims of exploitation or trafficking from countries of origin to various countries of destination. This is particularly evident in the commonality of features of begging in cities in France, Spain and the United Kingdom, where children begging come from the same regions in Romania (e.g. Tandarei, Marmures) and sometimes apply tactics such as dressing as Muslims in order to receive charity from the Muslim community, or organising false petitions in order to receive donations.

"Aggressive" begging has been the focus of media attention in some EU countries and further afield. While only a minority of countries – some of those with less children begging (some Austrian federal states, Denmark) and one with a prevalence of children begging (Greece) - ban begging outright, many more

7 Country not covered by this project.

8 Country not covered by this project.

9 European Roma Rights Centre and People in Need (2011). *Breaking the Silence: Trafficking in Romani Communities*. Budapest: European Roma Rights Centre and People in Need.

10 In Albania and Kosovo, the Ashkali and *Egyptians* are Albanian-speaking ethnic minorities recognised as communities. Observers consider them to be "Albanianised" Roma, but they do not self-identify as such. Prior to the Kosovo war of 1999, Albanianised Roma in Kosovo registered themselves as Albanians. Now they are divided by identifying with two different groups, although the people share a culture, traditions and language (Albanian). The Ashkali and *Egyptian* communities are new communities in Kosovo. The relationships between Roma, Ashkali and *Egyptians* are very complex in Kosovo and Albania. Roma representatives and activists of the Roma community strongly resist the emergence of "*Egyptians*," and see this phenomenon as a kind of separatism, which weakens the unity of their population. From the other side, according to the *Egyptians*, the Ashkali are pure Egyptians, who, under Albanian pressure or voluntarily because of some specific interests, present themselves as another community. For more, see: De Soto, H, et al (2005) *Roma and Egyptians in Albania: from social exclusion to social inclusion*, World Bank Working Paper No. 53, Washington D.C.

11 Save the Children (2011). *Regional Report on Child Begging: Prevalence, Prevention and Suppression of Child Begging*. Save the Children Prevention of Child Exploitation in South East Europe.

12 There are approximately 12,000,000 Roma people living in the European Union, around 95% of whom are sedentary (European Roma Rights Centre and People in Need (2011). *Breaking the Silence: Trafficking in Romani Communities*. Budapest: European Roma Rights Centre and People in Need). A small minority of this population are involved in trafficking for the purposes of exploitation through begging, both as victims and sometimes as perpetrators.

countries (e.g., Kosovo, Poland) ban aggressive or intrusive begging, also penalising situations where begging is a repeated, rather than once-off, activity. Where the age of criminal responsibility is under 18, as in all countries under study, children who are begging may sometimes, rather than being seen as victims, be considered as perpetrators by law enforcement, and charged with a crime, though in practice this response is not generally adopted. Some countries explicitly ban begging with children, rather than all begging, some with child protection measures in place. Other countries ban the exploitation of another person's, or of a child's begging, while not banning begging in itself.

The living conditions and housing of the families or groups of children begging are seen in the research to be very poor and in no way conducive to the well-being of the children. Children observed during the course of the research were often badly-dressed for the weather and observed to be dirty or badly taken care of. Therefore, the neglect evidenced by the fact of these children being on the streets begging is compounded by a general neglect, whether this is seen as the responsibility of the parents, the State in the country of destination, the State in the country of origin or NGOs. Child protection concerns therefore extend beyond the abuse, exploitation and destitution of children while begging, to other spheres of their lives. Nevertheless, there is no clear conclusion that the majority of these children are missing school, as a significant proportion are pre-school age, while others were reported to beg outside of school hours. This is important, as schooling emerges as a clear advantage in preventing children from begging.

This Report approaches child begging at a national and local level from a child rights perspective, placing the research principle of the best interests of the child at the core of all analyses, while fully and comprehensively taking into account the need both to punish exploiters and traffickers, and to involve families in finding solutions, where this is possible, depending on the severity of the case.

The cities under study vary from those, such as Tirana, Bucharest, Paris and Sofia, where child begging is very prevalent and visible on the streets, to those, such as Vienna, Stockholm, Turin and Copenhagen, where the phenomenon is almost non-existent. There are also cities such as Milan, Graz and Rome where previously child begging was a common sight but has decreased in recent years. In order to understand these different contexts, and determine what in fact works to effectively address the phenomenon in terms of prevention of child begging, protection of the children involved and prosecution of perpetrators of exploitation and trafficking for the purposes of exploitation of children through begging, it is necessary to examine in depth the research that exists, the legislation in force and how the problem has been addressed in the different countries under study in terms of responses and good practices. The link between situations of trafficking and exploitation and children begging is clearly in evidence from individual and joint police investigations in European countries, but what shape does this link take in practice, and to what extent are parents and guardians, rather than other adults, involved in the trafficking and exploitation of their children?

Some police investigations into the issue have been carried out in the European context, most notably Operation Golf, a joint operation between the London Metropolitan Police and the Romanian police, which will be discussed in detail in this report. Yet it must be acknowledged that the larger part of exploitation takes place without being identified as such and without the children involved being granted the necessary protection.

> *"We should encourage police officers [...] to be more sensitive to these children, to see beyond their being dirty, scruffy and in the way."*[13]

This report will show that there is a need for a coordinated and concerted effort in the European Union to address a situation that poses grave dangers for the health and proper development of a very disadvantaged, and often also stigmatised, group of children. The European Union is founded on values

13 Representative of the Human Trafficking Department of the Polish Ministry of Internal Affairs and Administration.

of human dignity, freedom, equality and solidarity, which apply to nationals and migrants alike. Children who end up involved in begging, whether trafficked for that purpose, or instructed to do so by their own parents without the elements of trafficking in place, are facing serious violations of human dignity and stand testament to an unacceptable level of inequality in society. It must be ensured that begging children are granted what all children have a right to – a childhood.

1. Methodology and Working Definitions

1.1 Methodology for the National-level Research

The methodology for the national-level research on child begging comprised (a) a literature review of recent publications on child begging and related topics, such as child trafficking, which are referenced throughout the report as they relate to the main themes covered, either substantiating research results, standing in contrast, or providing an alternative perspective on issues raised; (b) A comprehensive review of relevant legislation, setting out the legal framework at an international level and informing the Legal Analysis in this Report.

Researchers contracted for the Study in each of the fifteen countries initially carried out (c) a stakeholder mapping, in order to identify the main actors in relation to the issue of child begging, and to identify possible interview partners at a national level. The principal focus of the methodology was to develop and implement (d) country report templates, which facilitated the composition of (e) fifteen national country reports carried out under the auspices of this study by researchers in each of the fifteen countries covered. These reports illustrated a wide range of contexts, throwing up commonalities and differences between each national context. The structure of each national report was based on a common template, developed for the purposes of this study by the project team, in order to facilitate multi-country comparison. The purpose of the report was to provide contextual information on each of the fifteen countries under study, at a national level, and to prepare for local fieldwork by identifying case studies. The information was based on desk research, subsequently complemented by factual information and references from interviews with national stakeholders. The fifteen national research reports, together with the local case studies (see below) inform the Country Sections in this comparative report, the development of the Typology, as well as the identification of good practices, and the composition of recommendations on child begging.

The format of the national reports was as follows:

A. Introduction, Patterns and Characteristics
Statistics or estimates on child begging, child trafficking and children living or working on the streets
Characteristics of children involved in begging
Geographical distribution of the phenomenon at national and local level
Changes and Trends
B. Legal and Policy Framework
National Legal, administrative and/or social definitions of: Child begging Children living or working on the street Child trafficking
Child protection framework
Ratification relevant legal instruments or recommendations
Brief note on national legal system regarding child begging – centralised or regionalised?
C. National Policies

National policy responses to child begging: Prevention of child begging Protection of children involved Prosecution of offenders
Relevant policy responses in the area of migration policy
National anti-trafficking strategies and action plans
D. Public Debate
Public debates
Media "events"
Public campaigns
E. Relevant Organisations
List of NGOs, international/intergovernmental agencies, Government agencies and other service providers working in this field
Street outreach
Shelters
Child helpline and calls in relation to child begging
Services
Referral system for child protection concerns
F. References
Relevant Literature at a National and Local level

The report template also contained detailed instructions as to how the research was to be carried out, and the precise nature of the data and information required. The purpose of the national reports was to provide contextual information on each of the fifteen countries under study, at a national level, and to prepare for local fieldwork by identifying case studies. The fifteen reports served to inform the development of the Typology and recommendations on child begging, on a comparative basis. In providing information, country researchers were instructed to keep in mind the specific focus on child begging and related phenomena.

The national reports were complemented by qualitative field research, involving a series of interviews and focus groups with relevant stakeholders, including law enforcement agencies, social services, local authorities and NGOs. These interviews and focus groups were carried out according to a standard questionnaire developed for this study, in order to facilitate comparison and multi-country analysis. The questionnaire covered the causes, extent, settings of child begging, the connection with child trafficking and organised crime, responses and concluding questions. An additional interview report was composed by each of the fifteen country researchers, setting out the results of this consultation process.

While this Report takes into account the crucial importance of involving begging children themselves in the research, and consulting children on issues of importance to them in general, consultation with children, through interviews, focus groups and observations, only formed part of the local-level research as it could not feasibly be conducted at a national level.

1.2 Methodology for the Local-level Research

The methodology for the local level section of the Study on Child Begging was developed based on the objective of composing a Typology of the phenomenon. In consultation with the Project Experts on methodology, social research and child protection, comprehensive and empirically sound research tools

were developed by the project team, with extensive feedback from the national researchers. There were six local research tools in all, comprising:

1) Form for overview provided by desk research at local level;
2) Semi-structured questionnaire for interviews with key stakeholders;
2) Observation guidelines and forms for recording information during observation sessions;
3) Guidelines for interviewing children;
4) Instructions for focus groups with children;
5) Guidelines for semi-structured interviews with children

Each of these tools provided detailed instructions, primarily to ensure the best interests of the children involved were respected at all times, and also to ensure that the material produced could be comparatively analysed and could inform the Typology. This focused on the best interests of the child, as well as how best this is determined in an informal manner for the purposes of research.[14]

Cities selected for case studies were chosen largely on the basis of the prevalence of the phenomenon, but also, in some cases, with regard to responses to the phenomenon that could be of interest for the research. In each country, between one and four cities were studied, based on background information of the local context, consultation with stakeholders, passers-by and people who worked at child begging locations, and observations, interviews and focus groups with children. The results of the selection process were that in all countries where child begging was found, the capital city showed the highest prevalence of children begging, due to high population density, inflow of tourists and the anonymity of large urban spaces (including the ability to evade police control), and was thus included, as well as one or more other cities, whose dense population, geographical location, ethnic Roma population or incidence of urban-to-rural migration rendered them interesting for the research. Cities other than capital cities were also sometimes chosen due to the incidence of seasonal child begging, particularly during the summer in tourist cities. Media reports on certain cities also provided indications of their suitability as case studies. In a practical sense, the presence of NGOs that could assist in the research and provide their experiences was also a deciding factor in some cities.

The United Kingdom was a particular case, as little or no evidence of child begging was found in cities other than London. Therefore the decision was made, due to the high density of population in that city, to study three boroughs where child begging had been identified. The three case study locations in London, Westminster, Kensington and Chelsea and Peckham were chosen on the basis that there was no evidence of current observable child begging in other parts of the UK, while the choice of these particular boroughs was based on media reports, police intelligence and scoping work carried out by the research team. Similarly, in Berlin, the districts of Charlottenburg and Mitte were considered of most relevance to the research.

Table 1 below shows each of the European cities selected in the countries under study, providing an overview of the geographical scope of the local research on child begging.

Table 1: Case Study Cities and Countries

Albania	Tirana, Durres
Austria	Graz, Innsbruck, Linz and Vienna

14 As in, not subject to a judicial procedure, see: UNHCR (2006) *UNHCR Guidelines on Formal Determination of the Best Interests of the Child.*

Bulgaria	Sofia, Varna
Denmark	Copenhagen
France	Paris, Lille
Germany	Berlin
Greece	Athens, Thessaloniki
Hungary	Budapest, Szeged
Italy	Milan, Rome, Naples, Turin
Kosovo	Prishtina, Ferizaj
Poland	Warsaw, Poznań
Romania	Bucharest, Suceava
Spain	Madrid, Seville
Sweden	Stockholm
United Kingdom	Westminster, Kensington and Chelsea, Peckham (London)

For the non-participant observations of child begging locations conducted in each of these cities, specific observation guidelines and general guidelines for research involving children were provided both to ensure the quality of the research and the safety of the children and researchers involved, in accordance with child protection guidelines issued and composed by the consortium partners for the Study. General points to be followed in the observation session were developed and provided to the country researchers, with the caveat that, as the observation time was limited, all these elements may not have been observed during the one session. The information obtained through observation was triangulated and checked through interviews with begging children and with other local stakeholders. Researchers were further instructed to always keep in mind the child trafficking indicators provided (ILO List of Operational Indicators for Child Trafficking for the Purposes of Labour Exploitation).

The general points covered in the observations were:

1) Begging activity:
    a. How old do the children seem to be? Baby or toddler carried by another person (adult, older child), children begging by themselves or in groups of children, etc.
    b. Do children beg together with adults? If yes, do they seem to be comfortable in their company?
    c. Are they brought to the begging place by someone else?
    d. Do the same children beg at the same places at the same time?
    e. Do they beg in "shifts"?
    f. Does someone approach them (e.g. in order to collect money from them) or monitor their activities?
    g. Do they engage in activities auxiliary to asking for money, such as selling small items, providing token services, singing or playing a musical instrument…?
    h. Did you observe the children also engaging in other activities (such as petty theft, substance abuse, drug dealing)?
2) General appearance and conditions of children involved:
    a. How do the children look in terms of health, weight, clothes, hygiene, posture and other characteristics? Do they seem stressed? Could you observe any particular rituals, symbols and norms in their activity?
    b. Did you observe any evidence of children suffering in any way, e.g. children with a physical disability, young children appearing to be asleep all the time (and possibly being drugged to keep them in this state), or too hot, or not wearing enough clothing in cold weather?
    c. Do children seem to have any relationships (supportive or otherwise) with people around the

begging setting (kiosk workers, waiters, railway or bus station staff, etc.)?
   d. Do children have access to food, drinking water and sanitary facilities while begging?
3) Begging conditions:
   a. Where do they beg? – Streets, crossroads, in front of shops, outside places of worship, metro stations etc.
   b. Do they "take breaks" and meet with others (other begging children/adults)?
   c. Do they eat at the place where they beg?
   d. Do they accept items other than money?
4) Observe any indications of links to trafficking, organised crime or exploitation, in accordance with the UNODC and ILO indicators on child trafficking.
5) Observe the reactions of others (passers-by; people who work or spend time in the area where the children beg; adult beggars in the same area etc.)
   a. Do passers-by talk to children? How do they seem to treat them?
   b. How do law enforcement officials seem to react? How do they treat children who beg?
   c. Do those working in the area where children beg talk to the children? How do they address them and what do they say?
   d. If children approach passers-by, how do they react when they give money and how do they react when they do not? Is there a difference in their reaction?

In cities where it was possible to interview begging children, the children to be interviewed were selected in cooperation with social workers or NGOs working on the streets, and interviews were conducted where the children live as well as where they beg. Interview guidelines for children were used to engage in a conversation with the child respondent that is informal and relaxed, while guided by certain themes and questions.

The guidelines, mentioned above, for conducting research with children were taken into account while interviewing the children, as well as the indicators for child trafficking. Country researchers applied a standard questionnaire developed for this Study, which covered:

Country or origin, age, living conditions, wishes and concerns. Persons surrounding the child
1. Where are you from? 2. If you are from a different country, how did you come to (….)? 3. If you are from a different city or region, how did you come to (….)? 4. Why did you move here? Who did you come here with? 5. How old are you now? 6. Are you in (….) on your own or with someone? 7. Where do you live? 8. Who do you live with? 9. Do you like living in (…)? If yes/no, why? 10. How do you feel about the place where you live and the people you live with? Would you change anything? If yes, what? 11. Are your mum and dad with you? Do you live together? If not, where are they now? Do you keep in regular contact? How?
Begging activity

12. What do you do during the day? Where do you spend your time? With whom are you spending your time?
13. What do you usually do on the street?
14. Do you come here/go to the streets every day?
15. Have you been doing this for a long time? How long? Around how many hours do you spend here per day (or today) – from what time to what time (adapt according to age and maturity of child)?
16. Do you also go to other places?
17. What else do you do during your day? Do you go to school? Do you play and have fun? With whom?
18. Who looks after you?
19. What do you do to get money from people?
20. Do you get more money from locals or tourists?
21. How much money did you get yesterday?

22. What do you like to eat?
23. Do you buy it yourself or does someone else give you food?
24. Are you generally feeling well? Do you have any health problems? Have you ever been sick? If yes, did you see a doctor?
25. Who do you turn to if you have problems and/or need help?

Level of Child's Agency

26. What do you think about getting money this way?
27. What do you spend your money on?
28. Would you prefer to continue or stop doing what you do? Why? When? Would that be possible?
29. What makes you happy in your life? Why?
30. What makes you sad? Why?
31. Do you feel scared sometimes? Why? What do you do to feel safer? What could make you feel safer?
32. What kind of help do you think you need? Is there anyone you can go to for help? If yes, tell me why you go to this person and how they help?
33. Do you know other children who beg? Who are they? (brothers and sisters, relatives, friends…?) What do you think about other children begging?

Interaction

34. How do the people who give you money treat you? And the people who don't?
35. Have you ever talked to people interested in your activity on the street, like charity organisations or the police?
36. If yes, how did they treat you?

Organised crime

37. Do you give the money you get to somebody else?
38. If yes, who do you give it to?
39. What happens if you don't give money to this person?
40. Does someone tell you when you have to be on the street and get money?
41. Where do you meet this person and when? Do you meet him/her on the street? What does s/he do while you beg?

Ending the interview

42. Is there anything else you want to tell me?
43. How did you feel about talking to me?
44. What do you think about this kind of research? Can you give me any advice about how to do this research?
45. Can you recommend to me anyone else to talk to?

The results of the local case studies and field research have been incorporated into the Country Sections, as well as informing the development of the Typology and the Recommendations.

1.3 Challenges and mitigating strategies

Data on child trafficking at national level in each of the fifteen countries under study, and particularly on child trafficking for the purposes of exploitation through begging, is scarce for various reasons. Firstly, in some countries (such as Denmark and Sweden), the phenomenon is considered of limited significance and thus no statistics are recorded. Secondly, in general, only legal proceedings are recorded, which implies the absence of statistics on cases that did not lead to an arrest or a court case. Thirdly, data is sometimes gathered only at city level or by some NGOs as internal statistics.

As with general research on issues connected to trafficking and child protection, it is difficult to access comparable sources of data. Child begging in particular is a phenomenon with low levels of reporting and identification. In general in the countries under study, children in this situation only come to the attention of the authorities if they themselves are arrested by police or if their exploiters/traffickers/parents are arrested. Otherwise data may only be available to a limited extent from NGOs. Begging is often not disaggregated in statistics as a form of exploitation, in countries where it is not an offence, and begging children are often not disaggregated in statistics from begging adults, where begging *per se* is an offence (eg. in Greece). Even in isolated cases where there are statistics specifically on begging children, they are not comparable across cities, regions and countries.

The difficulty in accessing, comparing and analysing statistics was addressed by increasing the number of stakeholders interviewed, particularly those who have access to relevant information, such as organisations from the national referral mechanism for victims of trafficking and law enforcement agencies. The local level research provides enhanced data on the extent of the phenomenon at a local level, where there is more facility in gaining an overview. Country experts during the local phase were able to provide sounder estimates on the basis of local data, interviews with local experts and observations. A recommendation will be developed specifically in relation to the collection and treatment of data on child begging and child trafficking for the purposes of exploitation through begging.

Information gathered through EU-, national- and local-level research was analysed with respect to the specific biases that may be present and the levels of awareness of information and access to data of those consulted. Many of the stakeholders and literature consulted put forward opinions rather than providing statistical data or facts, and therefore the reliability of these sources is often in question. This may relate to issues such as the proportion of children of Roma ethnicity involved in the phenomenon (and indeed, the question of on what basis it has been established that children are of Roma ethnicity - see below); the extent and character of the connection between child begging and child trafficking (ranging from no connections whatsoever to connections in all cases, among those consulted) and the question of whether children are instructed to beg by relatives or non-relatives. In addition, in many cases stakeholders and studies provide data that is based purely on estimates with no obvious grounds.[15] There is relatively little data in relation to whether, and how, it has been ascertained that the adults accompanying the children have parental custody.

This difficulty was overcome by the combination of all levels of the project research, but particularly the local-level case studies, which gathered first-hand information about the situation and circumstances of children begging through observation and consultation with the children themselves, and with qualified stakeholders. Appropriate research tools and templates have been developed for the local level research

15 A concrete example of this is provided in the very useful report *Breaking the Silence: Trafficking in Romani Communities* by the European Roma Rights Centre and People in Need published in March 2011 (p11): Table 1 Estimated Representation of Roma by Trafficking Purpose and Target Country shows a wide divergence in estimates across different stakeholders.

(see above) in order to obtain factual information on the extent and causes of the phenomenon, countries of origin of children who are begging, settings and modalities of begging, link to organised crime, etc.

Some studies and actors consulted were in direct contradiction of one another. These contradictions extend to campaigns and research that seek to address child begging. A mitigating strategy to cope with unsubstantiated opinions and direct contradictions is to analyse the background of the source and the consequent reliability of the information at all levels of the research. Where information is contradictory, law enforcement sources that have used investigative means such as surveillance (over a longer period of time), and criminal investigation, will prevail over information that is unsubstantiated. Moreover, the factual information obtained through observation and consultation has been checked against the indicators for THB, and specifically child trafficking. Nevertheless, information obtained in the course of investigations by law enforcement agencies about cases of trafficking in countries other than those directly involved in the investigation was treated as an indicator of possible trafficking cases rather than an established fact.

As mentioned in the Introduction, data and statistics analysed point to an over-representation of children of Roma ethnicity among children who beg, and therefore the issue is of particular concern for Roma children and adults. Concerns have been raised among some actors, particularly Roma rights organisations and NGOs, that a targeted policy to address child begging specifically as a "Roma problem" will further stigmatise the community and ultimately have detrimental effects on Roma children's rights.[16] Related to this is the argument put forward by some actors that begging in general, and child begging in particular, is accepted among some Roma communities (as "cultural", an argument that is addressed theoretically and empirically), rather than specifically related to their situation of poverty and exclusion. In fact, the overwhelming majority of Roma children in Europe are not involved in begging. Many other Roma organisations have called specifically for action and further research in order to find solutions regarding the phenomenon of child begging, as it affects children in general, but also specifically as it affects children of Roma ethnicity.[17]

On an empirical basis, these issues were addressed by taking into account the over-representation of Roma children in begging and quantifying it precisely - acknowledging also the involvement of traffickers and exploiters of Roma ethnicity - and ensuring that all children's rights and violations of their rights are given equal priority in the research focus, regardless of the ethnicity of the child.

It is a recurrent feature of the interviews with stakeholders, the reviews of existing literature and the analysis of research results, that there is no harmonised and robust method of establishing whether a person or groups of people are of Roma ethnicity.[18] This was addressed through self-identification by children and adults in existing research and in the local case studies, and through third-party assessment. This report avoids unsubstantiated assumptions and circular reasoning in this regard.[19]

The importance of pro-active child protection policies was taken into account in the research not only in relation to the development of the Recommendations to actively seek out and identify children begging and their protection needs, but also in relation to the availability of data on child protection violations.

16 These concerns on the part of some Roma rights organisations were referred to by, among others, the representative of Livia Jaroka, MEP.

17 See, for example: *Breaking the Silence: Trafficking in Romani Communities* by the European Roma Rights Centre and People in Need published in March 2011.

18 For the purposes of this report, "Roma" refers to groups throughout Europe who self-identify as Roma, Sinti, Ashkali, *Egyptian*, *Tsigane, Gitano, Cigano* etc. Distinctions are made between Roma and Travellers or *Gens de voyage*, as these are distinct ethnic groups, although there is a lack of specific and reliable categorisation for these groups also.

19 An example of such circular reasoning would be reports of "Roma" children begging, such as: Are many children begging Roma? Yes. How do you know that they are Roma? Because they are begging.

A balance is being struck between the focus on connections between begging and trafficking and the attendant need for prosecution, and the prioritisation of the protection of child victims, regardless of whether it is ultimately possible to successfully prosecute, or whether the child and/or their family members wish to cooperate with a criminal investigation.

A number of challenges were also faced in carrying out the local research, for which mitigating strategies were similarly found. In conducting research on child begging in fifteen countries, one of the main challenges is to build effective relationships with the begging children who are to be interviewed. Due to their particular situation, these children are often scared, distrustful and shy.[20] They may fabricate stories about their situation in order to evoke the pity of passers-by or because they have been instructed to by their parents/exploiters/traffickers. It is thus difficult to earn their trust and to have an honest, open discussion, to find out their real situation and to try to analyse it in depth. This problem was overcome in some cases by the researcher either by building a mutual trust-based relationship with the children, which took some time and repeated interviews, or by soliciting the support of an NGO that has worked with them for some time.

In cases where the children come from another country, there is often a significant language barrier, which raised a problem of verbal communication. A solution found was to have a member of the research team, a social worker or an NGO representative who spoke their language, which worked well in, e.g., Vienna. This was also an advantage for earning their trust. A child in a foreign country, especially in a difficult situation – and a child who begs is in such a situation – or a child who is exploited, is usually very scared and needs support.

When this type of research is conducted in so many countries, there can be a problem with the unity of the materials produced, especially in their form. This could create a problem for the final conclusions, but was also an advantage: various observations and divergent perspectives enlarged the horizon of the research and of its conclusions.

One particular and very interesting case is Denmark, where it was impossible to identify a single child begging on the streets of Copenhagen and other cities. The solution found by the researchers was to carry out a desk-based documentation of the history of child begging in Denmark and to search for the reasons why there are no children begging there, in order to inform the development of possible solutions in other contexts and Recommendations for this Study.

1.4 Working Definitions

This Study is based on a number of core definitions, which guided the research and serve to delineate the scope of this Report. Some of these definitions are based on the corpus of international law in place that is of relevance to child begging.

Auxiliary begging activities, as a sub-type of **Begging** (see below), are defined as offering token products or services in exchange for a donation of money, as opposed to classic begging (see **Classic Begging** below), though both are defined within the term begging, as sub-types, for the purposes of this project.

Begging is defined by the ILO (*A rapid assessment of bonded labour in domestic work and begging in Pakistan*, 2004) as: *"a range of activities whereby an individual asks a stranger for money on the basis of being poor or needing charitable donations for health or religious reasons. Beggars may also sell small items, such as dusters or flowers, in return for money that may have little to do with the value of the item for sale."* We also include here the provision of token services, such as windscreen washing, or

20 See, e.g., Andreas Kopietz "Handicapped children are sent on the streets to beg" in: *Berliner Zeitung*, 02.09.2002.

performances, such as singing or playing a musical instrument, as well as the collection of scrap metal and other recyclable goods, directing cars to parking spaces and returning trolleys at supermarkets.[21]

A **child** is anyone under the age of eighteen (UN Convention on the Rights of the Child, 1989). This report opts for the term "child" as preferable to the more legalistic use of the term "minor", the latter of which is only used in a legal sense.

Child begging involves children engaging in any of the activities mentioned above under Begging, in the company of a parent or other adult, or other children, or unaccompanied.

A **child begging situation** is a situation in which a child is involved actively or passively in any of the activities mentioned above under Begging. Therefore, where a child is in the company of a parent or other adult who is begging, even if they are not begging themselves, we also define this as a **child begging situation**. This may or may not be the child's or the family's main source of income. It may be carried out during school hours or reconciled with school attendance.

Child servitude is the practice of handing children over to another person, "with a view to the exploitation of the child or young person or of his labour" (UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956).

Child trafficking is defined as *"the recruitment, transportation, transfer, harbouring or receipt of a child for the purposes of exploitation"* even if this did not take place *"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"*, as would be the case for trafficking of adults (Council of Europe Convention on Action against Trafficking in Human Beings No. 197 to which all 15 countries under Study are parties). As per the Palermo Protocol (2000), the exploitation in question includes forced labour or services, slavery or practices similar to slavery. It should be noted here that child trafficking is understood to include internal trafficking of children within the same country.

Classic begging, as a sub-type of **Begging** (see above) is defined as asking for money either by evoking pity, or citing a particular circumstance (e.g. needing money for a bus fare), without providing anything in return.

Forced begging is understood as a form of forced labour or services as defined below under Forced Labour, and for which a child's consent cannot be considered valid, as per the 2011 EU Anti-Trafficking Directive.[22]

Forced Child Labour is understood in accordance with the ILO's operational definition as: "*work performed by children under coercion applied by a third party (other than by his or her parents) either to the child or to the child's parents, or work performed by a child as a direct consequence of their parent or parents being engaged in forced labour. [...] If a child is working as a direct consequence of his or her parents being in a situation of forced labour, then the child is also considered to be in forced labour*".[23]

21 Save the Children's *Regional Report on Child Begging* found that stakeholders mostly defined begging as "*a way to secure material benefit, whether it is a child who entreats or directly seeks or secures material benefit by provoking pity [...] or another person who exploits a child for this purpose.* Save the Children (2011). *Regional Report on Child Begging: Prevalence, Prevention and Suppression of Child Begging*. Save the Children Prevention of Child Exploitation in South East Europe.

22 The Directive states that *"the exploitation of begging, including the use of a trafficked dependent person for begging, falls within the scope of the definition of trafficking in human beings only when all the elements of forced labour or services occur. In the light of the relevant case-law, the validity of any possible consent to perform such labour or services should be evaluated on a case-by-case basis. However, when a child is concerned, no possible consent should ever be considered valid."*

23 ILO (2011), *Hard to See, Harder to Count. Survey guidelines to estimate forced labour of adults and children*. International

Forced Labour in general is defined, in accordance with the ILO Convention No. 29 on Forced Labour (1930) as: "*work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily*."

Monitor – an adult or older child who is observing and controlling a child or children begging, and taking all or a share of the profits.

An **Organised Criminal Group** is defined as *"a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences [...] in order to obtain, directly or indirectly, a financial or other material benefit"* (UN Convention Against Transnational Organized Crime, 2004).

1.5 References for Conducting Research with Children

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1.6 References for Working Definitions

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ILO (1999) Convention on the Worst Forms of Child Labour. http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182

Programme on the Elimination of Child Labour & Special Action Programme to Combat Forced Labour, (p17), available at: http://www.ilo.org/public/libdoc/ilo/2011/111B09_351_engl.pdf

ILO *List of Operational Indicators for Child Trafficking for the Purposes of Labour Exploitation*.http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105884.pdf
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ("Palermo Protocol") http://www2.ohchr.org/english/law/protocoltraffic.htm

UN Convention on the Rights of the Child, 1990, Art. 1. http://www2.ohchr.org/english/law/crc.htm

UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956. http://www2.ohchr.org/english/law/slavetrade.htm

2. Typology of Child Begging Situations

This chapter presents a Typology of child begging situations identified during this study, by describing different kinds of situations involving begging children or the use of children for begging, including the links to trafficking and organised crime. Furthermore, the Typology provides information on possible risk factors that render children more vulnerable to becoming involved in begging (such as poverty, marginalisation or social exclusion) and resilience factors that strengthen children against becoming involved in begging. In addition, the impact of child begging on stereotyping will be addressed in the last section of this chapter.

2.1 Legal and Social Typology

Beyond the way in which children engage in begging activities (which can be classic begging or auxiliary begging activities, as per the Working Definitions of this Study), child begging situations take place in a certain social and legal context. This context can be described according to certain characteristics, which, for the purpose of this research, have been divided into two groups:

1) Features relevant for the legal context – features that imply that begging situations fall into categories regulated by international instruments and standards.
2) Features relevant for the social context – features that imply that begging situations could be addressed by policy interventions in the areas of, for example, social inclusion or education.

In order to apply these features to the situation on the ground, they were operationalised as specific legal indicators and social indicators. These indicators were designed in order to be recognised throughout the Study using specific research instruments[24] – non-participant observations, consultations with children involved in begging activities, stakeholder interviews etc.

The following table presents the legally and socially relevant features as well as the indicators for each of the features, as well as features of the agency of the children involved, which can represent resilience to risk factors. Social indicators provide possible entry points for social policy interventions and could be further divided into three types of indicators, namely (1) risk factors increasing the odds of becoming involved in child begging (negative indicators); (2) social risks associated with or following from involvement in begging (negative indicators) and (3) resilience indicators, which support children's exit from child begging or help to prevent their involvement in begging (positive indicators).

For instance, lack of access to education can be regarded as a risk factor for involvement in child begging, but also a risk associated with begging, as children who are already involved in begging are more likely not to attend school. On the other hand, lack of access to health services might not necessarily increase the likelihood of involvement in begging, but it represents a risk factor associated with begging, as begging children have reduced access to healthcare. In addition to these negative indicators, positive resilience indicators have been considered – the agency of the children involved in begging, as well as the presence of support within the child's environment – in order to gain information on the way children themselves view their situation and may be capable of improving it.

The Table below describes the features considered relevant in the framework of this study, though it is not an exhaustive inventory of relevant features that child begging may display.

24 For more information on research tools please see the section on Methodology.

2.1.1 Negative Legal Indicators

Legally relevant features	Examples of legal indicators (non-exhaustive list)
Forced labour[1] **L1**	- threats or actual physical harm - restriction of movement and confinement to the begging site or to a limited area - debt bondage - withholding of wages or excessive wage reductions, that violate previously made agreements - retention of passports and identity documents (the children can neither leave nor prove their identity and status) - threat of denunciation to the authorities if the child has irregular status
Trafficking in Human Beings[2] **L2**	- handing over money to other persons - control of the begging activity by other person(s), including family members, while begging - territorial control (locations to beg) - carrying and/or selling illicit drugs - having physical impairments that appear to be the result of mutilation - moving in groups while travelling on public transport: e.g. they may walk up and down the length of the train - when trying to talk to the child another person comes - for a long period, the child does not have any time to talk to the researcher/social worker - children of the same nationality or ethnicity moving in large groups with only a few adults - participation in activities of organised criminal gangs - children are part of the same group with the same adult guardian - children are punished if they do not collect enough money - children are given only leftovers to eat - children live with members of the group they are begging with - children live in degraded, unsuitable places (such as in agricultural or industrial buildings) - children travel to the country of destination with members of the group they are begging with

	- children live, as gang members, with adults who are not their parents - children move daily in large groups and over a considerable distance - children are not adequately dressed for the activities they carry out/ for the weather conditions - children engage in classic begging or auxiliary begging activities for extremely long hours - children are disciplined through debt bondage - children are subjected to insults, abuse, threats or violence
Involvement of organised crime (local or international) **L3**	- Child's contact with people known to be involved in local criminal activities - Cases of children involved in other street-level activities that are known to involve organised crime - Any forms of organised begging (e.g. (strict) programme for begging; children picked up by someone else at a certain hour) - Children carrying and/or selling illicit drugs
Child labour **L4**	Any activity for payment - Street music - Street vendors - Services (e.g. windscreen washing, car parking) - Collecting recyclable goods
Child abuse **L5**	- Signs of physical violence - Signs of domestic violence - Absence of parental care, including cases of withdrawal of parental custody - Any other abusive behaviour by parent/ legal guardian/ foster care institution (e.g. transferring the child to third persons) - Risk factors in the child's environment (e.g. alcoholism)
Multiple forms of exploitation **L6**	- Child forced into other (unlawful) activities (e.g. petty crime, prostitution)
Irregular migration and residence status **L7**	- Lack of legal residence status on the part of begging child and/ or the persons accompanying the child (including family members/ legal guardian) - Statelessness

Breach of legal provisions on begging or child begging **L8**	- Breach of legal provisions or municipal regulations prohibiting all begging - Breach of legal provisions or municipal regulations prohibiting child begging

1. Developed on the basis of: ILO indicators of forced labour, as cited in Dowling, S. et al (2007), *Trafficking for the purposes of labour exploitation*, Home Office Report.

2. The indicators have been developed considering the UN Global Initiative to fight Human Trafficking (UN.GIFT), indicators for Labour Exploitation and indicators for Begging and Petty Crime, available at http://www.unodc.org/pdf/HT_indicators_E_LOWRES.pdf.

2.1.2 Negative social indicators (risk factors for involvement in begging and consequences of begging)

Social context (negative)	Examples of relevant social indicators (non-exhaustive list)
Poverty and social exclusion **S1**	- Unemployment in the child's family - Accommodation problems for the family - Social problems in the family such as alcoholism - Inability to have a whole meal every second day - Lack of access to education - Lack of access to health services - Lack of access to social services - Lack of access to childcare services - Lack of birth registration or identity papers
Discrimination **S2**	- Children belonging to an ethnic group (e.g. Roma) who do not have de facto access to school due to lack of support and antagonistic environment - Children placed in sub-standard, segregated classes or schools - Children harassed and insulted because of their belonging to an ethnic group (e.g. Roma) by general population or by authorities - Unemployment of parents due to discrimination - Lack of access by parents to healthcare, housing and social security

Lack of support within child's social environment **S3**	- Children sleeping alone and spending most of their days without caring adults - Children coming from broken families (divorce, death of a parent, abandonment, etc) - Lack of family care, including cases of withdrawal of parental custody - Social problems in the family, such domestic violence and/or alcoholism - Violence coming from institutional or private guardians - Domestic violence
Exposure to risks for health and wellbeing **S4**	- Children observed as begging for long hours and/ or in bad weather conditions - Inappropriate clothing for weather conditions (e.g. only T-shirt and sandals in winter) - Inability to eat a whole meal every second day - Mutilation (to elicit more sympathy) - Babies sleeping for a long period of time while begging accompanied by another person - Observed/reported cases of begging situations during school hours and consequently missing school or dropping out

2.1.3 Positive social indicators (resilience factors)

Social context (positive)	Examples of relevant social indicators (non-exhaustive list)
Agency of begging children **P1**	- Children decide how to spend their money - Children decided to beg themselves (possibly to help their family) - Children decided to move to the begging location themselves - Children talk to social workers about the bad and good things that happen to them - Children have plans for the future (school, work, etc.) - Children reconcile begging with regular school attendance

Support within child's social environment **P2**	- Presence of trusted people to whom to resort in case of need - Children live with members of the group they are begging with - Presence of NGOs operating in the area - Regular visits by social workers - Links (often visits) to various facilities (day centres, night shelters, open schools, medical facilities etc.) - Presence of role model(s) among family and friends

2.2 Child Begging According to Begging Activities and Age Groups

Regarding modes of begging, particular information has been taken into consideration bearing in mind which primary source is more relevant for which type of information. For instance, regarding the aspects of a child begging situation which are difficult to prove (e.g. whether the child is being trafficked or not), the most relevant was considered to be the information from law enforcement authorities.

The following table provides an overview of the begging activities in which children become involved, specifying in which country that particular activity was encountered. When reference is made to countries, it means that a particular child begging situation was encountered in the cities under study from those particular countries.

Classic begging and auxiliary activities by the type of the activities in which children are engaged		**Country**
Classic begging	Asking for money because they are generally poor (which can be passive – with a written board – or active – asking for money through direct interaction with passers-by)	AL, BG, ES, FR, HU, KO, GR, IT, PL, RO
	Asking for money because they have a particular need at that particular time, without being generally poor, such as teenagers asking for money for a bus ticket	AT, DE, SE, DK, IT
Auxiliary	Selling: flowers, candles, tissues, gadgets, newspapers, socks, chewing gum, snacks, cigarettes, beer mats	AL, AT, GR, PL
	Collecting: scrap metal, second-hand clothes, cans, plastic bottles	AL, GR, KO
	Services: parking services, helping people buy public transportation tickets, washing car windscreens, disposing of rubbish, playing music, performing shows, work at landfills	AL, AT, BG, DE, ES, GR, IT, PL, RO
	Illegal activities: petty theft, drug dealing, drug use, prostitution, false signature collection, false charity collection	ES, FR, IT, UK

The table below presents child begging situations encountered during the Study divided by the number of persons involved in a child begging situation at one time. Moreover, a distinction is made between children begging accompanied and children begging while monitored. The difference between accompanying and monitoring the children resides in the following: when accompanying the child, the adult/older child stays

close, often pressing on the child to engage in begging. In this situation it has been observed that the accompanying adult collects the money right away. When monitored, the child is only observed from distance by the adult/older child who collects the money only from time to time and who, apparently, does not play a role in the specific begging situation (see Working Definitions above).

Child begging situations according to number of persons involved in a child begging situation at one time*			**Country**
Child begging alone		Monitored	AL, AT, BG, DE, GR, IT
Child begging with others	Child begging with adult	Accompanied	AL, BG, HU, IT, KO, RO, UK, PL
		Monitored	AL, BG, KO
	Child begging with other children	Accompanied	AL, AT, GR, ES, FR, HU, PL, RO, IT
		Monitored	AL

*Please note that Sweden and Denmark are not included here, as there were found to be negligible numbers of children begging in those countries (See relevant Country Sections below).

Children between 0 and 4 years old

Regarding the age of the children involved in begging, babies between 0 and 4 years old are usually accompanied by young women or teenage girls, not always ascertained to be their mothers. In most of these cases the baby is either carried around by the woman/older child who, if not moving around, lies down on the pavement while directly asking for money. Stakeholders consulted during the local level research, as well as the national and EU level, have reported particular concerns with regard to babies, as small children seem to be extremely quiet in the arms of accompanying adults/older children while they are begging. Although no evidence was obtained in this Study (apart from one report mentioned below) that babies and young children were being drugged or medicated, some stakeholders interviewed suspected that this might be happening. This was also suggested during non-participant observations for this Study and through an interview conducted with a woman begging with a baby, who stated that she had put "some *rakia*"[25] in the milk so that the child could stay a long time outside and sleep more.

Children between 4 and 8 years old

Above the age of 4, but usually younger than 8, children have been found to engage in classic begging and auxiliary begging activities (such as windscreen washing), apparently by themselves or in groups/pairs, while accompanied or monitored by an adult/older child. This age group has been found to engage in a variety of begging activities: directly asking passers-by for money for food or medicine or singing/playing an instrument as well as windscreen washing at traffic lights and crossroads.

When they beg individually, children in this age group (4 – 8 years old) directly ask for money by using (sometimes false) information about themselves, written on a piece of cardboard and hung around their necks. This information may imply/explicitly state that their health is compromised or that they are experiencing financial hardship. Stakeholders have reported that often children within this age cohort (and informally identified as Roma), prompted by adults, also harass passers-by or passengers travelling by train.

Children above the age of 8

Above the age of 8, children are usually involved in begging activities in groups (2-3 children or more) and they seem to be mostly boys. However, the information gathered (through observation, consultations and interviews) indicates that groups of boys (sometimes more numerous than those of girls) do not

25 An alcoholic beverage made from fermented fruit and popular throughout the Balkan region.

mix with groups of girls while begging, partly also because boys and girls engage in different begging activities. While boys directly ask for money or offer services such as windscreen washing at crossroads (apparently neither accompanied nor monitored by an adult/older child), girls sell flowers or knick-knacks in pairs, while monitored by an adult who is usually a woman.

A particular begging situation involving teenagers has been reported (in Austria and Germany), referred to by the German word "*schnorren*".[26] Teenage children often hang out in groups (boys and girls) and individually approach passers-by in order to ask for a favour – a cigarette, some money to buy a bus/train ticket etc. It has been reported that children involved in this activity are in one of the following situations: 1) they live with their families and they do this for pocket money; 2) they ran away from home and live in apartment-sharing communities and engage in this activity to cover the living costs; 3) live in street situations (mostly in summer time, as in winter some of them return home to their parents) and do this as a survival strategy.

Moreover, children between 15 and 18 years old are found to engage in auxiliary activities, such as offering small services for bar and cafe owners, valet/parking services in and around casinos and niteclubs, supervising and instructing younger children on their begging activities, role plays and even pickpocketing.

2.3 Trafficking in Children for the Purpose of Begging and Exploitation through Begging

Information regarding proven links between child begging and child trafficking has been obtained for this Study from law enforcement authorities. However, indications of a possible link have also been gathered through consultations with other relevant stakeholders, as well as through non-participant observations and interviews with begging children and accompanying adults. Moreover, a list of indicators for child trafficking for the purpose of begging was used during the data collection phase. Many of the situations encountered, although not always acknowledged as such by interviewed stakeholders, present trafficking indicators. Whenever an indicator of trafficking was encountered (either from non-participant observations or from stakeholder consultations) this has been marked as such ("indicators of trafficking").

Proven examples of child trafficking for the purpose of, *inter alia*, begging come from the UK, Romania or France.[27] Moreover, as it comes out from the research, child begging cannot be treated as an isolated phenomenon with respect to crimes (theft, prostitution, etc), as children may be involved in other (illegal) activities as well. These children may either be trafficked or exploited through begging by their parents/legal guardians. Thus children get involved in begging activities and other, illicit, activities in order to provide money to their traffickers/exploiters.

Identified risk factors

It emerges from the research that children are vulnerable to being exploited through begging if they come from impoverished families and communities, particularly those subject to extreme forms of stigmatisation, structural marginalisation and discrimination, such as some Roma families in certain EU countries. Nevertheless, taking into account the size of the Roma population of the European Union, for

26 In comparison with begging (in German: *betteln*), "*schnorren*", a colloquial term in the German language, has a slightly different connotation, which is considered less humiliating. Possible translations of "*schnorren*" into English: to bum, to cadge, to mooch.

27 Operation Golf also encountered suspected cases in Spain, though the police were unable to investigate due to privacy regulations relating to children under 14, therefore the cases were not proven.

which estimates vary from between 4.7 and 6.4 million[28] to between 10 and 12 million,[29] only a very small proportion are engaged in begging activities.

Most of the recurrent risk factors that render children more vulnerable to becoming involved in begging point towards poverty and social exclusion, discrimination, as well as lack of support within the child's social environment. This is often compounded by the fact that many of these children are not in school - either they have never enrolled or have dropped out (due to movement or due to being forced to earn for their families or third parties). However, in a few cases, as it comes out from stakeholder consultations as well as interviews with children, begging children may also have a supportive environment, in cases where begging takes place with peers or ascertained family members.

2.4 Child Begging as a (Family) Survival Strategy

On the basis of consultation with children and adults involved in begging, as well as from stakeholder interviews, child begging has sometimes been presented as a survival strategy, since children engaged in begging come from impoverished families who do not have an alternative income-generating activity. In some cases, it seems that classic begging is an activity that engages the entire family. However, as small children in particular are more likely to evoke compassion, they may be used for classic begging.

Begging as a survival strategy is also supported by the good relations between children and accompanying adults, which have been noted in some cases during observation sessions. Moreover, there were situations when researchers conducting the observations could overhear the conversations between children and accompanying adults and it turned out that these adults were indeed their family (in most of these cases the adults were either mothers or grandmothers of children involved in begging – as the children refer to them). In this sense, there were some situations when begging was regarded by relevant stakeholders as an income-generating "family activity".

2.5 Presence Identified of Children Begging of Different Origins in Countries under Study

Almost all primary and secondary sources consulted during this research point to the fact that most children involved in begging activities in the countries under study belong to Roma ethnic groups. This does not imply that the majority of Roma children beg, nor does it mean that there were *no* non-Roma children found to be engaged in begging activities.

The following table presents the origins of the children encountered in the research.[30]

1	Romanians	AT, BG, DE, DK, GR, ES, FR, HU, IT, PL, SE, UK
2	Bulgarians	AT, BG, DE, GR, ES, FR, IT, SE, UK
3	Albanians	AL, GR, IT, KO
4	Moldovans	AT, PL, RO, SE
5	Former Yugoslavians	AT, DE, IT, FR
6	Afghanis	DE, GR, FR
7	Czechs	AT, FR, SE
8	Slovakians	AT, DE, SE
9	Sub-Saharan Africans	GR, UK
10	Bangladeshis/South Asians	GR, IT

28 Albert Kraler. Saskia Bonjour, Alina Cibea, Mariya Dzhengozova, Christina Hollomey & David Reichel (2009): *Migrants, Minorities and Employment - Exclusion and Discrimination in the 27 Member States of the European Union. Update 2003-2008.* Vienna: FRA, available at http://fra.europa.eu/fraWebsite/attachments/pub-migrants-minorities-employment_EN.pdf.

29 Estimated by the 2011 Hungarian EU presidency. See: http://www.eu2011.hu/developing-european-roma-policy.

30 Note: All of the other national origins mentioned were only to be found in no more than one of the countries under study: Austrian, Chinese, Danish, French, German, Greek, Hungarian, Iraqi, North African, Polish, Portuguese, Turkish, UK and Vietnamese.

11	Italians	IT, SE
12	Russians	GR, PL
13	Ukrainians	PL, RO

2.6 Estimated Extent of Child Begging in the Fifteen Countries under Study

One of the objectives of this Study is to assess the extent of child begging in the countries under study. This is a difficult task as there is no systematic data collection on this issue across the EU Member States. In some cases, therefore, police statistics are cited, where children (or adults) begging have come into contact with law enforcement, while in other cases, NGOs were found to have kept statistics on cases encountered. In still other cases, only estimates by NGOs or national authorities were available. In some countries it was also only possible to obtain statistics for specific cities subject to case studies in this research. Accordingly, in the Table that follows, details of statistics for each country are cited, together with the time period that they refer to and the source of the numbers.

Country	Details	Reference period	Source(s)
Albania	90	January 2010-April 2011	Police
Albania	587 (in Tirana)	2006-2010	NGO ARSIS
Austria	700 children per year	2004-2005	Estimates (Federal Office of Criminal Investigation)
Austria	Significant drop until almost no children begging in the country	2006 onwards	Estimates by national stakeholders
Bulgaria	671	2010	National Statistical Institute (Children detected as "wandering and begging")
Bulgaria	267 (in Sofia)	Mid-March 2010-January 2011	Sofia Municipality
Denmark	Very rare	-	Stakeholders
France*	2-3,000	-	Estimates by stakeholders
Germany	No data available	-	-
Greece	1,351 (out of which 1,160 foreigners)	2009	Police (Individuals not disaggregated by age) arrested for begging)
Greece	736 (in Athens and Thessaloniki)	2003-2009	NGO ARSIS
Hungary	8 cases of child begging - 5 in 2009 and 3 in 2010. Unofficial estimates by experts of under 100 annually	2009-early 2011	Unified System of Criminal Statistics of the Investigative Authorities and of Public prosecution - ENYÜBS
Italy	1,859 contacts with children begging	2003-2006	Centre against Child Begging in Rome (now closed)
Italy	No data available at national level	-	-
Kosovo	599 children	Early 2007-October 2010	Terre des Hommes
Kosovo	89 children	Released in 2010	Estimates (Anti-Trafficking (AT) Police Department)
Poland	37 children prosecuted according to the Minor Offences' Code for begging (35) or forced begging (2)	January 2007-August 2008	Police records

Romania	Children identified as victims of trafficking from Romania exploited in begging: 18 (5,000 estimated by NGOs)	2009	Save the Children RO
Spain	28 cases of "begging practice" in Madrid	2010	Local Police Office
Spain	1,800 children selling items on the street	2000	Estimate by UNICEF
Sweden	Negligible numbers	2011	Estimate by stakeholders
United Kingdom	113 children found guilty of begging	2002-2006	Department for Children, Schools and Families
United Kingdom	1,107 children involved in begging, pickpocketing, credit card and cash stealing	2010	Police ("Operation Golf")

* In France, the law enforcement agencies contacted at a national level were not willing to be interviewed.

2.7 Classification of Involvement in Begging Activities According to Country

The following table provides a broad overview of the **recurrent ways in which children are involved in begging activities in the countries under study** by providing the following information:

1) Countries where a particular mode of begging was encountered
2) Age and gender of children involved in begging
3) Type of begging activities (classic begging or auxiliary activities)
4) Negative indicators (corresponding to the above legally and socially relevant features) applicable for begging activities encountered; elements that entail the agency of the child and support within the child's environment were also considered (positive social indicators).

Countries	Characteristics of children	Begging Activity	Legally relevant features	Socially relevant features	Comments
AL, AT, BG, ES, FR, GR, HU, IT, KO, RO, UK	0-6 years old (mostly babies between 0 and 18 months) 0-4 years old (FR) 2-6 years old, boys and girls (AL, AT, GR) 4-6 years old, girls (HU) 0-1 year old (ES)	-Classic begging, woman with child (AL, BG, ES, FR, HU, IT, KO, RO, UK) -Classic begging, services, in pairs, but also in groups up to 5 children (AL, AT, GR) -Collecting, street vending (GR)	-indicators of trafficking (L2) (AL, AT, ES, FR, GR, HU) -child labour (L4) (AL, AT, GR) -child abuse (L5) (GR) -irregular migration and residence status (L7) (ES, FR) -breach of legal provisions on child begging (in AL, BG, ES, IT, in some AT Federal Provinces, GR, HU, in train stations in FR) (L8	-poverty and social exclusion (S1) -discrimination (S2) -lack of support within child's social environment (S3) (AL, AT, FR, GR) -exposure to risks for health and wellbeing (S4) -in some cases in AT: agency of begging children and support within child's social environment (P1) (P2)	Declared (family) survival strategy in AL, AT, BG and GR Cases of children being sold for begging have been reported. (GR)

AT, ES, PL, AL	8-17 years old, mostly boys (AT) 7-13 years old, boys and girls (AT) 8-14 years old, boys and girls 9-17 years old, boys and girls (PL)	Classic begging, individually or in pairs (AT) Service provision, selling, groups of children (AT) classic begging, services and illegal activities (ES) Services by groups of children and smaller chidren	-indicators of forced labour (L1) (AT, ES) -indicators of trafficking (L2) -indicators of involvement of organised crime (L3) (ES) -child labour (L4) -child abuse (L5) (AT, ES) -multiple forms of exploitation (L6) (ES) -irregular migration and residence status (L7) (in some cases in AT and in ES) -breach of legal provisions on begging or child begging (in some AT Federal States, ES, PL) (L8)	-poverty and social exclusion (S1) -discrimination (S2) (AT, ES) -lack of support within child's social environment (S3) (AT, PL) -agency of begging children (P1) (in some cases in AT, PL) -support within child's social environment (P2) (in some cases in AT)	those between 7-13 years old seem to form the majority of children begging in AL (from observation sessions)

AT, DE, IT rare in BG	Over 14, boys and girls	Begging activity named "*schnorren*" in AT, DE	-indicator of forced labour (L1) -breach of legal provisions on begging or child begging (in some Federal States and cities) (L8)	-lack of support within child's social environment (S3) -agency of begging children (P1)	*Schnorren* refers to the action of asking for a favour which will not be returned (asking for money for a bus ticket, asking for cigarettes etc.)
AT, BG, FR	Approximately 13, girls (AT) 6-13 years old, boys and girls	Classic begging, services, alone and monitored/	-indicators of trafficking (L2) -indicators of involvement of organised crime (L3) -child labour (L4) (AT) -irregular migration and residence status (L7) (FR) -breach of legal provisions on begging or child begging (L8)	-poverty and social exclusion (S1) (BG, FR) -discrimination (S2) (BG, FR) -lack of support within child's social environment (S3) (BG, FR) -exposure to risks for health and wellbeing (S4) (AT, FR) -agency of begging children (P1) (FR)	
DE	All ages, boys and girls	-Classic begging, woman with small child; -services provided by older children	-indicators of trafficking (L2) -child abuse (L5) -breach of legal provisions on begging or child begging (in some cities) (L8)	-poverty and social exclusion (S1) -discrimination (S2)	

HU	Various ages, boys and girls	Classic begging	-indicators of trafficking (L2) -exposure to risks for health and wellbeing (S4) -breach of legal provisions on begging or child begging (L8)	-poverty and social exclusion (S1) -lack of support within child's social environment (S3)	
IT	Various ages, boys	Services	-indicators of trafficking (L2) -child labour (L4) -multiple forms of exploitation (L6) -prohibition of begging or child begging (L8)	-poverty and social exclusion (S1) -discrimination (S2)	In some cases, begging can be regarded as an income-generating "family activity"
KO, RO	3-15 years old, boys and girls	Classic begging, services, Collecting by child alone and monitored or by groups of children (KO)	-forced labour (L1) -indicators of trafficking (L2) (RO) -child labour (L4) -breach of legal provisions on begging or child begging (L8) (RO)	-discrimination (S2) (RO) -lack of support within child's social environment (S3) -exposure to risks for health and wellbeing (S4)	In some cases, begging can be regarded as an income-generating "family activity"; Reported cases of children being lent to begging adults in exchange for money (RO)

2.8 What Is the Typology and Why Is It Important?

The Typology of child begging situations that follows in this section has been developed by clustering the information presented in the table above. Therefore, when using the typology, the information that is more extensively presented in the table above should also be considered. The clustering has been carried out according to three variables, considering the age and the gender of children involved in begging, the begging activities, and the legal and social indicators present in the begging situations encountered. For

instance, the group of children between 0 and 6 years old comprises the age groups 0 – 4, 2 – 6 and 4 – 6. Most of these children are involved in similar begging activities and therefore the age group 0 to 6 can be considered to be relatively homogeneous with regard to the mode of begging. However, even if only a minority of children within these age groups are involved in one particular begging activity, this has been added to the list of begging activities of the wider age group considered. Furthermore, the relevant legal and social indicators have also been considered. The presence of social and legal indicators was definitive in clustering the indicators, such as the indicators for trafficking, the indicators for the involvement of organised crime, the indicators for exposure to risks for health and wellbeing, as well as those signalising support or lack of support within a child's environment. In clustering the indicators, their incidence rather than their relevance was taken into account, as all indicators carry the same weight. As almost all situations encountered present indications of 'discrimination', this has been considered for all groups. However, indicators such as 'child abuse' and 'irregular migration and residence status' have not been found in all child begging situations and this has been documented accordingly.

When using the following table one has to consider that, by clustering the information according to age and gender, mode of begging and legal and social indicators, a relatively high degree of generalisation has been applied. Therefore, not all children within one age group are involved in all respective begging activities, but most children within a certain age group have been found to be involved in at least some of those activities. Similarly, not necessarily all indicators were found in all child begging situations, but most of them are relevant for that particular group. While age was one of the major defining characteristics in clustering the information gathered into the six main types of child begging situations, the mode of begging as well as the legally and socially relevant features identified in a certain situation have also been considered.

In addition, it is worth mentioning that, in relation to the age, relevant features and mode of begging criteria, these types cannot be taken as definitive, for several reasons. Firstly, the age of the children was either estimated by researchers or noted as declared by children themselves or by the adults accompanying them. Therefore, this does not necessarily represent the actual age of children involved in begging. Second, certain indicators were identified in almost all situations in which children were found begging, such as the indicators for poverty and social exclusion, and discrimination. Finally, most children involved in begging activities engage in classic begging. Therefore, the activity of classic begging is present in more than one type of begging in the following Typology. The differentiation of distinct types is based on the particular combination of these characteristics – age, relevant features and modes of begging, as identified in the actual child begging situations encountered during the research.

Each row of the following table represents a type of begging situation and together they comprise the Typology of child begging situations developed for this Study. For instance, the first type (T1) of child begging situation identified is the following: begging activities (classic begging, service provision, collecting and selling) performed in the presence of the following legally relevant features: indicators of child trafficking; breach of legal provisions on begging or of child begging; child labour; child abuse; irregular migration and residence status of children involved. Moreover, the following socially relevant features have been recognised: poverty and social exclusion, discrimination, lack of support within child's social environment, exposure to risks for health and wellbeing and, in some of the cases covered by this type of begging, there are indications of the agency of begging children and support within the children's social environment.

The second type (T2) involves children aged over 7 years, engaging in classic begging, service provision, street vending and illegal activities performed in the presence of the following legally relevant features: indicators of forced labour, indicators of trafficking, indicators of involvement in organised crime, child labour, child abuse, multiple forms of exploitation, irregular migration and residence status and breaching the legal provisions on begging or child begging. Furthermore, the following socially relevant

features were recognised: poverty and social exclusion, discrimination, lack of support within a child's social environment, but also in some cases (boys begging in Italy, for instance) indicators of the agency of children, as well as support within the children's social environment.

The third type (T3) refers only to children over 14 who beg under circumstances where their family is not dependent on their income, and in German-speaking countries they identify their activity as "schnorren", a term that implies less shame than the term begging. Here the children are in a less severe situation than those covered by T1 and T2, and display the positive feature of resilience in exercising their agency, although forced labour or illegal begging may still be involved. The relevant features identified in this type show a lack of support within a child's social environment, despite the agency of children involved in this type of begging.

The next type of child begging situation (T4) refers to children aged 6-13 years, who also engage in classic begging, provision of services and illegal activities. Unlike T2, in these situations it seems that there is no child abuse, multiple forms of exploitation or forced labour involved. Moreover, unlike T2, T4 refers to situations in which children are exposed to risks for their health and wellbeing.

The fifth type identified (T5) refers to children of all ages who are involved in classic begging either by themselves or, in cases involving a baby or toddler, usually there is a woman or girl holding the child. In this situation, the following legal features were identified: indicators of trafficking, child abuse and breach of legal provisions on begging or child begging. Within this type, children found begging are subject to poverty and social exclusion, are discriminated against, are exposed to risks for their health and wellbeing, and lack support within their social environment.

Finally, T6 refers to children aged 3-15 years, who engage in classic begging, service provision and collection of items. These children may be victims of child begging or of forced labour, or may be begging in a city where child begging is prohibited. These children are also discriminated against, they lack support within their social environment and they are exposed to risks for their health and wellbeing. Unlike T2 and T4, these children are not involved in illegal activities other than begging.

The following typology can be used in two ways:
a) It provides an overview of situations of children begging in a specific region and/or sharing common characteristics;
b) By clustering the relevant features of begging into two main categories – legal and social – there is already an indication of the measures to be taken in order to address the phenomenon.

It should be noted that this Typology has been developed for these two specific purposes, based on the extensive and in-depth research conducted for this Study. The Typology is intended as a method of portraying the numerous and diverse realities that fall under the Study's definition of child begging. It is of necessity indicative rather than definitive, as the lived realities of children involved in begging throughout Europe cannot be scientifically and precisely typified in a manner that accurately represents all of the situations that they find themselves in. It is rather an ideal typical exercise that serves these two purposes of portraying a general view of the diverse realities and of providing a tool in order to assist in designing measures to combat the various breaches of child rights and the related crimes that feature in child begging situations. Clearly, on this basis, any number of different typologies could be developed. The Typology that follows therefore presents the structure and the grouping of variables considered most useful and relevant based on this research.

Type	Characteristics of children	Begging Activity	Legally relevant features	Socially relevant features
T1	0-6 years old	Classic begging, service provision, collecting, selling	-indicators of trafficking (L2) -child labour (L4) -child abuse (L5) -irregular migration and residence status (L7) -breach of legal provisions on begging or child begging (L8)	-poverty and social exclusion (S1) -discrimination (S2) -lack of support within child's social environment (S3) -exposure to risks for health and wellbeing (S4) -agency of begging children and support within child's social environment (P1) (P2) (for children between 4 and 6 years old)

T2	7-17 years old, boys and girls	Classic begging, service provision, selling, illegal activities	-indicators of forced labour (L1) -indicators of trafficking (L2) -indicators of involvement of organised crime (L3) -child labour (L4) -child abuse (L5) -multiple forms of exploitation (L6) -irregular migration and residence status (L7) -breach of legal provisions on begging or child begging (L8)	-poverty and social exclusion (S1) -discrimination (S2) -lack of support within child's social environment (S3) -agency of begging children (P1) -support within child's social environment (P2)
T3	Over 14, boys and girls	Begging activity named "*schnorren*" in AT, DE	-indicator of forced labour (L1) -breach of legal provisions on begging or child begging (L8)	-lack of support within child's social environment (S3) -agency of begging children (P1)
T4	6-13 years old, boys and girls 13 years old, girls	Classic begging, services, illegal activities	-indicators of trafficking (L2) -indicators of involvement of organised crime (L3) -child labour (L4) -irregular migration and residence status (L7) -breach of legal provisions on begging or child begging (L8)	-poverty and social exclusion (S1) -discrimination (S2) -lack of support within child's social environment (S3) -exposure to risks for health and wellbeing (S4) -agency of begging children (P1)

T5	All ages, boys and girls	-Classic begging, woman with small child	-indicators of trafficking (L2) -exposure to risks for health and wellbeing (S4) -child abuse (L5) - breach of legal provisions on begging or child begging (in some cities) (L8)	-poverty and social exclusion (S1) -discrimination (S2) -lack of support within child's social environment (S3) -exposure to risks for health and wellbeing (S4)
T6	3-15 years old, boys and girls	Classic begging, services, collecting	-forced labour (L1) -indicators of trafficking (L2) -child labour (L4) -breach of legal provisions on begging or child begging (L8)	-discrimination (S2) -lack of support within child's social environment (S3) -exposure to risks for health and wellbeing (S4)

2.9 The Impact of Child Begging on the Establishment of Negative Stereotypes against Specific Communities or Groups

Theorising stereotypes

Current psychological thinking understands stereotyping – the assigning of certain characteristics and qualities to groups defined by identity markers – age, class, culture, gender, ethnicity, national or regional origin, physical traits, sexual orientation, to name but a few – as a central mechanism for people's perception of social worlds. In 1981, in a seminal piece, Ashmore and Del Boca (1981) outlined three general approaches to the analysis of stereotyping: the cognitive, the psychodynamic and the socio-cultural, which each focus on a specific function of stereotyping.[31]

The **cognitive approach** assumes that humans are essentially limited in the amount of information they can process, and defines stereotyping as a normal and usual cognitive procedure to reduce complexity and to allow smooth processing of information. The **psychodynamic perspective** understands stereotypes as tools to defend one's own conception of the ego. From a **socio-cultural perspective**, the linkage of stereotypes with social and cultural developments is the main angle of analysis.

Whereas early stereotype studies started from the assumption that groups are stereotyped either

31 See: Ashmore RD, Del Boca FK, Hamilton DL. Cognitive Processes in Stereotyping and Intergroup Behavior. Hillsdale, NJ: Erlbaum; 1981. "Conceptual Approaches to Stereotypes and Stereotyping" pp. 1–35.

negatively or positively, research since the 1990s (Fiske 1998; Fiske, Xu, Cuddy, Glick 1999) showed that stereotypes not only reflect simple rejection and antipathy, but might combine different dimensions of positive and negative evaluation. Stereotyping has mainly been discussed with regard to its use in the process of "othering" of certain groups, and only a small proportion of studies on stereotypes cover the role of stereotypes in the construction of a self-concept. In this research, **self-stereotyping** has been described as a function of cognitive association with one's own social group and a process of identification with social membership to a certain group (Sinclair et al 2006, 529).

Summing up, it is important to note that as such, stereotypes are neither bad nor good, but can influence interactions in different ways. As people tend to take note of situations and to prefer information congruent with existing expectations, and tend to ignore, or reject information that is inconsistent with the stereotypes, experiences contradicting the stereotype usually do not change the stereotype but are interpreted as exceptions. In particular the salience of self-stereotyping has been proven to largely depend on the support of stereotypes by "relevant others" – close relatives and friends, group leaders or influential persons, thus working with groups affected by stereotypes might help to overcome self-stereotyping.

Child begging and stereotyping of Roma

While the results of this research do not facilitate an in-depth study of how the phenomenon of child begging influences stereotypes, in this case stereotypes of people from Roma communities, they do provide an insight into these complex mechanisms. According to the interviews for this Study, child begging in all countries analysed is sometimes perceived by stakeholders as a phenomenon intrinsically linked to Roma communities and Roma lifestyles, though, as set out in section 3.7 below, and throughout this report, this is not borne out by the fact that only a very small minority of Roma children in Europe actually beg. Nevertheless, they are a particularly visible minority and therefore influence the development and reproduction of negative stereotypes about Roma people, whereby the exception, because it fits with the negative stereotype, is considered the rule.

In Albania, for instance, *"there is a general presumption that child begging is related to the Albanian Roma/Egyptian community"*.[32] According to interviewees, child begging is commonly perceived as a "normal" part of Roma/Egyptian minority life. Moreover, perceptions such as "begging is the only means of survival" or that there are "no other alternatives" are common, as begging is seen as a *"way of life [according to which] children are destined to beg"*, especially among families of Roma and Albanian-Egyptian ethnicity.

In France, the debate on the expulsion of Roma people from EU Member States also touched upon the issue of child begging, when several NGOs and associations during summer 2010 criticised the stigmatisation of begging. In September 2010, the *European Roma Policy Coalition* (ERPC) called on France to immediately stop the expulsion of EU citizens, and to refrain from making any further inflammatory statements stigmatising Roma communities.

However, various independent experts and NGOs throughout Europe emphasise that even if children indeed come from Bulgaria or Romania, they cannot all be considered as "being Roma". One expert from a Viennese authority called it a "myth" that all of the begging children and adults are Roma. Another

32 Interview with representative of Save the Children Albania.

expert called it “a wrong assumption which is rooted in a racist narrative in our society”.

These stereotypes might be also created or reinforced by the reaction of children involved in begging situations when reached by NGOs. Representatives of civil society mentioned low levels of self-esteem in children, for example, as a broad generalisation: *“Roma themselves have very low self-esteem and they find it difficult to fight for their rights, they get discouraged easily. They feel angry about their situation and status but they do not express it”*.[33]

Stereotypes and the media

In modern societies, the mass media reproduce beliefs, values and stereotypes existing in society, or even produce and foster stereotypes about certain groups. Although media discourses do not have a direct effect on the salience and predominance of certain stereotypes in society, they nevertheless may either foster or weaken the influence of stereotypes. Thus the portrayal of child begging in the media is an important factor in the establishment and perpetuation of negative stereotypes against specific communities or groups portrayed as being associated with child begging.

According to the Albanian Media Institue, issues of child trafficking, child exploitation for the purpose of begging, child poverty and child sexual exploitation have received considerable coverage in recent years (Albanian Media Institute, 2010). More specifically, stories and images of child begging routinely make it to the print and broadcast media. However, reporting is more often descriptive and sensational, instead of questioning and analysing the causes and impact of child begging on the lives of the children and Albanian society in general. The routinely expressed concern is that child begging damages Albania’s image as a country aspiring to join the EU. The limited quality of the public and media debate on the specific issue of child begging is perhaps closely related to the marked absence of data and studies on the phenomenon.

In Germany, the topic of child begging has been extensively covered by the media, with reference to *“Romanian beggars”* whose children *“ask for money on the streets with their small dirty hands”*. Moreover, in German newspapers it has been stated that the so-called “mass begging” has a negative effect on the businesses in areas where people are begging, as clients might feel intimidated by “aggressive” beggars. As far as begging with children is concerned, articles in newspapers have documented the difficulties of the youth services in intervening in such situations, and it has often been stated that children are living in poor conditions but would not go against their families. On the other hand, some journalists’ investigations point to the fact that sometimes begging people from Eastern Europe simply travel in groups for convenience, and there is no real exploitation involved in the cases. In addition, Roma and Sinti organisations have reacted strongly to the fact that the ethnic background of such begging groups has been referred to, as they consider this unnecessary and misleading information.

The media debate in Poland is focused on estimating the earnings of begging people (Polish as well as foreign). Begging is described as a form of enterprise, not a necessity. In most articles there is a quote from an expert or specialist who warns against giving money to people who beg. Some articles describe actions taken by law enforcement agencies or local authorities in order to fight the problem of begging. Articles in newspapers and magazines in Poland in recent years focused on foreign children begging (especially Roma children) in the biggest cities, e.g. on a means of public transport. Some publications also mention the problem of human trafficking, for example, the story of Moldovan woman with a child who was forced to beg, and articles about Roma babies sold as a ‘tool’ for begging. The problem of Roma people begging was discussed widely in the 1990s, when a lot of Roma people came to Poland and begged.

33 Spahiu, Shpresa. (2011, May 3). Director of “Ndihme per Femijet”. (V.Laci,& F.Graceni, Interviewers).

Therefore, both the portrayal of child begging in the media in the countries under study and the visibility of children begging on the streets who are informally assessed by observers to be of Roma ethnicity tend to perpetuate the stereotype that child begging is somehow part of Roma culture, rather than a result of the sometimes extreme socio-economic vulnerability of stigmatised and marginalised sub-groups within the broader Roma community. Media coverage of child begging in particular often has the effect of confirming previously-held and historically present stereotypes about certain ethnic groups. Therefore care should always be taken in how these children and adults are portrayed, both in public discourse and in media articles. Reference should be made the facts of the situation, as set out below in section 3.7.

3. Coverage of International Instruments of the Recurrent Types of Child Begging Situations

In promoting children's rights and protecting children who beg, as well as preventing child begging and prosecuting the perpetrators, a number of international instruments are relevant. These are set out here, taking into account that simply outlawing exploitation through begging is not enough, and that prevention and protection legislation is also necessary. This Chapter therefore assesses the international and European Union (EU) human rights framework and to what extent and in which respects it relates to the context of child begging. In so doing, it reviews both general human rights law and specific legal instruments such as the legal framework against trafficking. The Chapter also assesses the existing case law of the European Court of Human Rights covering the area of child begging and touches upon the question of the necessity of regulating a begging ban in Europe.

There are no international treaties expressly regulating the issue of child begging. Moreover, the legal consequences - and the legal framework applied - differ depending on whether begging is exploitative or not, and/or whether the begging child is or is not a victim of trafficking. Furthermore, some additional affirmative measures deriving from international instruments are relevant in the general context of begging children, which States should undertake for the purposes of prevention and promoting child rights. However, the different legal frameworks analysed are not mutually exclusive and may reinforce one another. They jointly provide a comprehensive set of legal instruments to tackle this phenomenon.

It is also worth recalling that by ratifying an international instrument, States recognise their consent to be bound by that treaty, undertake the duty to adjust their domestic legislation in compliance with the deriving treaty obligations and cannot invoke the provisions of their internal law as justification for failing to implement a treaty.[34] Furthermore, in most cases, the treaty supervisory mechanisms periodically assess the implementation of the treaty provisions. Therefore, if a State fails to correctly implement the treaty provisions, there are regional or international remedies available for individuals to seek redress if their rights, which are guaranteed by the ratified treaties, have been violated.

It should be noted that the current analysis derives from the Typology developed for this Study (Chapter 2 above), and therefore does not propose to be an exhaustive overview of all the instruments regulating other aspects related to children. Two categories of human rights instruments are relevant in the context of this research. The first category covers instruments of general applicability – *lex generalis* – making no distinction between the subjects concerned and issues addressed in those provisions. In contrast, the more specialised instruments – *lex specialis* – are designed for particular subjects (e.g., children, victims of trafficking, etc.) and address more specialised protection (i.e., against forced labour, trafficking, discrimination, etc.).

3.1 Lex Generalis

The first relevant treaty in the human rights area is the **Universal Declaration of Human Rights** (Paris, 1948). Although it did not bind the States, it put as the basis of international human rights law the guarantee of: equality before the law and non-discrimination; freedom of movement, thought and religion; respect for human dignity; abolition of slavery and servitude; the right to work and receive education; etc. Later, the **International Covenant on Civil and Political Rights** (New York, 1966)

34 See Article 2, paragraph 1, "b" and Article 27 of Vienna Convention on the Law on Treaties (1969).

and the **International Covenant on Economic, Social and Cultural Rights** (New York, 1966), both entering into force in 1976, reiterated most of the rights already enshrined in the UDHR; however, this time they legally bound the States ratifying them. Child begging, though not explicitly covered by the Declaration and Covenants, may constitute, as set out in the Typologies in Chapter 2, slavery or servitude, and/or a violation of the right to receive education (if begging takes place during school hours), among others.

The **Council of Europe European Convention for the Protection of Human Rights and Fundamental Freedoms** (Rome, 1950), ECHR, regulates a number of fundamental rights and freedoms, such as the right to life, prohibition of torture, prohibition of slavery and forced labour, the right to liberty and security, the right to a fair trial, no punishment without law, respect for private and family life, freedom of thought and religion, prohibition of discrimination, etc. Its additional Protocols bring more rights and freedoms guaranteed to individuals. The system of the Convention also provides for a judicial remedy, the **European Court of Human Rights**, which safeguards the current implementation of the Convention and gives compensation for moral and pecuniary damage to individuals whose rights and freedoms have been violated. A brief analysis of the European Court case law relevant in the context of this Study will be provided later in this chapter. As is the case for the previously analysed human rights instruments, certain typologies of child begging constitute a breach of the prohibition of torture, slavery and forced labour, and of the right to liberty and security as set out in the ECHR.

The revised **European Social Charter**'s provisions supplement the European Convention on Human Rights; however with a greater focus on economic, social and cultural rights.[35] Besides the general rights that only indirectly impact children (Art. 11 on the right to protection of health, Art. 16 on the right of the family to social, legal and economic protection, Art. 31 on the right to housing etc.), the Charter also provides for rights addressed exclusively to children, such as the right of children and young people to protection (Art. 7), referring mostly to the protection of children at work and the right of children and young people to social, legal and economic protection (Art. 17), outside the context of work.[36] The Charter therefore protect begging children's health and their family's right to protection, as well as providing specific protection of children against labour exploitation and recognising their social, legal and economic rights.

Nevertheless, it should be mentioned that seven (Denmark, Germany, Greece, Kosovo, Poland, Spain and the UK) of the fifteen countries under Study are not yet bound by the revised Charter. With the exception of Kosovo, the remaining six countries apply the provisions of the first Charter from 1961, whose provisions are slightly different from those of the revised Charter.

3.2 Lex Specialis

In general, the treaty provisions covered here commit the ratifying States to adopting/undertaking specific measures forbidding certain practices. They also require the States to adopt general or preventative measures to identify the reasons and circumstances or 'pull factors' that may lead to the occurrence of the interdicted practices. Often the treaties include non-legislative, practical measures of a preventative nature, such as awareness-raising, education, training, encouragement of *ad hoc* solutions or cooperation at different levels, while also stressing the non-discrimination component.

35 The European Committee of Social Rights is the supervising body under the Charter that examines the country reports and decides on conformity of domestic legislation with the Charter. If a State takes no action on the implementation of the Charter the European Committee of Social Rights may address the issue to the Council of Europe Committee of Ministers that can ask the State concerned to change the situation in law and in practice. More details on: http://www.conventions.coe.int/Treaty/en/Summaries/Html/035.htm

36 See Explanatory Note to the Charter, para. 69, available at: http://www.conventions.coe.int/Treaty/en/Reports/Html/163.htm

3.2.1 International Law

The child as a special subject

The **Convention on the Rights of the Child** (New York, 1989, UN-CRC) stipulates who must be considered a child, which is every human being below the age of eighteen years, while also allowing the State to regulate the earlier attainment of the age of majority (Art. 1). The States ratifying the Convention are obliged to respect and to ensure the protection of the rights guaranteed to every child under their territorial jurisdiction without any kind of discrimination (Art. 2, para. 1). Therefore, regardless of a child's origin, once he/she is on the territory of a ratifying State, she/he has the right to enjoy the same rights as children who are citizens of the ratifying State and the ratifying State is obliged to ensure the respect of those rights. This is very relevant to the situation of children begging who have irregular migration status, are stateless, or lack birth registration (covered in L7 and S1 of the Typology in section 2.1 above), as the State must protect these children regardless of these specific situations.

The rights guaranteed under this Convention include, *inter alia*, the right to life (Article 6); protection from all forms of physical or mental violence: injury, abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (Article 19, covered by L5 in the Typology in section 2.1 above); protection from the illicit use of narcotic drugs and psychotropic substances (Article 33, S4 in the Typology); and protection against all other forms of exploitation prejudicial to any aspects of the child's welfare (Article 36), which may include exploitation through begging. The underlying principle of the Convention is that *"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration"* (Article 3.1). The best interests of the child as a primary consideration must be taken into account in all responses to child begging, and are therefore referenced throughout this report.

In addition, the ratifying States have the obligation to provide for a minimum age or minimum ages for admission to employment (Article 32) (to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, L1 in the Typology) and to undertake national, bilateral and multilateral measures to prevent the abduction of, the sale of or trafficking in children for any purpose or in any form (Article 35, L2 in the Typology).

Alarmed by the extent and intensity of violence inflicted on children worldwide, the **Committee on the Rights of the Child** (the supervising body under the UN-CRC) recently issued its *General Comment No. 13 (2011)* addressing the right of the child to freedom from all forms of violence. The document mainly focuses on interpreting Art. 19 of the UN-CRC as cited above. First and foremost, the Committee pointed to the non-exhaustiveness of the "violence" definition; therefore "all forms" of violence against children are unacceptable.[37] The fact that children might experience different forms of violence either from adults, from other children, or may even harm themselves has also been mentioned.[38]

As a form of physical violence, the Committee underlined the deliberate infliction of disabilities on children in order to exploit them through begging (covered in S4 of the Typology).[39] The Document includes a comprehensive analysis and a list of relevant definitions in the context of violence in order to assist the States in better understanding their commitments under the UN-CRC and

37 Committee on the Rights of the Child, General comment No. 13 (2011) *The right of the child to freedom from all forms of violence*, issued on 18.04.2011, para.17, p.8, available on: http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en.pdf

38 General comment No. 13 (2011), op. cit. supra, para.18, p.8

39 General comment No. 13 (2011), op. cit. supra, para. 23, "c", p. 10

in making uniform the approach and legal terms used in the legislation implementing the UN-CRC at local and regional levels. A list of concrete legislative, administrative, social and educational measures are brought to the attention of ratifying States in order to "bring into reality" the provisions of the UN-CRC.[40] The **Optional Protocol** to the UN-CRC on the sale of children, child prostitution and child pornography (New York, 2000) is a legal reaction to the increased number of child trafficking cases, including the sale and sexual abuse of children, worldwide. The Protocol calls for the States, to, among others, criminalise the offering, delivering or accepting a child for the purpose of engagement of the child in forced labour (Article 3, paragraph 1, (a), (i), 'c'), to adopt appropriate measures for protecting children's rights when they are victims of practices forbidden under the Protocol (Article 8), to give special attention to the protection of those children who are most vulnerable to the forbidden practices (Article 9, paragraph 1) and to promote awareness among the public at large, including children, about the preventative measures and harmful effects of these practices (Article 9, para. 2) and other procedural guarantees. These provisions protect begging children from involvement in begging where it constitutes forced labour, as well as providing for protection and awareness-raising in relation to the practices that are covered by the Optional Protocol.

The **Council of Europe Convention on the Exercise of Children's Rights**[41] (entry into force 2000) was the Council's response to the stipulations of the UN-CRC Art. 4 that requires Parties to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the convention. These measures were considered essential for children to actually exercise their rights. The Convention therefore facilitates the exercise of the substantive rights of children by strengthening and creating procedural rights which can be exercised by children themselves or through other persons or bodies. Emphasis is placed on the idea of promoting children's rights as the term "promotion" is broader than "protection." The Convention entered into force in Albania on 1 February 2012, but is not yet in force in Bulgaria, Denmark, Hungary, Romania, Spain, Sweden and UK, even though Hungary, Spain and Sweden have already signed this Convention. The Convention is only in force in Albania, Austria, France, Germany, Greece, Italy and Poland.

Slavery and forced labour

The ILO **Convention concerning Forced or Compulsory Labour** (No. 29 of 1930) defines in Art. 2, para. 1 the term *forced or compulsory labour,* which should be understood as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". Paragraph two of the same article stipulates some exceptions, including, *inter alia,* military service when the work is a consequence of a ruling issued by a court of law, in case of emergency, etc. Therefore, in cases where children are forced to beg, subject to a punishment or penalty, or are adjudged not to have voluntarily engaged in begging, this Convention obliges States to respond.

Under the **ILO Worst Forms of Child Labour Convention** (No. 182 of 1999), the ratifying States have committed themselves to prohibit and eliminate the worst forms of child labour (Art. 1), which according to Art. 3 of the Convention were defined as:

a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict [emphasis added].

b) The use, procuring or offering of a child for prostitution, for the production of pornography or for

40 General comment No. 13 (2011), op. cit. supra, Chapter 4, p.14

41 This Convention covers a very specific issue, namely the best interests of children before a judicial authority affecting children, that is family proceedings, in particular those involving the exercise of parental responsibilities such as residence and access to children (see Article 1, paragraphs 2-3).

pornographic performances

c) *The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties*

d) *Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children* [emphasis added].

Exploiting children through begging evidently comes under article 3(a) (forced or compulsory labour), and in jurisdictions where begging or child begging is illegal, may come under 3(d). In addition, in the more severe cases identified, child begging may constitute a practice similar to slavery, if the child has been sold or trafficked for the purposes of exploitation through begging, is subject to debt bondage which is the cause of their begging, or is forced into begging due to threats or otherwise involuntarily.

All countries covered in the report with the exception of Kosovo have ratified the Convention and are bound by its provisions, namely to prohibit through their domestic legislation the worst forms of labour regulated by the Convention as well as to undertake all the necessary measures to ensure the effective implementation and enforcement of these provisions (Article 7).

According to Art. 1, item (d) of the UN **Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery** (Geneva, 1956), States are called upon to take all the necessary legislative and practical measures to prohibit the transfer of a child or young person from his/her natural parents or guardian to another person, either for remuneration or not, with a view to exploitation of the child or of his/her labour, which would include exploitation through begging (for more on this, see section 3.6 below). It should be noted that ILO considers, among other factors leading to child labour or child begging, barriers to education, specific culture/traditions and inadequate or poor enforcement of legislation protecting children.[42]

The countries covered in this Study are signatories to the ILO convention on the **minimum age for admission to employment** (ILO Convention 138). The minimum age varies for the countries under study, as the Convention requires the ratifying State to specify the minimum age for employment (not less than 15 except in special circumstances) with a view to increasing it to a minimum of 16 years.[43]

Trafficking

The UN **Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children** (Palermo, 2000, also: 'Palermo Protocol'), supplementing the United Nations Convention against Transnational Organized Crime, aims, according to Art. 2, to prevent and combat trafficking in persons, in particular women and children; to protect and assist the victims of such trafficking, with full respect for their human rights; and to promote cooperation among States Parties in order to meet those objectives. It is of utmost importance that in the Palermo Protocol, for the first time, a binding definition of what "trafficking in persons" means (Art. 3, item (a)) was agreed upon, namely:

> *"Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring 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*

42 See UN materials on Child Labour available at: http://www.un.org/en/globalissues/briefingpapers/childlabour/index.shtml

43 The minimum age of employment in the countries under study is either 15 for Austria, Denmark, Sweden, Greece, Italy, Poland and Germany, or 16 for France, United Kingdom, Albania, Hungary, Spain, Romania and Bulgaria. There is no information for Kosovo. The minimum ages in each country are specified here:
http://webfusion.ilo.org/public/db/standards/normes/appl/appl-byconv.cfm?conv=C138&hdroff=1&lang=EN

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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs"

In addition, the Protocol stipulates that the constitutive elements of the crime 'trafficking in persons' shall be met without reference to the means by which it was committed when the trafficked person is a child (Art. 3, item (c)). Therefore for exploitation of a child through begging to constitute child trafficking, the child must be recruited, transported, transferred, harboured or received by the trafficker for the purpose of exploitation through begging (as a form of forced labour or service or a practice similar to slavery, depending on the conditions).

The **Council of Europe Convention on Action against Trafficking in Human Beings** (Warsaw, 2005) in turn, reiterates the definition from the Palermo Protocol; however, it also points out that where the constitutive elements are met, the fact that the victim provided his/her consent is irrelevant (Art. 4, item (b)). Moreover, it requires the act of "trafficking in human beings" (THB) committed intentionally to be criminalised (Art. 18) and requires it to considered as an aggravating circumstance if the committed crime deliberately or by gross negligence endangered the life of the victim, if it was committed against a child, if it was committed by a public official in the performance of her/his duties, or if it was committed within the framework of a criminal organisation (Art. 24). Therefore the trafficking of a child with the purpose of exploitation through begging constitutes THB under aggravating circumstances as it is committed against a child.

Furthermore, while using the existing international instruments in this field as a starting point, the Convention seeks to strengthen the protection afforded by those instruments and to raise the standards that they establish.[44] In this context, the main purpose of the Convention is: to prevent and combat trafficking in human beings, while guaranteeing gender equality; to protect the human rights of the victims of trafficking; to design a comprehensive framework for the protection and assistance of victims and witnesses, as well as to ensure effective investigation and prosecution; and lastly to promote international cooperation on action against trafficking in human beings (Art. 1, para. 1). Moreover, it offers a different perspective and strives for complex solutions, including preventative, border security and document control protection and promotion measures, as well as procedural and judicial measures, while stressing the non-discrimination element.

Organised crime

The United Nations **Convention against Transnational Organized Crime** (New York, 2000) aims to regulate the procedural aspects related to cooperation among States for preventing and combating organised crime and pays particular attention to such crimes as corruption and money laundering rather than trafficking. An organised criminal group is defined as *"a structured group of three or more persons"* (Article 2), Trafficking in human beings is to be considered a "serious crime" when punishable by a term of four years' imprisonment or more (Art. 2, item (b)). It may also be considered under the Optional Palermo Protocol to the Convention discussed earlier, as it specifically deals with trafficking in women and children when those offences are transnational in nature and involve an organised criminal group (Art. 4, Palermo Protocol). In a number of cases under study, most notably those identified by Operation Golf, organised criminal groups were involved in the trafficking exploitation of children through begging.

The **Council of Europe Convention on the Compensation of Victims of Violent Crimes** (Strasbourg, 1983) foresees that victims of violent crimes shall be compensated by the State when the compensation is not available from other sources (Art. 2, para. 1). The State that is required to pay is the one on

44 Explanatory Report to the Convention, available at: http://www.conventions.coe.int/Treaty/EN/Reports/Html/197.htm

whose territory the crime was committed (Art. 3). Those who can seek compensation are victims who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence (Art. 2, para. 1, item (a)) or the dependants of a person who has died as result of such a crime (Art. 2, para. 1, item (b)). However, the compensation is limited to those victims who are nationals of States ratifying this Convention or who are nationals of Council of Europe Member States but are permanent residents in the ratifying State on whose territory the crime was committed (Art. 3, items (a) and (b)). In this context, the nationals whose countries are not members of the Council of Europe are excluded from the compensation system.

There are other instruments that have relevance, but only of a limited nature. For this Study, the most suitable conventions have been analysed.

3.2.2 European Court of Human Rights Case Law

It should be mentioned that the jurisdiction of the Court is limited to those rights and freedoms as enshrined in the ECHR. As outlined above, this contains no specific provisions on child begging or trafficking as such. Nevertheless, the Convention does prohibit slavery and forced labour (Art. 4). In addition, although some areas are not covered by the Convention, and the Court leaves it at the discretion of States to regulate those areas, the Court states that due respect has to be given to the rights enshrined in the Convention while implementing these provisions. In this context, there is no case law dealing with begging as a form of exploitation under the offence of trafficking in human beings, nor, on the other hand, cases where the Court clearly ruled that anti-begging legislation is not compatible with the Convention.[45]

There are, however, cases where during the implementation of legislation forbidding child begging, the rights enshrined in the ECHR were violated. Therefore, in the case of ***Bouamar v. Belgium*** (application no. 9106/80), for instance, the Court did not consider the Children's and Young Persons' Welfare Act of 8 April 1965 to be incompatible with the Convention. According to this Act, the domestic courts can take various measures in respect of children found begging or wandering as vagrants or who are habitual beggars or vagrants.

The applicant, a child of Moroccan origin living in Belgium, was brought several times to a prison-like institution for acts including begging and vagrancy, without a proper trial. The applicant's liberty was limited on several occasions by bringing him to this institution without providing him with the necessary procedural guarantees available under the Convention. In this context, the Court found, among others, a violation of Art. 5, para. 1 guaranteeing the right of the person to liberty and security and that no one shall be deprived of his/her liberty unless he/she is lawfully detained after being convicted by a competent court.[46]

In the case ***Saviny v. Ukraine*** (application no. 39948/06), the local authorities removed custody of children from their parents because of poor living conditions and practising begging, placing the children in juvenile institutions. The Court noted its understanding of the local authorities' decision, based as it was on a finding that the applicants, by virtue of insufficient financial means and personal qualities, were unable to provide their children with proper nutrition, clothing, a sanitary environment and healthcare, as well as to ensure their social and educational wellbeing, thereby endangering the children's life, health and moral upbringing.[47] Moreover, the authorities, who interfered in the private life of this family (guaranteed by Art. 8 ECHR), were acting in accordance with the law and were pursuing a legitimate aim to protect the best interests of the children, their life and health.

45 European Court judgments and decisions in the HUDOC data\base.

46 See para. 53

47 See para. 55

The Court reiterates that *the mutual enjoyment by parent and child of each other's company constitutes a fundamental element of family life and that domestic measures hindering such enjoyment amount to an interference with the rights protected by Article 8. Such interference constitutes a violation of this provision unless it is "in accordance with the law", pursues one of the legitimate aims enumerated in Article 8 § 2 and can be regarded as "necessary in a democratic society".*

In determining whether a particular interference was "necessary in a democratic society", the Court will consider whether, in the light of the case as a whole, the reasons adduced to justify it were relevant and sufficient for the purposes of paragraph 2 of Article 8 of the Convention and whether the requisite decision-making process was fair and such as to afford due respect to the interests safeguarded by Article 8 [...].Notwithstanding a margin of appreciation enjoyed by the domestic authorities in deciding on placing a child into public care, severing family ties means cutting a child off from its roots, which can only be justified in very exceptional circumstances [...] A relevant decision must therefore be supported by sufficiently sound and weighty considerations in the interests of the child, [...]. [...] In particular, where the decision is explained in terms of a need to protect the child from danger, the existence of such a danger should be actually established[...] In taking a decision on removal of a child, a variety of factors may be pertinent, such as whether by virtue of remaining in the care of its parents the child would suffer abuse or neglect, educational deficiencies and lack of emotional support, or whether the child's placement in public care is necessitated by the state of its physical or mental health. [...] On the other hand, the mere fact that a child could be placed in a more beneficial environment for his or her upbringing does not on its own justify a compulsory measure of removal [...]. Neither can this measure be justified by a mere reference to the parents' precarious situation, which can be addressed by less radical means than the splitting of the family, such as targeted financial assistance and social counselling [...]. Further, in assessing the quality of a decision-making process leading to splitting up the family, the Court will see, in particular, whether the conclusions of the domestic authorities were based on sufficient evidentiary basis (including, as appropriate, statements by witnesses, reports by competent authorities, psychological and other expert assessments and medical notes) and whether the interested parties, in particular the parents, had sufficient opportunity to participate in the procedure in question [...]. The Court will also have regard to whether, where appropriate, the children themselves were able to express their views. [...] In any event, taking a child into care should normally be regarded as a temporary measure, to be discontinued as soon as circumstances permit. It cannot, therefore, be justified without prior consideration of the possible alternatives [...] and should be viewed in the context of the State's positive obligation to make serious and sustained efforts to facilitate the reuniting of children with their natural parents and until then enable regular contact between them, including, where possible, by keeping the siblings together.

However, in assessing to what extent the interference of the authorities in the private life of this family was necessary in a democratic society, the Court noted that the mere fact that a child could be placed in a more beneficial environment for his or her upbringing does not on its own justify a compulsory measure of removal (see, for example, *K.A. v. Finland*, no. 27751/95, § 92 ECHR 2003-I). Furthermore, the removal is not proportionate to the aim pursued as long as there are less radical means than splitting up the family to address this problem, such as targeted financial assistance and social counselling (see, for example, *Moser v. Austria*, no. 12643/02, § 68, 21 September 2006; *Wallová and Walla*, §§ 73-76; etc.).[48]

In addition, making decisions to sever the family ties of begging children and decisions to place them in public care, while not being themselves a violation of the ECHR, are subject to very strict conditions requiring sufficiently sound and weighty considerations in the interests of the child (existence of danger actually established, whether by virtue of remaining in the care of its parents the child would suffer abuse or neglect, educational deficiencies and lack of emotional support, or whether the child's placement in public care is necessitated by the state of his/her physical or mental health). Furthermore, the decision-making process leading to splitting up the family needs to have a sufficient evidentiary

48 See para. 51

basis; the interested parties, in particular the parents, should have sufficient opportunity to participate in the procedure; and children themselves should be able to express their views. Taking a child into care should normally be regarded as a temporary measure, to be discontinued as soon as circumstances permit.

Furthermore, the European Court of Human Rights, in its decision in ***Rantsen vs. Cyprus and Russia***, ruled that human trafficking is a violation of Article 4 of the European Convention on Human Rights, which prohibits forced labour and slavery.

In this context, we may conclude that the mere enactment of a begging ban is not in contravention of the ECHR provisions. However, due respect has to be given to the rights deriving from the ECHR when implementing such legislation. In addition, despite the poor financial condition of a family leading the children to beg, the removal of children is not necessary in a democratic society, provided that there are other less restrictive measures that can be applied.

3.3 European Union Law

Primary sources

According to Art. 6 of the Treaty on the European Union (as amended by the Lisbon Treaty), European Union human rights law finds its source in the Charter of Fundamental Rights of the European Union (para. 1), as well as in fundamental rights as guaranteed by the ECHR and as they result from the constitutional traditions common to the Member States (para. 3). In addition, in a number of cases, the Court of Justice of the European Union argues that the rules of customary law are also binding on the Union.[49] Moreover, the European Community and current EU are also signatories to or ratifying parties of several international conventions that have a binding character.

The Charter of Fundamental Rights of the European Union was conferred with binding force by the Treaty of Lisbon. It is worth noting that most of the ECHR rights are reiterated in the Charter, which should also be interpreted in terms of the ECHR with the same meaning and scope (Art. 52, para. 3). Nevertheless, the same article gives the possibility for EU law to go further than the ECHR in providing more extensive protection.

Secondary sources

The most important document relevant in the context of this legal analysis is **Directive 2011/36/EU of the European Parliament and of the Council of 05 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA**[50], which reiterates the definition of trafficking in human beings from the Palermo Protocol in Art. 2 para. 1. However, under para. 3 of the same article, a broader meaning of the term 'exploitation' is given and includes, *inter alia*, begging as a form of forced labour or exploitation of services. In addition, recital 11 of the Directive's Preamble makes it clear that 'forced begging' should be understood as a form of forced labour or services as defined in the 1930 ILO Convention No 29 concerning Forced or Compulsory Labour. The same provision further states that the exploitation of begging, including the use of a trafficked dependent person for begging, falls within the scope of the definition of trafficking in human beings only when all the elements of forced labour or services occur, excluding the validity of consent given by a child.

49 See, inter alia, Case C-162/96 Racke GmbH & Co. v Hauptzollamt Mainz [1998] ECR I-3655, § 46 as referred in Damian Chalmers, Gareth Davies and Giorgio Monti (2010), *European Union Law*, Cambridge University Press, p. 657.

50 OJ L 101, 15.4.2011.

Directive 2011/36/EU obliges the Member States to set minimum levels for imprisonment penalties, and a maximum penalty in national legislation of imprisonment for ten years or more for committing the offence "trafficking in human beings" when it is committed against particularly vulnerable individuals, including a child (Article 4, paragraph 2, item (a)), when it was committed in the framework of organised crime (Article 4, paragraph 2, item (b)), when it deliberately or by gross negligence endangered the life of the victim (Article 4, paragraph 2, item (c)) or when it was committed by use of serious violence or has caused particularly serious harm to the victim (Article 4, paragraph 2, item (d)). Furthermore, in addition to the trafficking in human beings offence itself, the following acts are also punishable: incitement, aiding and abetting of the offence, as well as an attempt to commit that offence (Article 3).

The Directive also provides for non-prosecution or non-application of penalties to victims of trafficking by requiring MS to take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to commit (Article 8). Recital 14 of the Directive also explains that victims of trafficking in human beings should be protected from prosecution or punishment for criminal activities that they have been compelled to commit as a direct consequence of being subject to trafficking; this provision aiming to protect and safeguard the human rights of victims, to avoid further victimisation and to encourage them to act as witnesses in criminal proceedings against the perpetrators. It also differentiates the assistance given to victims of trafficking, paying particular attention to children for whom their best interests shall be a primary consideration (Article 13, paragraph 1) and also to unaccompanied children who are victims of trafficking (Article 16). The Directive also requires the Member States to adopt/undertake preventative measures of a different kind in order to discourage and reduce the demand for all forms of exploitation under the trafficking in human beings offence (Article 18). The EU Member States (with the exception of Denmark) shall transpose the Directive's provisions by 6 April 2013.

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[51] addresses a special category of subjects. These subjects are victims of acts under the trafficking in human beings offence (or of offences facilitating illegal immigration) who are third country nationals, even if they entered the territory of a Member State illegally and who expressed their willingness to cooperate with the relevant authorities. Although the Directive is applicable for individuals who have reached the age of majority set out by the law of the Member State concerned (Article 3, paragraph 3), it can also be applied to minors by way of derogation and under the conditions set out in the domestic legislation of the Member State concerned (idem). Therefore, when an individual falls under the scope of this Directive, the Member State shall inform the person about the options offered by the Directive (Article 5, paragraph 1).

In return for cooperation (which usually means cooperation in a police investigation, providing the police with statements that can potentially be used as prosecution evidence), the third country national will be granted a special residence permit. When the third country national is a child and the Member State concerned decides to make use of the derogation under the Directive, the Member State shall take due account of the best interests of the child (Article 10, item (a)), ensuring his/her access to education (Article 10, item (b)), and if the child is unaccompanied, the Member State shall establish his/her identity, nationality and whether indeed he/she is unaccompanied. In addition, the Member State shall make every effort to locate the child's family as quickly as possible and shall immediately take the necessary steps to ensure legal representation, including representation in criminal proceedings, according to the domestic legislation of the Member State concerned (Article 10, item (c)).

51 OJ L 261, 6.8.2004

3.4 EU Policy Documents

With regard to non-binding EU policy documents related to trafficking in children, on 19 June 2012, the European Commission launched the **EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016**.[52] This Strategy aims to provide a coherent framework for existing and planned initiatives in the area of combating trafficking in human beings, to set priorities, to fill gaps and to complement Directive 2011/36/EU (see above). The focus of the strategy is on concrete measures to support the transposition and implementation of the Directive, bring added value and complement the work done by governments, international organisations and civil society in the EU and third countries. The European Commission will support the Member States in taking on their responsibilities in this context and identifies five priorities:

A. Identifying, protecting and assisting victims of trafficking
B. Stepping up the prevention of trafficking in human beings
C. Increased prosecution of traffickers
D. Enhanced coordination and cooperation among key actors and policy coherence
E. Increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings.

The Strategy refers to exploitation through begging as one of the forms of trafficking. Specific high-risk vulnerable groups mentioned in the Strategy coincide with the groups vulnerable to involvement in child begging identified in this study – "*children, especially early school leavers, children left behind, unaccompanied children, and children with disabilities, as well as people in the Roma community*."

The Commission Communication (2006) **Towards an EU Strategy on the Rights of the Child** takes stock of the plight of trafficked children, making a commitment to maximise existing policies and to adopt specific measures to eradicate the problem. The EU **Guidelines on the Rights of the Child** (2007) identify child trafficking among areas for EC intervention through, *inter alia*, advocating ratification and effective implementation of international human rights instruments relevant to fighting violence against children.

The Commission Communication "**A Special Place for Children in the EU's External Action**" (2008) states that the fight against those crimes which particularly affect children, such as trafficking in human beings, must be based on concrete preventive and assistance measures to protect children from violence and exploitation and to ensure their rehabilitation, recovery and long-term social inclusion. In the **Conclusions on children in development and humanitarian assistance** (2008), the Council underlines that due to their particular vulnerability, in times of crisis, there is an increased risk of children becoming victims of different forms of human rights violations, including THB. In this regard, it should be noted that gaps in the identification and protection of child victims of THB have been identified by the EU Fundamental Rights Agency in a report on child trafficking in the EU published in July 2009.[53] The **EU Agenda for the Rights of the Child** (Com (2011) 60 final) also refers in passing to the risk of children becoming involved in begging if they disappear from institutions, among other situations.

In the category of preventative measures, the **EU non-discrimination acquis** is also of high importance, particularly in the context of social protection, including social security and healthcare; social advantages; education; access to and supply of goods and services which are available to the public, including housing.[54]

52 COM (2012) 286 final.

53 Council of the European Union, *Action oriented paper on strengthening the EU external dimension on action against trafficking in human beings; towards Global EU action against trafficking in human beings,* Brussels, November 2009.

54 See Article 3(1), "e"-"h" of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment

3.5 Selected issue: General Bans on Begging of Any Sort

In recent years, there have been heated discussions among some EU States' law drafters on imposing a total begging ban – in the case of all begging including both adults and children. This is relevant to consider, even though the focus in this Report is on child begging in particular, as a general begging ban clearly has an impact on child begging also. Such a provision may be included in the national legal framework since neither international laws nor EU laws prohibit or regulate this issue, except for the exploitation of begging under the trafficking in human beings offence. Moreover, EU countries such as Belgium (not covered by this study), Denmark, Austria (some federal provinces), the United Kingdom, Luxembourg (not covered by this study) and Spain have already adopted legislation outlawing begging, while in Ireland (not covered by this study), a ban on harassment or obstruction through begging was introduced in 2011.[55]

In the US, for the purposes of comparison, begging by adults and children as such is not prohibited – quite the contrary – it has been considered by the US Court of Appeals as a communicative activity conveying an individual's indigence, which falls under the protection of the First Amendment to the US Constitution. Nevertheless, not all forms of begging are permitted in the US, since the courts clearly allow the application of the existing legal provisions that prohibit aggressive panhandling, i.e., begging that intimidates or creates a hostile environment for pedestrians, tourists and business patrons.[56]

Another argument derives from the Preamble of the UN-CRC in relation to a child's well-being. It recognises the importance of traditions and cultural value for the protection and development of the child. The act of begging or other similar practices can be interpreted as deriving from some groups' traditions and/or culture, though this is not a finding of this Study. In any case, the same Convention provides the counter-argument, as it requires the States to take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children (Art. 24, para. 3), and even if begging is to be considered a cultural practice, it is clear that it is prejudicial to the health of the children involved.

Nevertheless, several questions still remain, such as what kind of begging, in addition to the exploitation of begging, should be prohibited and what the system of penalties should be, including procedural guarantees, which are the competence of Member States. They may decide to impose such a ban and how to implement it in accordance with their own national policies, subject to the fundamental rights obligations set out at the beginning of this chapter. For example, it is of concern that in the first two months after the law regulating the ban in Ireland entered into force, more than two hundred individuals were arrested, mostly of Roma origin.[57] It should be also noted that the previous anti-begging law, before the current one, was considered unconstitutional in Ireland.

Taking this into account, Member States must in every case ensure that any begging provisions, in so far as they relate to child begging, take the best interests of the child as a primary consideration.

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between persons irrespective of racial or ethnic origin

55 Finnish Ministry of Interior Press Release of 06.10.2010 published on the Finnish Government website, available on: http://valtioneuvosto.fi/ajankohtaista/tiedotteet/tiedote/en.jsp?toid=329157&c=0&moid=329168&oid=308293 and also Irish Newspaper *The Independent:* http://www.independent.ie/national-news/courts/roma-gypsy-first-to-be-convicted-for-begging-2660589.html (both consulted on 08.04.2012). These bans refer to adults and children.

56 Justina Uram Mubangu, "Criminalizing the Indigent – Finland's Proposed "Begging Ban" draws mixed opinions from human rights groups", available at: http://www.thehumanrightsblog.com/?p=552 (consulted on 11.04.2012)

57 See Irish newspaper *The Independent,* edition of 29 May 2011, available at: http://www.independent.ie/national-news/courts/roma-gypsy-first-to-be-convicted-for-begging-2660589.html (consulted on 11.04.2012)

3.6 Selected issue: Exploitation of Child Begging by Parents/Guardians

A central concern of this study is to examine the complex distinction between exploitation through begging and trafficking for the purposes of exploitation through begging by the parent(s)/guardian(s) of the child in question, and begging by children within the context of a family survival strategy, without the incidence of exploitation.[58] Delap's research for Anti-Slavery International highlighted what it referred to as "forced" child begging as one of the most extreme forms of child exploitation, and acknowledged that children may be exploited by their parents or guardians, *or* by third parties (Delap, 2009). Some parents of children who are begging are considered not to care at all about the child's welfare, while others accept that begging contributes to their household economy, and still others are not aware that their child is begging. Levels of manipulation by parents and other adults can be evidenced in the situations of children begging (see Typology above). Family migration in order to beg can therefore lead to the exploitation of children by parents (Save the Children in Albania, 2007). For example, the US Department of State Trafficking in Persons report for 2010 expressed concern in relation to Kosovo that "*there were insufficient care and rehabilitation options for child victims of trafficking who did not want to return to their families, members of which had often contributed to their initial trafficking*" (US Department of State, 2011).

The exploitation of very young children by their parents is considered to be a method of earning more money, by inspiring empathy in passers-by. Many stakeholders interviewed for this Study argued, however, that many begging people are parents who do not have access to appropriate childcare while they beg and therefore must take their babies or toddlers along with them. However, it is clear that in some cases, the child is indeed simply used as a "begging prop". What is crucial, however, to always take into account, is that an adult who may appear to be the parent of the child is sometimes a third party posing as a parent to exploit the child and to elicit pity from passers-by.

The involvement of parents in child begging should therefore be examined with caution, on a case-by-case basis, in order to draw a clear line between exploitation and basic survival, or lack of effective access to social security, childcare and education. A report on child trafficking by Save the Children in Albania concluded that:

> "[*w*]*hile informal migration processes that see children out of school and working in difficult conditions can never be promoted, perhaps caution needs to be taken before these families are labeled as exploiters.*" (Save the Children in Albania, 2007).

The issue of parents exploiting their children through begging is a particularly complex one. Delap (2009) suggested that particular care should be taken in responding to these cases as criminalising the parents would have a detrimental effect on the child:

> "*Clearly, third parties forcing children to beg for criminal profit must be brought to justice and punished. However, the case for responding to forced child begging by parents through the criminal justice system is less clear. The widespread nature of forced child begging by parents revealed by this research suggests that such strategies would be hard to enforce in practice. Criminalising parents, especially if custodial sentences are imposed, may also have harmful ramifications if the child's subsequent care and protection is not carefully planned and closely monitored. Such problems suggest that, in all but extreme cases of abuse, it may be wiser to develop holistic rehabilitation programmes for whole families which*

58 Indeed the 2012 TIP Report reports on an increased presence of family-based or ethnically-orientated organisations in trafficking for all forms of exploitation, notably in Romania and Greece, among other countries.

include helping parents to find alternative sources of income that do not involve exploiting children."

Furthermore, a prosecutor in Albania interviewed for this Study commented in relation to exploitation by parents and trafficking regulations that; "*if we were to punish parents under this [trafficking] law, jailing a parent for 15 years is a too harsh*".[59]

Due to its prevalence in the results of this Study, this section examines the issue of the use of children for begging by parents or guardians from a legal perspective, and whether this can in fact be seen as exploitation or trafficking. Article 1 of the **Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery** (1956) requires States Parties to abolish or abandon

> "*[...] (d) Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour*".

This Supplementary Convention specifies therefore that the child must be handed over to another person, rather than being exploited directly by the parent or guardian, in order to fall under its terms.

A more recent instrument, the **Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**, adopted by UN General Assembly resolution A/RES/54/263 of 25 May 2000 and which entered into force on 18 January 2002, confirmed that

> "*Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration*" (article 2(a).

The Optional Protocol requires States Parties to "prohibit the sale of children" (article 1). In referring in paragraph 3(a) to forms of "exploitation" that include "servitude", as well as "services, slavery or practices similar to slavery", the UN Trafficking Protocol implicitly considers the delivering of a child to another person for the exploitation of the child's labour, as defined by the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956), to be a form of exploitation associated with trafficking (even though the Supplementary Convention refers to "servile status" rather than "servitude"). Equally clear is that a child who is sent to beg (or to earn money in other ways) by her or his own parent or parents, while continuing to live with this parent or guardian, cannot be regarded as "having been delivered" to anyone else, and the parent's actions consequently do not constitute a transgression of the Supplementary Convention or an act of trafficking. It is also unlikely that the parent's action could be regarded as an act of "forced labour", for the UN **Committee on the Rights of the Child**, in advice to States Parties to the CRC on what constitutes forced labour in the case of children, has observed that:

"*The term forced labour [...] includes any substantial work or services that a person is obliged to perform, by a public official, authority or institution under threat of penalty; work or services performed for private parties under coercion (e.g. the deprivation of liberty, withholding of wages, confiscation of identity documents or threat of punishment) and slavery-like practices such as debt bondage and the marriage or betrothal of a child in exchange for consideration*" (see International Labour Organization Convention No. 29 (1930) on Forced Labour (arts. 2 and 11), and the Supplementary Convention on

59 Prosecutor at the Serious Crimes Court, 12 May 2011.

the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (art. 1).[60] On the other hand, children who are sent to beg by their parents, whether they hand over all of their earnings to a parent or guardian, or part of their earnings or even none of their earnings, can in certain circumstances be regarded as involved in a "worst form of child labour" (as defined by ILO Convention 182) or a form of child labour other than a "worst form" (notably if, by requiring a child to beg, a child of compulsory school age is prevented from attending school). Article 3 of ILO Convention 182 defines worst forms of child labour as:

> "*(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;*
> *(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;*
> *(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;*
> *(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children*".

A related issue is the need for provisions for the non-imposition of criminal liability on begging children who have been trafficked and subsequently forced into committing a criminal act.[61]

Unlike the worst forms listed in paragraphs a, b and c of this article 3, those falling under the terms of paragraph (d) are to be identified and formally listed by the appropriate authority at national level and consequently vary from country to country. However, in what is, in effect, a commentary on this provision, ILO Recommendation 190 on the worst forms of child labour specifies (in its article 3) that,

"*In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:*

(a) work which exposes children to physical, psychological or sexual abuse;

(b) work underground, under water, at dangerous heights or in confined spaces;

(c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;

(d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;

(e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer".

In line with the interpretation of begging as a worst form of child labour, and therefore illegal, in 2010, the treaty-monitoring body which reviews States Parties' reports on the implementation of the CRC, the Committee on the Rights of the Child, recommended to one EU State (Belgium) that it take action to prohibit the use of children begging in the streets, saying:

> *"The Committee expresses concern about the 26 May 2010 decision of the*

60 R*evised Guidelines Regarding Initial Reports to be submitted by States Parties under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography,* adopted by the Committee on the Rights of the Child at its 43rd session, 29 September 2006. UN document CRC/C/OPSC/2, 3 November 2006. The quote cites two international treaties dating from 1930 and 1956 as its legal basis.

61 This is a central finding – and recommendation – of European Roma Rights Centre and People in Need (2011). Breaking the Silence: Trafficking in Romani Communities. Budapest: European Roma Rights Centre and People in Need.

Fourteenth Chamber of the Brussels Court of Appeals (Arrêt No. 747) not to prohibit the use of children for begging as long as the adults involved are parents. The Committee calls upon the State party to expressly ban the use of children for begging on the streets whether or not the adults concerned involved are parents".[62]

This recommendation suggests that the use of children for begging should be explicitly prohibited and sanctioned, not as a form of trafficking but arguably as a form of child abuse. Though not covered by this research in Belgium, there has been a proposal to the Senate to explicitly include exploitation of children for begging by their own parents or family members in the anti-trafficking law.[63] Exploitation through begging is already set out in the Anti-Trafficking Law of 10 August 2005, but the proposal seeks to counter the recent decision by the Brussels Court of Appeal that a parent who uses their own child to beg does not commit a penal infraction.[64] Citing the above-mentioned opinion of the UN Committee on the Rights of the Child, the proposal invokes the non-discrimination of the fundamental rights of child victims of exploitation, regardless of whether they have a family relationship with the people allegedly responsible for the exploitation. The proposal also refers to the use of children by parents or other adults to evoke pity in passers-by.

Evidently, a number of the criteria of a worst form of child labour could be regarded as pertinent to children who beg, particularly young children or, in certain circumstances, girls, or children who beg in a place where they are exposed to other dangers. Article 32 of the **Convention on the Rights of the Child** recognises the child's right to be protected from economic exploitation and from "*performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development*".

This is highly relevant to school-age children who are required to beg, and thereby prevented from attending school (or, if they beg as well as attending school, have less concentration and potential to learn at school), regardless of whether it is by their parent or someone else (i.e., children who have not yet completed their basic education or have not reached the minimum age at which they are permitted to leave school). However, it calls for a response to protect the child concerned (from economic exploitation), rather than specifying what offence is committed by an adult who obliges a child to perform work of this sort.

Begging as preventing a child from accessing education is a crucial issue, and this is reflected in the Flash Eurobarometer Series #235 *The Rights of the Child* which showed that education was the policy area most frequently mentioned (by 75% of respondents) by teenagers as of particular interest in relation to the rights of the child. School attendance can, however, be affected by parents' perception that it is not safe for their children, particularly girls from disadvantaged and marginalised Roma communities, to make the trip to school or to be in school, due to violence, threats and discrimination (see Save the Children in Albania, 2007).

Articles 5, 8 and 9 of the UN-CRC in relation to the responsibilities, rights and duties of parents; the family relations of the child; and contact between the child and parents (subject to the best interests of

62 CRC.C.BEL.CO.3-4 Committee on the Rights of the Child, Fifty-fourth session, 24 May-11 June 2010. *Consideration of reports submitted by States parties under article 44 of the Convention*. The Committee's recommendation was made with reference to a court judgment that had suggested that children should not be forbidden from begging if their own parents were involved.

63 Walters, Lorne (2011): Proposition de loi modifiant et complétant les dispositions de l'article 433ter et suivants du Code pénal relatif à l'exploitation de la mendicité en vue d'interdire toute forme d'utilisation d'une personne a fortiori d'un enfant dans une démarche de mendicité; Defraigne, Christine (1 December 2011): Proposition de loi modifiant les articles 433ter et suivants du Code pénal relatif à l'exploitation de la mendicité. Senat de Belgique.

64 Decision of 26 May 2010 (Arrêt n° 747).

the child) on the one hand,[65] in conjunction with Article 27 on States assisting parents in providing for children's living standards including nutrition, clothing and housing;[66] and, on the other hand, Article 36 on protecting children from all forms of exploitation in cases where the parents are the perpetrators,[67] informed how the research was conducted. The Typology of child begging situations identified and categorised scenarios according to breaches of these interrelated, but separate legal provisions, assessing their relative applicability on the basis of an informal assessment of the best interests of the child. These articles of the CRC were of particular importance in the development of the Recommendations for this Study, in order to address this difficulty, in view of the fact that existing child protection measures in these areas are largely inadequate.

A related difficulty has emerged in this Study in relation to conflicting provisions in different national laws and jurisprudence on whether "forced" begging (as it is defined in some national legislation), exploitation and trafficking by parents is an aggravating circumstance of THB or exploitation, leading to increased penalties for exploitation or trafficking (as per some national laws identified) or whether it is a result of cases of extreme poverty and lack of basic services (as per some jurisprudence identified) resulting in non-conviction of parents. This relates to the complementary provisions of the UNCRC, whereby it may be difficult to establish how best to reconcile the various fundamental rights granted to children who beg if the parents are considered as perpetrators.

Of crucial importance in understanding the issue of child begging is to determine, in the cities that were subject to case studies, what the precise legal status of a child who begs is in that locality, particularly where this differs from the situation at a national level. It is clear from the research that in many cases, the child, if accompanied by an adult, is treated as a victim of the crime of begging with a child. Nevertheless, if the child is unaccompanied, their legal status is less clearly defined, and depending on whether they are, for example, older or younger than fourteen years, they may trigger a child protection response or be themselves the subject of a criminal investigation.

What is more worrying, and is evident from the local research, is that the most common response is indifference and inaction, rendering the child's legal status as a child of little use for their protection, and denying them fundamental rights as set out in the UN Convention on the Rights of the Child. Even where a specific procedure is initiated, the responses in place often do not take the best interests of the child into account, such as removing custody without consulting the child (in contravention of Articles 9.1 and 12 of the CRC), or placing the child in police custody or in care from which he or she later absconds.

Where a child is under the age of criminal responsibility, they cannot be arrested. However, if they are

65 Article 5: States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention. [...]
Article 8.1: States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference. [...]
Article 9.1: States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence. [...]
Article 9.3: States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

66 Article 27.3: States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

67 Article 36: States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

unaccompanied while begging, there are often no legal procedures in place to address the situation, as no law is being broken. Therefore a response from the authorities is lacking if efficient and effective child protection procedures are not in place. In Copenhagen, Denmark, on the other hand, as all begging is criminalised and child protection procedures are in place, referred to in the Country Section on Denmark below as the "double protection" of children begging, almost no children are found begging there due to the rapid response. The above legislation and policy provides the context for this study of child begging, orientating the directions of research and providing working definitions of begging, children and related violations of international law, also providing the framework for the legal section of the Typology above.

3.7 Selected Issue: Child Begging and Roma

The results of this research show that a disproportionately high number of children of Roma ethnicity[68] are involved in begging throughout the countries under study. This is in line with the findings of other studies conducted in other parts of the world, which show that communities subject to a history of socio-economic marginalisation and racism are more vulnerable to becoming involved in begging, exploitation and trafficking in human beings.[69] This is exacerbated by the fact that some Roma people in Europe are still in a situation of socio-economic marginalisation and/or may be victims of anti-Roma racism and prejudice.[70] The underlying reasons for this are manifold, and are explored throughout this Study. However, among the countries under study, this prevalence varied, and it should be noted that children of Roma ethnicity who are citizens of certain EU Member States, such as Spain and France, were significantly less likely to be involved in begging than, for example, Romanian or Bulgarian citizens of Roma ethnicity.

In a Study of this nature, the assumption is frequently encountered that begging, and in particular child begging, is somehow an element of Roma culture. Quite aside from the fact that the cultures that exist among the many and varied Roma communities in Europe are distinct and diverse, the clear fact is that the overwhelming majority of Roma children in Europe *do not* beg. In addition, the overwhelming majority of Roma parents in Europe neither allow nor send their children to beg. Therefore, as concluded in other studies on the subject, this Study confirms that child begging *cannot* be considered a "Roma tradition".[71]

Any legislative responses, policies or good practices aiming to prevent child begging, protect the children involved or punish the perpetrators must accordingly take the increased vulnerability of Roma children in certain EU Member States, or from certain EU Member States, into account. This has indeed been highlighted by members of Roma communities[72] and requires that researchers, policy-makers and practitioners recognise this particular feature of child begging in Europe and work together with Roma communities, among others, to combat the phenomenon. All children without exception are entitled to

68 For this Study's working definition of "Roma ethnicity", please see Footnote 10 above.

69 See: Delap, Emily (2009). *Begging for Change*. Anti-Slavery International.

70 On anti-Roma violence in Europe, see: The European Association for the Defense of Human Rights (AEDH) and the Czech Helsinki Committee (2012) *Roma People in Europe in the 21st Century: Violence, Exclusion, Insecurity* (available at http://www.helcom.cz/dokumenty/Roma%20REPORT.pdf).

71 See, for example, European Roma Rights Centre and People in Need (2011). *Breaking the Silence: Trafficking in Romani Communities*. Budapest: European Roma Rights Centre and People in Need, and Save the Children (2011). *Regional Report on Child Begging: Prevalence, Prevention and Suppression of Child Begging*. Save the Children Prevention of Child Exploitation in South East Europe.

72 *"Given the vulnerability of children in general - especially within the EU Roma community, itself a longstanding victim of discrimination, persecution and social exclusion -, common sense would require the immediate mainstreaming for these children of a non-discriminatory effective protection against all forms of violence, neglect and exploitative activities, involving or not trafficking"* - statement by Nicolae Gheorghe, on behalf of the PAKIV - Roma Reflexion Group, hosted by the Freundenberg Stiftung, Germany at the OSCE Review Meeting, Warsaw, Working Session nr. 7, Tolerance and Non-Discrimination I, including: Implementation of the OSCE Action Plan on Roma and Sinti (RC.NGO/152/10, 7 October 2010), based on consultation with Livia Jaroka, Hungarian Member of the European Parliament, Ivan Ivanov, Head of the Brussel-based European Roma Information Office (ERIO), and Hvzi Cazim, Roma child rights activist from Skopje, President of the Brussels-based Union of the Roma People (Comité pour l'Union du Peuple Rhom, C.U.P.R.).

the specific children's rights enshrined in international legislative and policy documents and national frameworks. Every violation of a child's rights, regardless of the ethnicity of the child in question, is of equal concern to the various actors entrusted with the concrete implementation of children's rights in Europe.

3.8 Typology of Child Begging Situations and Legal Categories Covered by International Instruments

The following two tables apply the Legal Framework to the Typology in Chapter 2 above and provide an overview of the international instruments' coverage of the different types of child begging situations identified in this research. The tables refer to the coverage of identified types of child begging situations under the most relevant international instruments without considering the countries in which the begging takes place. This is done for two reasons: first, some of the types have been encountered in several countries; second, these particular international instruments, as per the discussion presented above, are the most relevant to the context of child begging in all the 15 European countries under study.

	International legal instruments	ICCPR[1]	ICESCR[2]	ECHR[3]	CRC[4]	Optional Protocol to the CRC[5]	ILO 29[6]	ILO 182[7]	Supplementary Convention on the Abolition of Slavery[8]	UNCTOC[9]	Palermo Protocol[10]	CoE Convention against THB[11]	ECCVVC[12]	EU Directive 2011/36[13]	Council Directive 2004/81
Types of child begging situations															
T1		✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓
T2		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
T3		✓	✓	✓	✓		✓								
T4		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
T5		✓	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓	
T6		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	

1. International Covenant on Civil and Political Rights (New York 1966)
2. International Covenant on Economic, social and Cultural Rights (New York 1966)
3. Convention for the Protection of Human Rights and Fundamental Freedoms (Rome 1950)
4. Convention on the Rights of the Child (New York 1989)
5. Optional Protocol on the Convention on the Rights of the Child on the sale of the children, child prostitution and child pornography (New York 2000)
6. Convention concerning Forced or Compulsory Labour (No. 29 of 1930)
7 Worst Forms of Child Labour Convention (No. 182 of 1999)
8. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Geneva 1956)
9. UN Convention against Transnational Organised Crime (New York 2000)
Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo 2000), supplementing the United Nations Convention against Transnational Organised Crime
10. Council of Europe Convention against Human Trafficking (Warsaw 2005)
11. European Convention on the Compensation of Victims of Violent Crimes (Strasbourg 1983)
12. The EU MS shall transpose the Directive's provisions by 06.04.2013

	Types of child begging situations	T1	T2	T3	T4	T5	T6
International legal instruments							
ICCPR[1]		✓	✓	✓	✓	✓	✓
ICESCR[2]		✓	✓	✓	✓	✓	✓
ECHR[3]		✓	✓	✓	✓	✓	✓
CRC[4]		✓	✓	✓	✓	✓	✓
Optional Protocol to the CRC[5]		✓	✓		✓	✓	✓
ILO 29[6]			✓	✓			✓
ILO 182[7]		✓	✓		✓		✓
Supplementary Convention on the Abolition of Slavery [8]		✓	✓		✓	✓	✓
UNCTOC[9]			✓		✓	✓	
Palermo Protocol [10]		✓	✓		✓	✓	✓
CoE Convention against THB[11]		✓	✓		✓	✓	✓
ECCVVC[12]		✓	✓		✓	✓	✓
EU Directive 2011/36[13]		✓	✓		✓	✓	✓
Council Directive 2004/81		✓	✓		✓		

1. International Covenant on Civil and Political Rights (New York 1966)
2. International Covenant on Economic, social and Cultural Rights (New York 1966)
3. Convention for the Protection of Human Rights and Fundamental Freedoms (Rome 1950)
4. Convention on the Rights of the Child (New York 1989)
5. Optional Protocol on the Convention on the Rights of the Child on the sale of the children, child prostitution and child pornography (New York 2000)
6. Convention concerning Forced or Compulsory Labour (No. 29 of 1930)
7. Worst Forms of Child Labour Convention (No. 182 of 1999)
8. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Geneva 1956)
9. UN Convention against Transnational Organised Crime (New York 2000)
10. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo 2000), supplementing the United Nations Convention against Transnational Organised Crime
11. Council of Europe Convention against Human Trafficking (Warsaw 2005)
12. European Convention on the Compensation of Victims of Violent Crimes (Strasbourg 1983)
13. The EU MS shall transpose the Directive's provisions by 06.04.2013

To further apply the Typology to the legal framework, and vice versa, the following two tables present the coverage of relevant legal categories regulated in international instruments. All child begging situations identified are situations of distress and breach of children's rights and there are also certain cases of very serious crimes against children. For instance, all types of child begging situations identified through this research breach some fundamental human rights, such as the right to non-discrimination or respect for human dignity, breaches present in all types identified within the Typology. As stated above, these are covered in the Universal Declaration of Human Rights, signatory states being legally bound by the International Covenant on Civil and Political Rights (New York 1966) and by the International Covenant on Economic, Social and Cultural Rights (New York 1966). The Council of Europe European Convention for the Protection of Human Rights and Fundamental Freedoms (Rome 1950) also regulates a number of

fundamental rights and freedoms such as right to prohibition of slavery and forced labour, right to liberty and security, prohibition of discrimination etc. All situations in which there have been indications of forced labour or exploitation are breaching these fundamental rights and fall under the above-mentioned international instruments.

Moreover, all situations of child begging found through this research breach a number of child's rights regulated by the Convention on the Rights of the Child (UN-CRC) (New York 1989) such as protection from all forms of physical or mental violence: injury, abuse, neglect or negligent treatment and protection against all other forms of exploitation prejudicial to any aspects of the child's welfare. All situations in which children are begging, whether forced or not by third parties, providing that children are being discriminated against or they do not have access to education and proper care, fall under the scope of the UN-CRC.

Situations of child exploitation through classic begging and through auxiliary begging activities such as service provision constitute worst forms of child labour and fall under the ILO 182 Convention. Furthermore, if the child has been sold or trafficked for the purpose of exploitation through begging, this may constitute a practice similar to slavery. These situations fall under the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Geneva, 1956) as well as under the ILO Convention concerning Forced or Compulsory Labour (No. 29 of 1930).

Cases of child trafficking for the purpose of, *inter alia*, exploitation through begging, and situations where there are indications of child trafficking fall/may fall under international instruments and regulations developed to fight against trafficking in human beings. Moreover, child begging situations where organised crime has been proven to be involved or where there are indications of such an involvement fall/may fall under the respective international instruments put in place to fight organised crime (UN Convention against Transnational Organised Crime New York 2000).

	Legal categories covered by international instruments	**Fundamental human rights**[1]	**Child's rights**[2]	**Worst forms of child labour**[3]	**Slavery and forced labour**[4]	**Organised crime**[5]	**THB**[6]
Types of child begging situations							
T1 (0-6y)		✓	✓		✓		✓
T2 (7-17y)		✓	✓	✓	✓	✓	✓
T3 (>14y)		✓	✓				
T4 (6-13y)		✓	✓	✓	✓	✓	✓
T5 (all/ various ages)		✓	✓	✓	✓	✓	✓
T6 (3-15y)		✓	✓	✓	✓		✓

1. International Covenant on Civil and Political Rights (New York 1966), International Covenant on Economic, social and Cultural Rights (New York 1966), Convention for the Protection of Human Rights and Fundamental Freedoms (Rome 1950)

2. Convention on the Rights of the Child (New York 1989), Optional Protocol on the Convention on the Rights of the Child on the sale of the children, child prostitution and child pornography (New York 2000)
3. Worst Forms of Child Labour Convention (No. 182 of 1999)
4. Convention concerning Forced or Compulsory Labour (No. 29 of 1930), Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Geneva 1956)
5. UN Convention against Transnational Organised Crime (New York 2000)
6. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo 2000), supplementing the United Nations Convention against Transnational Organised Crime, Council of Europe Convention against Human Trafficking (Warsaw 2005), European Convention on the Compensation of Victims of Violent Crimes (Strasbourg 1983), EU Directive 2011/36 which Member states have to transpose by 06.04.2013

	Legal categories covered by international instruments	**T1 (0-6y)**	**T2 (7-17y)**	**T3 (>14y)**	**T4 (6-13y)**	**T5 (all/ various ages)**	**T6 (3-15y)**
Types of child begging situations							
Fundamental human rights[1]		✓	✓	✓	✓	✓	✓
Child's Rights[2]		✓	✓	✓	✓	✓	✓
Worst forms of child labour[3]			✓		✓	✓	✓
Slavery and Forced Labour[4]		✓	✓		✓	✓	✓
Organised Crime[5]			✓		✓	✓	
THB[6]		✓	✓		✓		✓

1. International Covenant on Civil and Political Rights (New York 1966), International Covenant on Economic, social and Cultural Rights (New York 1966), Convention for the Protection of Human Rights and Fundamental Freedoms (Rome 1950)
2. Convention on the Rights of the Child (New York 1989), Optional Protocol on the Convention on the Rights of the Child on the sale of the children, child prostitution and child pornography (New York 2000)
3. Worst Forms of Child Labour Convention (No. 182 of 1999)
4. Convention concerning Forced or Compulsory Labour (No. 29 of 1930), Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Geneva 1956)
5. UN Convention against Transnational Organised Crime (New York 2000)
6. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo 2000), supplementing the United Nations Convention against Transnational Organised Crime, Council of Europe Convention against Human Trafficking (Warsaw 2005), European Convention on the Compensation of Victims of Violent Crimes (Strasbourg 1983), EU Directive 2011/36 which Member states have to transpose by 06.04.2013

3.9 Annex: Ratification Status of Key Human Rights Instruments in Countries under Study

International Covenant on Civil and Political Rights (New York 1966, in force since 1976)[73]

Country	Ratification
Albania	04.10.1991
Austria	10.09.1978
Bulgaria	21.09.1970
Denmark	06.01.1972
France	04.11.1980
Germany	17.12.1973
Greece	05.05.1997
Hungary	17.01.1974
Italy	15.09.1978
Kosovo	N/A
Poland	18.03.1977
Romania	09.12.1974
Spain	27.04.1977
Sweden	06.12.1971
United Kingdom	20.05.1976

International Covenant on Economic, Social and Cultural Rights (New York 1966, in force since 1976)[74]

Country	Ratification
Albania	04.10.1991
Austria	10.09.1978
Bulgaria	21.09.1970
Denmark	06.01.1972
France	04.11.1980
Germany	17.12.1973
Greece	16.05.1985
Hungary	17.01.1974
Italy	15.09.1978

73 Information shows the status as of 08.04.2012, see: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en (consulted on 08.04.2012)

74 Information shows the status as of 08.04.2012, see: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en (consulted on 08.04.2012)

Kosovo	N/A
Poland	18.03.1977
Romania	09.12.1974
Spain	27.04.1977
Sweden	06.12.1971
United Kingdom	20.05.1976

Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 1950 in force since 1953)[75]

Country	**In force since**
Albania	2/10/1996
Austria	3/9/1958
Bulgaria	7/9/1992
Denmark	3/9/1953
France	3/5/1974
Germany	3/9/1953
Greece	28/11/1974
Hungary	5/11/1992
Italy	26/10/1955
Kosovo	N/A
Poland	19/1/1993
Romania	20/6/1994
Spain	4/10/1979
Sweden	3/9/1953
United Kingdom	3/9/1953

75 Status as of: 12/4/2012, see: http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=005&CM=8&DF=12/04/2012&CL=ENG (consulted on 12.04.2012)

Convention on the Rights of the Child (New York 1989, in force since 1990)[76] and its **Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (**New York 2000, in force 2002)

Country	Ratification Convention	Ratification Optional Protocol
Albania	27.02.1992	05.02.2008
Austria	06.08.1992	06.05.2004
Bulgaria	03.06.1991	12.02.2002
Denmark	19.07.1991	24.07.2003
France	07.08.1990	05.02.2003
Germany	06.03.1992	15.07.2009
Greece	11.05.1993	22.02.2008
Hungary	07.10.1991	24.02.2010
Italy	05.09.1991	09.05.2002
Kosovo	N/A	N/A
Poland	07.06.1991	04.02.2005
Romania	28.09.1990	18.10.2001
Spain	06.09.1990	18.12.2001
Sweden	29.06.1990	19.01.2007
United Kingdom	16.12.1991	20.02.2009

Council of Europe European Convention on the Exercise of Children's Rights (Strasbourg 1996, in force since 2000)[77]

Country	Entrance into force
Albania	1/2/2012
Austria	1/10/2008
Bulgaria	N/A
Denmark	N/A
France	1/1/2008
Germany	1/8/2002
Greece	1/7/2000
Hungary	N/A

76 Information shows the status as of 08.04.2012, see: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en (consulted on 08.04.2012)

77 See the ratification status on the Council of Europe web site or the following link: http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=160&CM=8&DF=21/08/2012&CL=ENG (consulted on 21.08.2012

Italy	1/11/2003
Kosovo	N/A
Poland	1/7/2000
Romania	N/A
Spain	N/A
Sweden	N/A
United Kingdom	N/A

Convention concerning Forced or Compulsory Labour[78] (No. 29 of 1930)

Country	Ratification
Albania	25/06/1957
Austria	07/06/1960
Bulgaria	22/09/1932
Denmark	11/02/1932
France	24/06/1937
Germany	13/06/1956
Greece	13/06/1952
Hungary	08/06/1956
Italy	18/06/1934
Kosovo	N/A
Poland	30/07/1958
Romania	28/05/1957
Spain	29/08/1932
Sweden	22/12/1931
United Kingdom	03/06/1931

Worst Forms of Child Labour Convention (No. 182 of 1999)[79]

Country	Ratification
Albania	02/08/2001
Austria	04/12/2001
Bulgaria	28/07/2000
Denmark	14/08/2000
France	11/09/2001

78 Ratification status as of 12.04.2012, see: http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C029

79 Status as of: 12/4/2012, see: http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C182

Germany	18/04/2002
Greece	06/11/2001
Hungary	20/04/2000
Italy	07/06/2000
Kosovo	N/A
Poland	09/08/2002
Romania	13/12/2000
Spain	02/04/2001
Sweden	13/06/2001
United Kingdom	22/03/2000

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Geneva 1956, in force since 1957)[80]

Country	**Ratification**
Albania	6 Nov 1958
Austria	7 Oct 1963
Bulgaria	21 Aug 1958
Denmark	24 Apr 1958
France	26 May 1964
Germany	14 Jan 1959
Greece	13 Dec 1972
Hungary	26 Feb 1958
Italy	12 Feb 1958
Kosovo	N/A
Poland	10 Jan 1963
Romania	13 Nov 1957
Spain	21 Nov 1967
Sweden	28 Oct 1959
United Kingdom	30 Apr 1957

80 Ratification status as of 12.04.2012, see: http://treaties.un.org/pages/ViewDetailsIII.aspx?&src=TREATY&mtdsg_no=XVIII~4&chapter=18&Temp=mtdsg3&lang=en

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children[81]

Country	In force
Albania	21 Aug 2002
Austria	15 Sep 2005
Bulgaria	5 Dec 2001
Denmark	30 Sep 2003
France	29 Oct 2002
Germany	14 Jun 2006
Greece	N/A
Hungary	22 Dec 2006
Italy	2 Aug 2006
Kosovo	N/A
Poland	26 Sep 2003
Romania	4 Dec 2002
Spain	1 Mar 2002
Sweden	1 Jul 2004
United Kingdom	9 Feb 2006

Council of Europe Convention against Human Trafficking (Warsaw 2005, in force since 1/2/2008)[82]

Country	Signature	Ratification	Entrance into force
Albania	22/12/2005	6/2/2007	1/2/2008
Austria	16/5/2005	12/10/2006	1/2/2008
Bulgaria	22/11/2006	17/4/2007	1/2/2008
Denmark	5/9/2006	19/9/2007	1/2/2008
France	22/5/2006	9/1/2008	1/5/2008
Germany	17/11/2005	N/A	N/A
Greece	17/11/2005	N/A	N/A
Hungary	10/10/2007	N/A	N/A

81 Ratification status as of 12.04.2012, see: http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html#EndDec

82 Information shows the status as of 05.04.2012, see: http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=197&CM=8&DF=05/04/2012&CL=ENG (consulted on 05.04.2012)

Italy	8/6/2005	29/11/2010	1/3/2011
Kosovo	N/A	N/A	N/A
Poland	16/5/2005	17/11/2008	1/3/2009
Romania	16/5/2005	21/8/2006	1/2/2008
Spain	9/7/2008	2/4/2009	1/8/2009
Sweden	16/5/2005	31/5/2010	1/9/2010
United Kingdom	23/3/2007	17/12/2008	1/4/2009

United Nations Convention against Transnational Organized Crime (New York 2000 in force since 2003)

Country	Ratification
Albania	21 Aug 2002
Austria	23 Sep 2004
Bulgaria	5 Dec 2001
Denmark	30 Sep 2003
France	29 Oct 2002
Germany	14 Jun 2006
Greece	11 Jan 2011
Hungary	22 Dec 2006
Italy	2 Aug 2006
Kosovo	N/A
Poland	12 Nov 2001
Romania	4 Dec 2002
Spain	1 Mar 2002
Sweden	30 Apr 2004
United Kingdom	9 Feb 2006

European Convention on the Compensation of Victims of Violent Crimes (Strasbourg 1983 in force since 1988)

Country	In force
Albania	1/3/2005
Austria	1/12/2006
Bulgaria	N/A
Denmark	1/2/1988
France	1/6/1990
Germany	1/3/1997

Greece	N/A
Hungary	N/A
Italy	N/A
Kosovo	N/A
Poland	N/A
Romania	1/6/2006
Spain	1/2/2002
Sweden	1/1/1989
United Kingdom	1/6/1990

European Social Charter (revised)
(Strasbourg 1996 in force since 1999)[83]

Country	**In force**
Albania	1/1/2003
Austria	1/7/2011
Bulgaria	1/8/2000
Denmark	N/A
France	1/7/1999
Germany	N/A
Greece	N/A
Hungary	1/6/2009
Italy	1/9/1999
Kosovo	N/A
Poland	N/A
Romania	1/7/1999
Spain	N/A
Sweden	1/7/1999
United Kingdom	N/A

83 Situation as of 31.05.2012, see:
http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=163&CM=8&DF=31/05/2012&CL=ENG

4. National and Local Responses to Child Begging

4.1 Country Section - Albania

Introduction

Despite being a prevailing and visible issue in Albania, the phenomenon of child begging remains seriously undocumented and understudied. The current limited literature on child begging at the national and local level indicates a lack of in-depth analysis and comprehensive statistical data which make it very difficult to estimate the extent of the phenomenon in the local case study cities of Durres and Tirana, as well as at a national level.

The phenomenon of child begging in Albania (and in Tirana and Durres) is commonly considered to be a socio-economic issue also linked to internal migration and increasing disparities, because most of the children involved in begging come from extremely poor and socially marginalised families,[84] who often migrate – internally or externally - for economic reasons. There is a general understanding in the literature and among interviewees for this Study that children belonging to Albanian Roma and *Egyptian* communities are the most affected by the phenomenon. For example, out of the 231 children begging identified by the NGO ARSIS in 2006, all were of Roma or *Egyptian* ethnicity.[85] Possible explanations for this are linked in particular to the greater levels of poverty, limited opportunities, lack of social integration and discrimination experienced by these communities.[86] However, it cannot be argued that only children from Roma and *Egyptian* communities are involved in begging, as it is reported that the number of children from the poor Albanian majority involved in begging is on the increase.[87] For example, from ARSIS's July 2011 street investigation, 23 children were identified as being of Albanian majority ethnic background. This category of children tends to come from poor rural areas in Northern Albania, but these statements are only based on observations and outreach work, as no actual data exist. Moreover, there is no evidence of foreign children begging on the streets of Albania.

Overview description of children involved in begging

Due to the lack of studies, there is no precise information on the gender composition of children involved in begging in Tirana and Durres, but literature,[88] recent police reports[89] and the street investigation conducted by ARSIS in July 2011 indicate that in both cities, boys are more likely to be affected by the phenomenon than girls (out of 122 cases identified in Tirana and Durres, 82 were boys and 40 were girls). Local interviews indicated furthermore that until the age of 12 years, the phenomenon of child begging affects both genders equally.[90] For children over 12 years, the ratio changes to 70% boys and

84 Terre des hommes. (2008). *Child Begging in Albania.* Tirana: Anti-Slavery International

85 OSCE/ODIHR. (2006). *Building the Capacity of Roma Community to Prevent Trafficking in Human Beings* . Warsaw: OSCE/ODIHR.

86 Thurman, T. R., Johnston, L., Lavin, B., Bunde, E., Mock, N., & Albania, W. V. (2008). *Characteristics of Street Children in Tirana, Albania: A Quantitative Assessment.* Tulane: Tulane Universtiy, USA.

87 Interview with the ARSIS Tirana Coordinator

88 Save the Children. (2007). *Children Speak Out: Trafficking, risk and resilience in South East Europe.* Tirana: Save the Children Albania.

89 Interview with the Directorate General of Police, Section of Minors and Domestic Violence.

90 See interview with Director of "Ndihme per Femijet", interview with ARSIS Tirana Coordinator and interview with Romani Baxt Tirana Coordinator.

30% girls. This may be explained by the high dangers to which teenage girls may be exposed on the streets (for instance of sexual exploitation) and reinforced by a Roma cultural tradition which tends to keep girls indoors upon reaching puberty and prepare them for marriage, often as a traditional practice.

Although available local literature is inconsistent in terms of defining the age groups of children involved in begging, it is believed that many become involved from the age of 4 or 5 years old until 14 or 15. Interviewees and the ARSIS street investigation in 2011 also suggested that there are a considerable number of child begging cases that involve infants as young as a couple of days old and toddlers up to 3 years old.[91] From the street investigations, 36 cases identified were children younger than 3 years old with the youngest identified as being only one week old.

In Tirana and Durres, depending on their different age groups, children are involved in various forms of begging and begging scenarios:

- Children up to 3 years old are usually laid out on the pavement, sometimes put under heavy sleep-inducing drugs, accompanied by or attended to from a nearby distance by an adult[92] or an older child.
- Children between 4 and 7 years old are involved in classic begging scenarios, simply asking strangers for money because their young age is perceived to be the most appropriate for soliciting pity and charity.
- Children between 7 and 15 years old begin engaging in auxiliary begging activities, such as selling flowers or gum, washing windscreens and other similar activities that involve receiving small coins in exchange for a small service/product.
- Children between 15 and 18 years old provide small services for bar and café owners, valet/parking services in and around casinos and niteclubs, and supervise and instruct younger children in their begging activities, carry out role plays and even pickpocket.

Therefore, the most prevalent types of child begging situations encountered in Albania in the course of this research are types T1 (children between 0 and 6 years old involved in classic begging, woman with child, service provision, collecting, selling small items) and T2 (children between 7 and 17 years old involved in classic begging, service provision, selling small items).[93] These are the most recurrent types of begging situations encountered, which does not mean that other types are not present, but rather to a much lesser extent.

Statistics

With respect to available statistical information at the local level, from the available literature reviewed, interviews conducted and recorded numbers on random days during observations, we can estimate that there were at least 420[94] identified cases of child begging on the streets of Tirana and Durres for the period July-August 2011. Out of these cases, ARSIS identified 81 children engaged in begging activities in the city of Tirana and 41 in the city of Durres, during a street investigation on August 15 and 16, 2011. This number represents only the number of children identified engaging in "classic" begging, engaging in windscreen washing and selling snacks such as gum and almonds.

On the other hand, statistics issued by the Tirana Region to the Police, for January 2010 to April 2011, identified 45 children begging on the streets of the city. Meanwhile, in the city of Tirana alone, the NGO ARSIS through its outreach street work identified 453 children begging (70 of them under 8 years old)

91 Interview with ARSIS Tirana Coordinator.

92 Interview with ARSIS Tirana Coordinator.

93 For more information on the types of child begging situations identified through this research see the Chapter on Typology.

94 This number refers to all contexts in which the concept is used in Albania, i.e. asking for charity, selling and forced begging.

from 2006 to 2009, and in 2010, 134 additional children. Based on the observations and outreach work, the Child Protection Unit of the Municipality of Durres, in close collaboration with other child protection actors, identified 55 children begging in Durres, in July 2010 and 19 more children for the first semester of 2011 (January-June).[95] Meanwhile the Child Protection Unit of the Mini-Municipality No. 4 of Tirana, within its functioning period from September to October 2011, identified 22 cases of children involved in begging activities.

However, it must be stressed that these numbers may either over-represent the extent of child begging in both cities due to repeated tallying of the same cases or may be under-representative as firstly, they only refer to small identified samples gathered and studied sporadically by individual organisations, and secondly, due to the existence of a number of definitions, understandings and perceptions of the term 'child begging', held by different state and non-state local actors, cases of children engaged in begging are often recorded in the context of child labour without being treated as a separate phenomenon. This became visible especially during interviews with local stakeholders for this Study as many commented that they had never considered some of the begging scenarios provided by the Study's working definition as typical child begging activities. Instead they had always considered them to be activities of child labour.

Children in street situations involved in begging are exposed to many dangers in Albania. They face a high mortality risk due to malnutrition and lack of shelter; they suffer social exclusion and discrimination and they remain highly exposed to other severe forms of exploitation, illegal adoption, abduction and trafficking.[96] Indeed, they crucially lack access to basic services such as food, shelter, education and proper healthcare.[97] The reasons for this are numerous, including lack of knowledge of their rights and available services, but particularly general discriminatory attitudes towards them and their families, and lack of civil registration. In fact, a number of the children begging still lack birth certificates, which impedes their access to local health clinics or registration in schools and most do not attend school regularly or drop out at an early age due to not being able to afford school books and materials, being discriminated against or parents not seeing education as a primary concern for their children. Others attend school sporadically at different community centres and eventually drop out.[98] The issue of lack of birth certificates, which impedes access to health clinics or registration in schools for children, has been addressed recently by an order of the Ministry of the Interior (MoI) and an agreement between the latter and the Ministry of Education and Science and the Directorate General of Civil Registry. Order No. 7 dated 10 January 2012, provides for free-of-charge health services for all presumed victims of trafficking, including for the purpose of begging, whereas the former agreement allows for the school registration of children even when they are not registered in the Civil Registry. Although this represents a positive step forward, the implementation of these two provisions is yet to be evaluated and their efficiency assessed. Also, the recent order of the MoI, Order No. 7, is limited as only presumed victims of trafficking can benefit and not all cases of Albanian children engaged in begging activities are recognised as trafficking.

As already suggested, child begging is largely a part of economic survival strategies for families in extremely difficult situations, for both Roma/*Egyptian* and also Albanian majority, and often economic migrants. Indeed, family situations tend to be characterised by parents/legal guardians facing a number of socio-economic problems, including often both parents being unemployed, or with no formal jobs, illiteracy, alcohol and substance abuse, domestic violence, divorce, etc.[99]

95 Street Children Ad-hoc Unit Report, Durres Municipality, 2010 (unpublished)

96 World Vision Albania. (2007). *Situational Analysis Report.* Tirana: World Vision US Laboratories of Learning Program.

97 Interview with the Coordinator of " Help for Child" NPF Center

98 Thurman, T. R., Johnston, L., Lavin, B., Bunde, E., Mock, N., & Albania, W. V. (2008). *Characteristics of Street Children in Tirana, Albania: A Quantitative Assessment.* Tulane: Tulane University, USA.

99 Terre des hommes; Save the Children; ECPAT International; Nobody's Children's Foundation. (2010). *MARIO Project: Observation Report: Exploitation of Albanian Children in Street Situation in Kosovo.*

A. Legal Framework

Child begging

Child begging is explicitly addressed in Albanian legislation, which prohibits the exploitation of children for "forced begging" as a punishable criminal offence.[100] At the time of writing, the article applicable to begging situations – Article 124(b) Paragraph 2 of the Penal Code (P.C.) states that "*forcing a child to work, to provide income, to beg or to perform actions which harm his development shall be punished as a criminal offence*" was recently changed. Paragraph 1 of Article 124(b) changed as of 1 March 2012 and entered into force as of 27 March 2012, as follows:

The previous paragraph has been deleted and substituted with the following paragraph, which states that:

"*Paragraph 1: The psychical or psychological abuse (maltreatment) of minors* ***by parents, sister, brother, grandfather, grandmother, legal guardians/custodians, or all other persons who are obliged to care of the minor*** *is punishable with imprisonment from 3 months up to 2 years*." Moreover, when parents are the ones forcing the child to beg, they can also be prosecuted under Article 124 of the P.C. "Abandonment of child" and Article 125 of P.C. "Failure to provide sufficient means of subsistence". Both these articles address the penal repercussions parents face when they fail to care and provide for their child. The evidence in relation to these articles is easier to establish than the element of forced begging under Article 124b. When the element of forced begging cannot be proven or is difficult to prove, it is still possible to prosecute the parents on the basis of parental neglect, lack of care and/or abandonment.

Children living or working in street situations

The child labour phenomenon is frequently encountered in Albania in the case of children living in street situations and working to generate income from various activities, including collection of recyclable materials, begging and cultivation of medicinal plants.[101] These kinds of child labour are not included in the legal definition of regular employment, since there is no employer that would qualify within the legal definition. Under the terms of Article 124(b) of the P.C., these kinds of situation are punishable criminal offences that include the element of child exploitation and not employment.

However, for children living in street situations who have parents or guardians that force them into begging, the articles that apply are Art. 124 of P.C. "Abandonment of children under the age of 16 by his parent or the person who is obliged to care of him" and Art. 125 "The failure to provide sufficient means of subsistence".

Child Labour

In Albania, employment is strictly prohibited for children under 16 years of age[102]. Children between the ages of 14 and 18 may be engaged in light labour, as long as the working activities in question do not endanger their health and safety.[103] Children between the ages of 14 and 16 years old can be employed during school holidays for light jobs subject to prior authorisation from the Labour Inspectorate[104].

100 Article 124/b 'Maltreatment of children' has been added, in 2008.

101 Alternative Report "For the situation of children's rights and on the implementation of the UN Convention on the Rights of the Child in Albania", 2009

102 Article 98, Labour Code

103 Article 22, Point 2, Law, No.10 347, date 4.11.2010 "On protection of children's rights"

104 Point 4, Dec. No. 384, 20.05.1996 'On protection of employed children', changed by Dec. No. 2007, dated

The Labour Code (L.C.) stipulates that light work and hazardous work are defined in secondary legislation in compliance with ILO Convention 190.[105] "Light work"[106] is considered in accordance with the nature of the tasks and specific employment conditions that do not harm the safety, health or development of juveniles and do not interfere with the child's regular school attendance. In such cases, the law foresees that the work should not exceed 6 hours per day and a maximum of 30 hours per week. At least once a year, children aged 14–16 years old must have a four-week period free from any school activity or any kind of work.[107] The law also addresses "Difficult and Hazardous Work" using these criteria: a) objectively exceeds the physical or psychological capacity of the employees; b) implies harmful exposure to physical, biological and chemical agents; c) represents risks of accidents; d) puts at risk children's health, due to low or too high temperatures or due to strong vibrations and noise. Under the legal employment framework, any type of street work for children is prohibited because it qualifies as difficult and hazardous labour, because of the children's exposure to the risks of accident and environmental agents such as high and low temperatures that would be extremely dangerous to their health, development and wellbeing.

Child trafficking

Albania's Criminal Code was amended in January 2008 to introduce Article 124/b on "Ill-treatment of minors"; an article which recognises child exploitation for forced labour, begging and other forced services as a criminal act.[108] Nevertheless, in regard to the legislation on trafficking of minors, begging is not explicitly specified among the types of exploitation mentioned by the relevant Article 128/b. Apart from this, the exploitation of a child is considered an aggravating circumstance that would increase criminal charges in a trafficking case. Furthermore, Child begging as linked to child trafficking is addressed by the following national policies: the "2011-2013 National Strategy for Combating Child Trafficking and for Protection of Child Victims of Trafficking"; the "2011-2013 National Strategy for Combating Trafficking in Human Beings"; the "National Strategy and Action Plan for Children 2012-2015"; the "2006 Bilateral Cooperation Agreement between Greece and Albania to Combat Child Trafficking"; the 2009 Cross-Border Police Cooperation Agreement and its supplementing 2011 Additional Protocol on "Intensifying Cooperation on Combating Trafficking in Persons and Improving the Identification, Informing, Referral and Assisted Voluntary Return of Victims and potential Victims of Trafficking, especially children" and the "2007-2013 National Strategy for Integration and Development".

In the case of a child who is trafficked by his/her own parents, the elements of recruiting and transporting the child (with the purpose of exploitation) are difficult to address, due to the fact that the parents are entitled to travel with and accompany their children and under no circumstances would they need to recruit their children in this context. Parents would likely be prosecuted under a trafficking offence in cases where they sell their child for a price for the purpose of profit and exploitation. However Albanian legislation does not address the sale of children for a profit/price as a criminal offence in itself, unless this is connected to the purposes of trafficking and exploitation.

In this respect, the UN-CRC's Optional Protocol[109] on the sale of the child, child prostitution and child pornography needs to be fully harmonised with the Albanian domestic legislation. The "National Strategy

09.05.2002 'On the determination of difficult and hazardous jobs'.

105 ILO Convention on the Worst forms of child labor or with its Recommendation 190 ratified by the Law No. 8774, dated 23 April 2001.

106 Point 4, Dec. No. 384, 20.05.1996 'On protection of employed children', changed by Dec. No. 2007, 09.05.2002 'On the determination of difficult and hazardous jobs'.

107 Point 4, Dec. No. 384, dated 20.05.1996 'On protection of employed children', changed by Dec. No. 2007, dated 09.05.2002 'On the determination of difficult and hazardous jobs'.

108 Office of the National Coordinator on Combating Trafficking in Persons, Ministry of the Interior, 2010. Pg 12/32

109 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified with the law 9834, date 22.11.2007

on the fight against child trafficking and on the protection of child victims of trafficking" and its Action Plan 2011-2013 consider children who have dropped out of school and are living, working and begging on the streets or are involved in other illegal activities[110] as a particular group at risk of trafficking. The Strategy aims to accelerate the implementation of current initiatives that seek to reduce and eventually eradicate child trafficking in Albania by strengthening and coordinating the activities of all actors involved: government institutions, international organisations, and local and international NGOs. The Strategy and the Action Plan give priority to the identification of potential victims of trafficking, as well as the actual victims, through better functioning of the entire child protection system in Albania, referring specifically to the Child Protection Units at the local level as structures that play an extensive role in identifying groups and individuals at risk, trafficked children and also to ensure the appropriate preventative, protective and rehabilitative measures.

The treaty monitoring body established by the Council of Europe Convention on Action against Trafficking in Human Beings, GRETA, welcomes the fact that Albania has set up the necessary legislation for the Office of the National Co-ordinator for the Fight against Trafficking in Human Beings, the National Anti-Trafficking Task Force and the national referral mechanism, and the fact that regional anti-trafficking committees have reinforced the coordination of all relevant actors.[111] Moreover, the adopted and soon to be implemented multi-annual national strategies and action plans cover all aspects of the fight against trafficking in human beings, while special efforts have been made to prevent trafficking in children. Furthermore, the Albanian Criminal Code provisions dealing with trafficking in human beings have been interpreted as encompassing trafficking for the purpose of the exploitation of begging.[112] In addition, training sessions on the identification of victims and on the different procedural aspects related to trafficking and child begging have been organised for police officers and other relevant officials.[113]

However, GRETA stresses the need for the Albanian authorities to plan and maintain long-term preventative measures that should be particularly designed to combat stereotypes and neglect towards groups vulnerable to trafficking, in particular women and members of the Roma and *Egyptian* communities.[114] Moreover, specific measures should be undertaken that aim to foster access to education and jobs for groups vulnerable to trafficking, especially women and children from Roma and *Egyptian* communities. GRETA argues that the protection of children should be further strengthened through the recording of all children in the civil status register.[115]

Child protection framework

The Albanian Law 10347 on the Protection of the Rights of Children (approved in November 2010) outlines the legal framework for establishing appropriate mechanisms at central and local levels to ensure respect for children's rights and protection against all forms of abuse in accordance with the UN Convention on the Rights of the Child.

The Albanian Family Code guarantees the right of children to remain with their parents except when the best interests of the child dictate otherwise, or when separation is due to abandonment, or the arrest of one or both of the parents, or in cases where a parent is accused of committing a crime against the child and the state must therefore step in for the purposes of protecting the child. Furthermore, the court can withdraw parental custody in cases when the parent has harmed the interests of the child. More

110 Chapter 1, "National Strategy on the fight against children trafficking and on the protection of children, victim of trafficking"

111 GRETA Report on Albania, op. cit., p. 7

112 GRETA Report on Albania, op. cit., p.18

113 GRETA Report on Albania, op. cit., p.18

114 GRETA Report, op. cit., para. 90, p.25

115 GRETA Report, op. cit., para. 97, p.26

specifically, the court can withdraw parental custody in cases of child abuse by the parent or when the parent shows serious imprudence in the course of exercising his/her parental responsibilities towards the child.[116] This imprudence would constitute a potential risk of abuse and neglect leading to the exploitation (including begging) and trafficking of the child. Moreover, there are special measures[117] that can be taken to further ensure the proper protection of the child.

There are different strategies in place that focus on child protection such as:

The National Strategy for Children and its Action Plan (2005-2010)[118] represents the Albanian government's official policy toward child rights. The document includes different kinds of measures to be undertaken by different ministries in regard to children's rights and their protection.

On 13 March 2012, by Decision of the Council of Ministers no. 182, a new Action Plan for Children 2012-2015 was approved. The Action Plan for Children is a supplementing document to the new National Strategy for Children (2012-2015), which still represents the Albanian government's official policy towards child rights. The strategic aims and objectives of the new Action Plan for Children follow the policies defined in the previous Strategy and focus on two main issues: 1) Strengthening of the institutional structures created to monitor and to report the implementation of children's rights at national and regional level; and 2) Promoting the drafting of comprehensive, coordinated and harmonised policies for the protection and social involvement of children.[119]

The National Strategy for Social Inclusion (2007-2013)[120], which focuses on poverty reduction and social exclusion, also refers to children at risk of being affected by violence, abuse and neglect, with a special emphasis on Roma children and children with disabilities, aiming to ensure early intervention to protect children.

The National Strategy against Trafficking in Human Beings 2008-2010 aims to eliminate child labour and build systems for children's integration and defense, including networks and security for children and their families at the regional and local level to respond to a greater range of abuses against children, including trafficking. In 2011, a report assessing the implementation of the 2008-2012 Strategy was prepared by the Office of the National Coordinator for the Fight against Trafficking in Human Beings. Based on the findings of the report, 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, as well as the additional document "Plan of Action for the Fight against Child Trafficking and Protection of Child Victims of Trafficking 2011-2013". These new documents focus on four pillars: 1) Investigation and Prosecution; 2) Protection and Assistance of Victims; 3) Prevention; and 4) Coordination amongst actors. The new strategy aims to complete and put to work all possible mechanisms in place to halt trafficking by prosecuting and convicting every form of exploitation of human beings, while also protecting and assisting victims and potential victims of trafficking who cooperate with law enforcement agencies. Prevention activities that address the root causes of trafficking including poverty, social issues, lack of information, education etc., are also foreseen, as well as coordination activities which will create order and a functioning mechanism for the implementation of the action plan, mobilising numerous agencies and partners, which will provide children and their families with better and more coordinated responses to the great range of abuse, neglect, exploitation and trafficking in Albania.

116 Article 228, Family Code.

117 Article 281, Family Code.

118 Approved by (Decree No. 1083, dated 23.07.2008)

119 Committee on the Rights of the Child: Implementation of the Convention on the Rights of the Child Albania.(5 July 2012). CRC/C/ALB/Q/2-4/Add.1

120 Approved by Decree no. 218, dated 3.2.2008,

Recently, the Albanian parliament approved the law "On Protection of Children's Rights"[121]. This law defines the rights and the protection guaranteed to every child, including protection against economic exploitation, as well as the relevant mechanisms. The Law provides, for the first time, a definition of violence against children[122] and of child protection as 'the prevention of and response to violence, abuse, exploitation, and neglect of the child, including abduction, sexual exploitation, trafficking, child labour and harmful traditional practices such as child genital mutilation and child marriage.'[123] The law determines the respective mechanisms at central level such as the establishment of a National Council of Children Rights and the State Agency for the Protection of Children Rights[124] and the mechanisms at the local level, to ensure the effective implementation of the protection of these rights, in compliance with Article 32 of the UN-CRC. In this perspective, Child Protection Units (CPUs) shall be established in communes and municipalities and at least one staff member shall be responsible for child protection.[125]

The CPUs are responsible for: a) identification of abused, neglected, exploited, trafficked and at-risk children; b) protection and management of cases of children identified and referred by offering them direct services and protection in coordination with the relevant state and non-state structures, in accordance with the best interests of the child; c) dissemination and analysis of protected cases with the local communities by using recorded data; d) promotion of children's rights and building community awareness about the protection of these rights. The CPUs' intervention shall continue until the child is considered "not at risk".

Furthermore, the Law "On measures against domestic violence" aims to prevent and reduce domestic violence in all its forms, ensuring the protection of family members, including child victims of domestic violence.[126] Preventative measures guaranteed by this law can also be used for children subject to exploitation, trafficking or begging when such things are committed by their parents. Exploitation, trafficking or begging can be qualified as violence because violence is defined as any act or omission of one person to another person that causes harm to physical, moral, psychological, sexual, social or economic integrity,[127] when the violence is taking place between family members. This definition focuses on the consequences to the victims of any action, not limiting its application to any legally defined list of actions. Therefore, any kind of activity that would cause harm to the child can easily be classified as violence, including child begging, child streetwork etc, if this is committed by parents and/or legal guardians.

In these conditions, children can be protected by immediate protection orders and protection orders that are issued by the courts that include different kinds of measures such as: order the intervention of social services, or of organisations.[128] The Albanian P.C. has been subject to several changes[129] aiming to

121 Law, No.10 347, date 4.11.2010 "On protection of children's rights"

122 Article 3, point b, Law, No.10 347, date 4.11.2010 "On protection of children's rights", definition of "Violence against children" is 'the deliberate use of physical force or other forms of force, the threat to use or the actual use of such force against the child or group of children, entailing or likely to entail damage, death, psychological harm, poor development or deprivations.'

123 Article 3, point e, Law, No.10 347, date 4.11.2010 "On protection of children's rights"

124 Article 32, Law, No.10 347, date 4.11.2010 "On protection of children's rights"

125 It has to be stressed that the establishment of CPU started as pilot project, implemented by UNICEF, AlbaAd, Tdh, Save the Children, Partners for Children and World Vision based on the National Strategy for Children's Protection and its Action Plan, as well as on the National Strategy Against Trafficking of Children 2008-2010.

126 Article 1, Law No. 9669, date 18.12.2006 "On measures against domestic violence"

127 Article 3, Law No. 9669, date 18.12.2006 "On measures against domestic violence"

128 Article 10, Law No. 9669, date 18.12.2006 "On measures against domestic violence"

129 Article 124/b 'maltreatment of children' has been added. Amongst other things, this Article provides that exploitation of children for forced begging, enforced labor, and other forced services is a criminal offence; a paragraph was added to Article 117 'Pornography', regarding child pornography; Article 128/b 'Trafficking of children', was changed to include the selling of children as a criminal offence, besides the hiding, reception, and recruitment of children.

protect children from labour exploitation and inhibiting other unlawful actions against children by means of invoking heavy sanctions against perpetrators whose illegal actions could result in the loss of a child's life. However, legislation for the protection of the child and labour legislation needs to be reviewed to appropriately address the phenomenon of child employment for the contribution of labour to her/his family and self-employment of the child.[130]

In this respect, the Labour Inspectorate's mandate and role should be strengthened in monitoring every form of child employment and work (formal and informal) including child begging. This is particularly necessary in view of some extreme cases such as in March 2008, when a number of children working in the weapons' dismantling factory in Gerdec near Tirana died after an explosion. Regarding the formal employment of children, the L.C. includes medical checks for children under the age of 18 at the cost of the employer[131] as a protection mechanism. However, this obligation is not implemented because there is an absence of secondary legislation on the Inspectorate's protocols of child labour and children's working conditions. In addition, the legislation lacks appeal procedures for complaints by working children and there are no statistics with regard to their number and the types of work that they do.

B. Policy responses and implementation of the legal framework with regard to child begging

Although the necessary legislative framework is in place on child labour, it has been reported that its impact on preventing the various forms of hazardous child labour encountered on the streets of Albania is non-existent.[132] In this context, the Labour Inspectorate has the mandate to monitor employment relationships with regard to the criteria and conditions set down by the law that shall be guaranteed to protect the employee's rights. This Inspectorate has not taken any action or initiative to monitor and address child labour in street situations in general under the justification that the reported cases do not fall under their mandate because they do not represent formal employment due to the lack of employment contracts. However this justification is not grounded, because the Albanian L.C. foresees that the employment contract may be concluded in written form or in a verbal manner.[133] Thus, the lack of a written employment contract does not necessarily preclude any employment relationship, if the child is performing work or service for somebody else, in return for payment. The Labour Inspectorate has a mandate and should monitor informal employment relations, including child labour in street situations, and take the necessary measures of intervention in all cases of violation of the employment legislation[134].

The Registration of the Population and Property Initiative and related campaigns, launched by the Government in 2001, are also national policies that have had a bearing on reducing the phenomenon of child begging. In order to access and benefit from available social assistance and services, families must register the births of their children and demonstrate needs on the basis of income, property, number of children, employment opportunities, etc.[135]

Likewise, the signing of agreements and protocols with neighbouring Greece, Kosovo and Macedonia, on police cross-border cooperation for the exchange of information, demonstrate the increased efforts of the Albanian government in reducing all aspects of human and child trafficking, including the number of Albanian children and families who move to these countries for the purposes of begging.[136]

130 Child Labour and the Albanian Legal Framework. Ministry of Labour and Social Affairs, ILO/IPEC, UNICEF, Tirana, July 2004.

131 Article 103 paragraph 1.4 of the Code of Labor.

132 Alternative Report "For the situation of children's rights and on the implementation of the UN Convention on the Rights of the Child in Albania", 2009

133 Article 21, Labour Code.

134 Article 15/31, Labour Code.

135 Republic of Albania, 2007-2013.

136 Delap, 2009, p. 22

So far, according to interviewees for this Study, interventions in relation to child begging have been isolated, sporadic and ill-coordinated among different actors from the state and non-state sectors. The child protection system in Albania is in its infancy, and still has a long way to go in order to become fully functional in addressing the needs of vulnerable children and their families, including those involved in begging. State and non-state social services in this context are limited and lack specialisation. Moreover, these services are not available in all the areas of concern.

Access to the existing services by these children and their families is also difficult as result of the prejudice and discrimination that they face across all sectors (particularly health, education and employment). In addition, the pervasive and persistent societal discrimination that these children and families (especially those from the Roma and *Egyptian* minorities) experience has become internalised, serving thus as a self-imposing barrier to seeking opportunities and alternatives in education, employment, healthcare and other services.

Many of the stakeholders interviewed for this Study suggest that the phenomenon of child begging is so ubiquitous in Albania that both the general public and government authorities have become immune to it, thus hindering proactive action to address the phenomenon and assist these children and their families.[137]

Prevention of child begging

Efforts to prevent the occurrence of child begging in Albania have been vigorously carried out by civil society organisations, working closely with both local and central government authorities. Preventative actions are located within anti-trafficking, promotion of education and poverty reduction efforts. However, few specific actions explicitly target the phenomenon of child begging.

The establishment of Child Protection Units (CPUs) at local level in 49[138] municipalities and communes in Albania represents a positive step in this direction. Within their child protection mandate, the CPUs play an important role in raising awareness against child begging through various activities from case management to organising summer camps for vulnerable children, holding information sessions with community members, working closely with local partners and launching public campaigns. A number of local civil society actors have undertaken projects and activities aiming to support the social inclusion and economic empowerment of vulnerable families through provision of conditional micro-loans, training sessions on good parenting skills, early childhood education programmes, awareness-raising sessions on birth registration and vaccination, Albanian language courses for Roma children, etc.

Government efforts are nevertheless specifically concentrated on preventing child trafficking for the purposes of begging rather than the phenomenon of child begging where it does not involve trafficking. Prevention efforts on the Government side focus on raising awareness through educational materials and training of teachers, law enforcement and border control authorities, court and prosecutorial officials on specific topics related to child trafficking.

Recognising the vulnerability and marginalisation of the Roma community and children in relation to the phenomenon of child begging, in 2006 the Ministry of Education issued *Udhezimin nr. 6*, an instruction to facilitate the school registration of Roma children who were not in possession of birth certificates (Human Rights Defence Centre, 2008, p. 16). Although initiated, all of these activities have proven either ineffective or have not been realised, according to a report produced by All United for the Protection and Care of Children in 2008 (BKTF Coalition, 2008, p. 28).

137 Interview with the Head of Directorate of Social Policies

138 Since 2011 the number of CPUs established in Albania has increased from 27 to a total of 49 CPUs. (Information provided by the Albanian State Agency for the Protection of Children's Rights)

Civil society organisations have been more pro-active in raising specific awareness on the issue of child begging, such as the 2007 (also 2008) "Begging Handicaps my Future" national campaign by the BKTF Coalition, with the endorsement of the Albanian Government. It aimed to educate the public that giving money increases the chances of child begging, and to empower them to do something about it. This campaign included the nationwide dissemination of specific messages against begging via different communication channels such as leaflets, television and radio spots, billboards, bus stickers, posters, etc. In 2009, the BKTF Coalition launched a nationwide campaign to raise awareness on the issue of child labour and child exploitation. Specific messages against child labour were disseminated via different media including television spots, postcards, leaflets, bookmarks, posters and billboards.

Also, civil society and donor organisations in collaboration with Albanian authorities have made possible the establishment of two free national helplines: (0800 12 12) and (ALO 116). The latter one is especially dedicated to children's issues and concerns.

Protection of children involved

99)Services available to address the protection of begging children are fragmented and limited and they do not ensure widespread geographic coverage. In **Tirana**, there are two drop-in centres, which offer daily services to children. Some examples of this type of service: the Multifunctional centre of ARSIS and the Centre for Street Children of the Tirana Municipality funded by Save the Children. The main purpose of these centres is to offer some basic services to children and their parents who are in a street situation. Services offered are meals, sanitary services, birth registration, literacy classes, information and education for parents. These centres also organise streetwork to identify begging children. However, in **Durres** for example, there is no such centre, although the phenomenon of child begging (especially during the summer) is quite obvious and relevant.

The SOS Unit is a recently established mobile unit in **Tirana** municipality, which usually does streetwork. There is a team of social workers, doctors and nurses who move from one area to another to identify people in need of services (including children who beg). Once they identify the case, they offer immediate support if necessary and then refer the case either to a drop-in centre or a community centre.[139]

Another type of service offered is through shelters. Shelters offer temporary placement for children in need of protection (not only those who beg, but also others who are identified as in need of protection, such as abused children). Examples of this type of service are two shelters, one in Elbasan (Tjeter Vision)[140] and one in Vlora (Vatra). In addition, recently, an emergency centre was opened by the Municipality of **Tirana** (with the support of UNICEF). In this type of service, children stay for a certain period, until their situation is improved and a plan of intervention is developed and implemented. Services offered are: psycho-social and medical support for the child to recover from the emergency situation or immediate difficult situation, food, legal support, recreational activities, education and information and integration back to the normal situation through a multidisciplinary group intervention.

Community centres/daycare centres are another type of service offered. These centres are usually placed in the community and also serve the general community. Usually, there are different services offered

139 This service is no longer available in Tirana. It was a pilot project tested in 2011 for a period of six months, which has ended as of November 2011. At the time of writing, no confirmation exists that the service will resume or will be turned into a long-lasting programme.

140 This shelter was closed as of the end of June 2012, due to lack of necessary funding to keep it running. There are currently 5 children, ex-residents of this shelter, who require alternative accommodations, however options available are limited. There have been discussions with State Social Services to explore opportunities for placing the children in public residential institutions however no decision has been reached yet. At the moment the children have been temporarily placed in a shelter for abused women, in the city of Elbasan. (Information provided by Tjeter Vizion Project Coordinator.)

such as: psycho-social, legal and medical support, literacy classes, an educational group for mothers, summer camps, income generation activities and awareness raising. The main goal of these centres is to provide long-term intervention to the child, family and the community. Some community centres are: The centre of FBSH (Children of the World – Albania) in **Tirana** which is placed close to the Roma community in the area of Bregu i Lumit in Kinostudio, Mjelma Centre (which is a centre for women from the Roma community in the same area). In addition, there are several community or social centres supported by different Roma NGOs in **Korca, Elbasan, Fier** and **Tirana**, which offer services mainly to the Roma community. It should be emphasised that recently in **Saranda**, the Children's Orphanage was extended to include a daycare centre for children who live with their parents but who need some more support and services. Children who beg also attend the centre.

CPUs - Child Protection Units – have been established within the local government social services structure. These are structures established within the office of social services at the municipality or commune level. The CPUs' main role is to identify, assess and coordinate efforts to establish intervention plans with a number of key stakeholders in the local area for children in need of protection. As mentioned above, currently there are 49 CPUs established in Albania. The CPU usually collaborates with different services in the local area and sometimes at the national level to ensure that the child receives all the services needed. Also, sometimes, the CPUs refer the child to more specialised services which are still very limited in Albania. Some specialised services for children include: Legal support (the Legal Clinic for Minors offers legal and psycho-social support), the Development Centre in Tirana (which offers medical and psycho-social support for children who may have problems related to mental health). However, it should be noted that these services are very limited and there is a need to further develop them.

As part of the fight against child trafficking, including for the purposes of begging, the Albanian government has organised awareness-raising campaigns in schools, the media and communities. Documents produced by the government, such as the Social Protection Sector Strategy 2007, Strategy for Social Inclusion 2007-2013, National Strategy for Combating Trafficking in Human Beings 2008-2010, National Strategy for Education 2004-2015 and National Strategy Combating Child Trafficking and Protection of Trafficked Children 2008-2010 all outline protection efforts taken or to be taken by the Government of Albania.

Terre des hommes, with support from UNICEF and partners, launched a campaign at the end of 2010 to promote the Child Protection Units and the Working Protocol for the Child Protection Worker through a national conference and eight regional events. Children, parents, media, local and central government representatives and many partners were involved and participated.

Prosecution of offenders

Although "forced" child begging is a punishable criminal offence, the existing literature and interviews for this Study suggest that the prosecution of offenders on the basis of Article 124b is generally quite difficult. Of the six child trafficking cases brought to court by the Serious Crimes Prosecution in 2010, only one case included the element of child exploitation for begging in the context of other trafficking elements by an organised group. This case is currently under trial.

Literature and testimonies confirm that the prosecution of offenders cannot occur easily unless the child begging offence is connected to wider trafficking offences. For third parties who exploit children for begging purposes, prosecution is possible, however, there is no record of cases being brought and tried on the sole basis of child begging.

Literature and testimonies indicate that the prosecution of parents/legal guardians who exploit their children for the purpose of begging is difficult under Article 124b. This is because it is not easy to establish the burden of proof in relation to the term "forcing" a child to beg. This research suggests that it

is possible to prosecute parents who exploit children for the purpose of begging under other criminal and civil law provisions relating to child abandonment, neglect and lack of care. In 2010, the police referred seven child begging cases for prosecution. Of these, only two cases were filed and tried in court. The offending parents were issued with a fine and a warning, with sources observing that the enforcement of the fine is pending due to the parents being considered jobless and homeless.

Case Law

M.H. is a Roma girl, 15 years old, who used to be taken from Durres to Tirana every day by her family to beg. Her father was a violent person who made his children beg. He was stopped and warned several time by the police for forcing his children to beg. However, no legal action was taken. While M.H. was begging, she was engaged to a man who forced her to prostitute herself. The police caught her while prostituting herself and M.H. placed charges against the man who forced her. Currently there are five people being tried at the Court of Serious Crimes in Tirana for the offence of child trafficking for the purposes of sexual exploitation. M.H. is residing at Linza Shelter, away from parental custody. She has been present at three court sessions giving testimonies and, as of the time of writing, the judicial process is ongoing.

C. Public perception of the phenomenon and of national responses

Public debates

The Albanian public and the media often react with shock and disapproval to extreme cases of children who are exploited, neglected, abused and or trafficked. Issues such as poverty, living conditions, education and healthcare for children in situations of abuse, exploitation and neglect have been especially covered in the media during the last two years.[141] According to the Albanian Media Institute, issues of child trafficking, child exploitation for the purpose of begging, child poverty and child sexual exploitation have received considerable coverage in recent years.[142] More specifically, stories and images of child begging routinely make it to the print and broadcast media.

However, reporting is more often descriptive and sensational, instead of questioning and analysing the causes and impact of child begging on the lives of the children and Albanian society in general. The routinely expressed concern is that child begging damages Albania's image as a country aspiring to join the EU. The limited quality of the public and media debate on the specific issue of child begging is perhaps closely related to the marked absence of data and studies on the phenomenon. Child begging is commonly perceived as a normal part of Roma/*Egyptian* minority life. The Albanian public remains unaware of the particular dangers faced by the children who are exploited and involved in begging activities. Literature and testimonies observe that Albanian society is used to co-existing with child begging to the point that everyday public reaction is limited to expressions of nuisance and disregard.

Thanks to the efforts of NGOs working in the field, there have been instances of addressing the issue of child begging from a critical and practical perspective. A good example is a series of roundtable meetings amongst many multi-disciplinary actors to bring attention to the issue of child begging in the city of **Durres** during the summer season. Local government and many civil society actors came together to draft an action plan to implement specific measures. However, these efforts to bring policy makers, the media and different stakeholders together to discuss and formulate concrete responses to child begging remain isolated instances.

141 Albanian Media Institute, 2010, p. 7

142 Albanian Media Institute, 2010, p. 8

Media "Events" during the last five years

A review of Albanian print and electronic media pieces on the topic over the last five years reveals an obvious lack of coverage (in terms of both quality and quantity) on the issue of child begging in Albania. Stories on child begging are often brought up in the context of prosecuting trafficking offenders or parents who exploit their own children. Their focus is mainly limited to providing descriptive information on specific prosecution cases. In this context, child begging is rarely discussed from the child protection and social protection perspectives. In other instances, the stories provide alarming statistics and wider condemning statements against child begging and exploitation, which are issued by representatives of civil society organisations or heads of diplomatic missions on occasions that mark special days (i.e. the International Days Against Child Labour and for Child Rights) or announcing launches of a public campaign, a project or a specific report/publication.

Child begging is described in general in sensational terms; it is illustrated in ways that are degrading to the dignity of children and their families and often in violation of the children's right to privacy. According to the Albanian Media Institute, child issues in general are beginning to get more and better coverage in the media, not only in terms of raising public awareness on a number of different topics, but also in terms of reflecting children's perspectives on the problems that they face. In 2010, a number of young journalists were trained by the Albanian Media Institute with support from UNICEF on ethical reporting of children's stories. At the end of their training, 30 articles on children's issues, including some on begging, were published in four major Albanian newspapers.

D. Good Practices

1. The establishment of **Child Protection Units (CPUs)** in **Durres** and recently in Mini-municipality No. 4 of **Tirana** represent a positive example of local government actions addressing the phenomenon of child begging. Within their child protection mandate, the CPUs play an important role in raising awareness against child begging through various activities from case management to organising summer camps for vulnerable children, holding information sessions with community members, working closely with local partners and launching public campaigns. A number of local civil society actors have undertaken projects and activities aiming to support the social inclusion and economic empowerment of vulnerable families through provision of conditional micro-loans, training sessions on good parenting skills, early childhood education programmes, awareness-raising sessions on birth registration and vaccination and Albanian language courses for Roma children. However, only one of the ten Mini-municipalities of Albania's most urbanised and largest city, Tirana, has a functional Child Protection Unit.

Child Protection Units coordinate the provision of services in collaboration with other local actors for identified child begging cases. Services provided to the children after identification vary on an individual case-by-case basis. These services can include provision of food aid, clothing, shelter and healthcare assistance, participation in summer camps, birth and school registration, provision of support and counselling.

The results achieved by CPUs have not been evaluated or documented, hence no data is currently available to indicate tangible results on the extent of work being carried out on the phenomenon of children begging. Through a mini-evaluation of database files and success stories, the 8 CPUs supported by Terre des hommes in 2009 only, identified 347 children including 139 'at risk' of trafficking, 10 'suspected victims of trafficking' and 198 with various protection issues. 131 children were referred to school, kindergarten, residential institutions, daycare centres, vocational training courses, charity organisations etc; 375 children received assistance through educational materials, clothes etc.; legal assistance for birth registration and removal of parental custody for 11 children. 1,113 family visits were conducted for social counselling, follow-up and situation assessment; 126 families were assisted

mainly through food supply and medicine; and 55 activities were organised to raise awareness among the public about child rights and promote them at community level.

2. ARSIS Association for the Social Support of Youth was established in **Tirana** in 2005 and since then has been vigorously working towards preventing the marginalisation of children and youth in street situations from the rest of Albanian society. ARSIS runs a daily multidisciplinary centre for children in street situations.

The main results achieved include the awareness of the existence of such a centre amongst children in street situations, provision of services and support to over 370 families in the last two years only, the registration of a considerable number of children with Civil Registration Offices, and a recent success story of a child involved in begging activities, found digging through a rubbish bin looking for food three years ago, who is now living in a residential institution, away from parental custody, has been reintegrated into society, is not engaged in begging activities anymore and finished top of his graduating class last year. Lessons learned throughout the six years that the ARSIS drop-in centre has been active include the importance of consulting with children and families in case management; respect for the personal choices of children; and collaboration and group work.

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4.2 Country Section – Austria

Introduction

The Austrian political and administrative system is based on federal principles, though it has been defined as 'weak federalisation'. For instance: matters concerning children and youth as well as begging, prostitution and even law enforcement on the operational level are, as well as the judicial system, under the jurisdiction of the nine Federal Austrian Provinces.

According to information provided by key stakeholders and based on the desk research carried out for this Study in Austria, begging children are no longer considered as a widespread problem in Austrian cities and towns. This is partly related to the fact that all federal provinces (*Bundesländer*) have introduced specific administrative laws which ban begging with and begging by children below the age of 14 years.[143] Those cities that were most affected in the past by begging children (mostly accompanied by adults) were Vienna and Graz with the peak reached in Vienna during 2004-2005; while in Graz it was even earlier, between 1996 and 2000.

However, desk research for Austria also showed a lack of data concerning the phenomenon of begging children in general. Another conclusion drawn from interviews with experts on national level was that social services and especially youth welfare services show a lack of awareness in terms of responsibility for foreign children begging or children who are on the streets together with adults for begging or auxiliary begging activities according to the definition used for this Study. Many stakeholders and authorities referred to groups of adults who made their money by begging or auxiliary begging activities as 'Roma'. However, in-depth research and expert interviews on the local level led to the conclusion that this may be a generalisation not taking into consideration the self-referencing of people who in no way always considered themselves as 'Roma', but also 'Gypsy', 'Sinti', 'Traveller' etc. and in fact, come from a diverse cultural background with different traditions in income-generating.

Firstly, this country chapter on Austria is based on research into responses to child begging at the national/local level: The analysis was carried out on the basis of desk research, observation sessions and stakeholder interviews (conducted with policy-makers, Government agencies (working on child begging/exploitation/trafficking), the judiciary and NGO or Government staff working with children. Secondly and as a characteristic of federalism, the structures and legal provisions at the local level in Austria are in most cases different those at the national level. To offer a balanced picture of the situation at the local level, research was carried out in different geographical regions; therefore four Austrian cities were chosen for local level research: Graz, Innsbruck, Linz and Vienna. Of these towns, **Graz** and **Vienna** were most affected in the past by begging in general. As for Graz, the topic of 'begging' has been at the top of the political agenda since 2009. The discussion was very controversial and culminated into a total ban on begging for the entire Federal Province of Styria (which Graz is the provincial capital of), a law which came into force on 2 May 2011. **Linz**, the capital of the province of Upper Austria and located in the North of Austria, was chosen since there was also a controversial discussion on a legal reform concerning begging and there were reports in the past of 'organised begging' - of children involved in 'organised begging' being dropped off by buses and collected again. **Innsbruck**, in the West of Austria, and capital of the province of Tyrol, already banned begging 36 years ago[144] and therefore hosts only a small number of begging people. So it was interesting to compare the impact of such a strict and long-

143 In the Austrian Civil Code and Penal Code, children younger than 14 years, are referred to as *'Unmündige'*. According to these two main legislations, children up to the age of 14 years qualify as "Kinder" (children) and in specific (*'unmündige Kinder'*). Those who belong to the age group of 14 to 18 years qualify as *'Jugendliche'* (young people).

144 Begging was banned in 1976, see **Landespolizeigesetz § 10** (Begging Paragraph): *"Anybody who asks for money from unknown people for herself/himself or others [...] in public places, by going from house to house, is committing an administrative offence and can be punished with a fine of up to Euro 360 or put into detention (prison) for up to two weeks."*

lasting law on the current situation.

Statistics

There are no statistics available on child begging for Austria. Some of the federal provinces have statistics on begging people apprehended and fined for administrative offences but not disaggregated according to age and concrete offence. One independent expert explained that at police directorates on a provincial level, statistics on the apprehension of beggars are also available. However, firstly, data are not disaggregated and, secondly, figures do not allow for conclusions on the total number of begging people because the same person is often apprehended and fined several times.

The Federal Office of Criminal Investigation (*Bundeskriminalamt, BK*) reports that between 2004 and 2005 the number of children from Bulgaria and Romania begging in Vienna amounted to an average of 700 per year. The BK estimates that at that time 90% of begging children were concentrated in Vienna. However, not all of these children were involved in begging; some were also involved in prostitution and petty crime i.e. pickpocketing. From 2006 on, the numbers of begging children dropped rapidly due to special measures undertaken by police and the youth welfare authority, and cooperation with the countries of origin. Especially since the new law was introduced in Vienna in 2008 which bansbegging[145] by and with children younger than 14 years, there are almost no children begging in Vienna. The BK Department on combating trafficking and smuggling (BK-THB) estimates that currently almost no foreign children are begging in Austria. This Department reports that in Austria currently around 1,000 - almost exclusively adult - beggars can be found. This figure emerged as a result of intensive investigations by the Department in 2009/2010 on trafficking in human beings for the purpose of exploitation through begging. In Vienna, 200 begging people were interviewed for these investigations.

For Vienna, the decrease in begging children was also confirmed by the 'Drehscheibe'[146] (Viennese Youth Welfare institution for unaccompanied foreign children and child victims of trafficking). While before 2008, the year when the City of Vienna introduced the new law against begging by and with children, around 100 begging children mainly from Romania and Bulgaria were accommodated at the Drehscheibe during a one-year period, numbers went down to 15-20 children currently in Vienna. From Graz and Linz it was also reported that currently almost no begging children are on the streets.

Another phenomenon are Austrian citizen children, mainly young people between 15 and 17 years, hanging around in the cities with their peers and often with dogs and asking people passing by for money, what is referred to in German not as begging but as "*schnorren*". This takes place mainly in Vienna, but also in Graz and Linz; to a lesser extent it exists in all bigger cities in Austria especially in the capital towns of the federal provinces. BK-THB said that this is a very small group and most of these children have either drug addiction problems or have a criminal record. Some of these children are homeless. Drehscheibe commented that the youth welfare authority (YWA) in Vienna monitors this small group of children and they get support from the YWA and through street work. No official statistics on the numbers of these children are available.

Reliable figures on child victims of trafficking from and within Austria are difficult to obtain. Existing estimates provided by Government authorities and others working to combat trafficking in persons do not disaggregate the number of children trafficked from adults, according to the different forms of trafficking, origin countries or age and gender[147].

145 Within the the legal system of Austria, Child begging constitutes an administrative offence which falls under the jurisdiction of the nine federal provinces.

146 Drehscheibe has a database on all the children who have been accommodated in the shelter. Assuming that BK-THB and Drehscheibe have the best overview of foreign children, their estimates are the only reliable figures which are available in Austria.

147 See ECPAT Austria (2008): Alternative Report on the implementation of the optional protocol to the Convention on the

Another aspect is the fact that awareness on child trafficking, for instance among Youth Welfare Authorities as well as NGOs dealing with refugees and unaccompanied children, is still rather limited, which leads to low numbers of identified child victims in proportion to likely actual cases.[148] Vienna state authorities report numbers ranging from 100 to 700 children per year between 2003 and 2007 - both boys and girls - accommodated at the local Viennese shelter, an estimated two-thirds of whom may have been trafficked. According to the statistics of the Viennese Youth Welfare institution Drehscheibe,[149] 88 unaccompanied foreign children were housed in 2008,[150] while until mid-October 2009[151] 98 children (about 1/3 trafficking cases)[152] were taken care of. These numbers do not represent actual numbers of child trafficking cases, but rather the number of children accommodated (with some children possibly counted more than once), some of whom were not trafficked: *"Even the data of the Vienna youth welfare authorities do not differentiate between victims of child trafficking and the exploitation of children by parents/relatives (i.e. mothers begging with children)"*[153]. Furthermore, victims are often unwilling to disclose their identities or file official complaints against traffickers for fear of discrimination or reprisals; hence the scale of the problem is likely to be much greater than reported.[154] The criminal statistics on the human trafficking paragraph of the law are not disaggregated according to the age of the victim.

An interviewee from the Federal Ministry of Justice, Department for Criminal Law, confirmed that to date it has not been possible to disaggregate data on trafficking victims according to age, gender and home country of the victim. The two ministries concerned (Ministry of Justice and Ministry of the Interior) formed a working group on improving statistical records of victims of trafficking in 2012. However, it is possible to disaggregate data on forms of exploitation.

Nonetheless, the current statistics give an impression of how many of the suspected larger number of actual cases make it to court and how many of the traffickers are convicted. In 2007 there were 18 trials on section 104a of the Criminal Code – human trafficking: two people were convicted, nine trials were suspended, one suspect was acquitted and six trials are still ongoing at the time of writing.[155] The current statistics, provided by the Ministry of Justice, show the total convictions under anti-trafficking legislation in Austria from 2005 (after the law came into force in 2004) to 2011 – in total: 15 convictions.

According to GRETA, with reference to the Federal Ministry for European and International Affairs First Report on Combating Human Trafficking (covering the period from March 2007 to February 2009), the most frequent forms of trafficking in Austria were for the purpose of sexual exploitation, domestic servitude, forced begging and forced illicit activities. In addition, the great majority of identified victims of trafficking were women and children. All victims identified were foreign nationals.[156]

Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Vienna 2008. http://www.ecpat.at/index.php?id=schattenberichtsprs

148 See Working Group on child trafficking (2009): Child Trafficking in Austria. Report by the working group on child trafficking under the Task Force on Human Trafficking, p.9: http://www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/Menschenrechte/Bericht_AG-Kinderhandel_0902_engl.pdf

149 The "Drehscheibe" is responsible and takes care of all cases of child victims of trafficking that are referred to it, whereas its scope of work is extended to all unaccompanied foreign children.

150 See Drehscheibe. Statistics Drehscheibe 2008, Drehscheibe, Vienna 2009

151 See Drehscheibe. Statistics Drehscheibe 2009, Drehscheibe, Vienna 2009

152 According to the head of the Drehscheibe, interview on December 14, 2009

153 See Report of the working group on child trafficking, p. 27

154 Ibid., p.10

155 See Task Force on Combating Human Trafficking (2009): First Austrian Report on Combating Human Trafficking (March 2007- February 2009) of the Task Force on combating human trafficking; p. 27: http://www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/Menschenrechte/Menschenhandel_aktualisierter_Bericht_04_03_09_-_Englisch.pdf

156 GRETA Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human

When it comes to children living/working on the streets, the Bawo (a federal working group for the support of the homeless - *Bundesarbeitsgemeinschaft Wohnungslosenhilfe*) conducted a homeless census in 2006/2007 by order of the Federal Ministry of Labour, Social Affairs and Consumer Protection.[157] The following numbers are drawn from this survey:

- In 2006, 5,954 children were contacted by services for homeless people or people in danger of eviction in the year 2006 (multiple counting possible); 291 children were counselled/serviced at day facilities (advisory centre, daycare centres, street work etc.) by the end of 2007.
- The proportion of children who received services is comparatively low, although almost 17% of people using emergency overnight accommodation were children.
- Children sleeping rough/living on the streets: The statistics of the survey only state two cases of children in Salzburg who accompanied their parents living on the streets. Two provinces did not provide numbers (Vienna and Styria) and the numbers from Lower Austria are not disaggregated according to age.
- Children living in emergency accommodation: three cases in Tyrol, other provinces did not provide numbers or did not disaggregate them according to age.
- More than 75% of most services were provided to Austrian citizens. The numbers concerning foreign nationals are not disaggregated by age.

In 2009, the Federal province of Salzburg recorded 53 homeless and unaccompanied children (older than 12 years) and 87 accompanied children with a total of 812 people registered homeless in social facilities – of those two children were living on the streets, 15 children were provided with care in assisted accommodation, and 18 juveniles stayed at emergency overnight accommodation. The share of children below 14 years of age decreased in comparison to 2008 (10 children in 2008, as compared to 2 in 2009)[158].

Overview description of children involved in begging

Authorities confirm that the majority of children begging in Austria in the past came from Romania and Bulgaria, as well as from Slovakia. A few also came from Bosnia-Herzegovina, Hungary and Croatia. However, independent experts and NGOs emphasise that children indeed may have come from Bulgaria or Romania, but it is not possible to consider all of them as Roma because quite a few did not speak Romanes. One expert from a Viennese authority called it a 'myth' that all of the begging children/adults were Roma. Other experts called it *"a wrong assumption which is rooted in a racist narrative in our society"*.

Both genders could be found among children begging in the past in Vienna; though according to Drehscheibe, 2/3 of the children who were referred to Drehscheibe were female and aged 10-15 years. For EU citizen children, their status was usually short-term visitor, mostly unaccompanied. A few of the begging children were asylum seekers. BK-THB reported that during the 'hot phase' (2004-2005), girls and boys were involved but most of them were younger than 14 years because the criminals wanted to take advantage of the fact that children below 14 cannot be held responsible for crimes in Austria. Between 2004 and 2005 many cases were also identified in which children were accompanied by parents or 'relatives' (often it turned out that documents proving the right to child custody were forged).

As for Austrian children, they come from various regions. Both a representative from the Ministry of

Beings by Austria, issued on 15 September 2011, available on: http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2011_10_FGR_AUT_en.pdf (consulted on 11.04.2012)

157 See http://www.bawo.at/fileadmin/user_upload/public/Dokumente/Publikationen/Grundlagen/BAWO-Studie_zur_Wohnungslosigkeit_2009.pdf

158 See http://www.bawo.at/fileadmin/user_upload/public/Dokumente/Publikationen/Berichte_Studien/Salzburg/2009_WL_Erhebung_Sbg.pdf

Interior and a child rights expert reported that the number of homeless people in Austria is growing; of this group of homeless a certain number are children. Most of these children are from broken families, have drug addiction problems, and are drop-outs from school or vocational training.

Therefore, the most prevalent type of child begging situations encountered in Austria in the course of this research is T3 (children older than 14 involved in a begging activity called "*schnorren*"). Other types of begging involving younger children used to be present in Austria, but, as it comes out from the research, are no longer present.[159]

Geographical distribution of the phenomenon

Experts agreed that children used to beg more in cities than in rural areas, therefore the phenomenon of begging was, and to a much lesser extent, is, mostly to be found in urban Austria, particularly in the cities of Vienna, Graz and Linz. However, when it comes to concrete locations, experts conveyed different information and/or opinions on where children begged. The majority named: highly frequented public places such as bus and railway stations, shopping malls and streets, and metro stations.

In **Vienna,** tourist and shopping hot spots such as Brunnenmarkt, Naschmarkt, Donauzentrum, Milleniumstower, Lugner City and Mariahilfer Straße were the locations for begging in general, including child begging. Nowadays, in **Linz** and **Graz**, the city centres and railway stations are more often frequented by adults begging. It was also reported that in both cities more and more begging adults can be found in front of supermarkets and in rural areas. In **Innsbruck** the occurrence of begging was focused on the city centre and the railway station, but there is also information about people begging from door to door in residential neighbourhoods outside the city centre.

Any trends and changes in the groups involved or the geographical distribution over the past ten years

Unanimously, interviewees confirm that scale of phenomenon has decreased since 2006. BK-THB and Drehscheibe explained that e.g. Austria/**Vienna** *"is not an attractive place any longer"* for begging by and with children. This was confirmed by a representative of the Integration Authority of Vienna. She also stated that police raids and control have become very strict in Austria in the enforcement of anti-begging laws and beggars face penalties of 70-100 Euros, sometimes up to 700 Euros. If beggars cannot pay, they are handed down an 'alternative sentence' in prison. Out of fear of penalties and prison, the begging scene is believed to have moved to other big cities in Western Europe such as Rome, Milan, London, Berlin and Brussels. Apart from this development, some respondents commented that in Austria there were more people begging in winter (from mid-November until Christmas) than in summer, on the assumption that people give money more freely in winter and around Christmas.

Another trend observed is the dislocation from the city centres to the periphery area, as well as the concentration of people coming from certain areas to beg (e.g. in **Graz** a group of begging people from Hostice, Slovakia, is the main group of adults begging). Groups also seem to be more mobile than before. It was reported for **Linz** that sometimes buses bring group of people to a small town somewhere in rural Austria to beg. The begging people move around for 30-45 minutes before entering the bus again and going on to another place. However, all this information was related to beggars in general and not to children specifically.

In addition to the above-mentioned developments, some of the experts interviewed for this Study also shared their experiences in regard to new phenomena and their perception of strategy changes:

159 For more information on the types of child begging situations identified through this research see the Chapter on Typology.

- Beggars wait at parking lots or exit doors of supermarkets and shopping centres, and offer help (carrying things, loading the car, bringing back the trolley, which implies that they can keep the one or two Euro coin).

- Some experts felt that beggars tend to move from downtown to the periphery and residential neighbourhoods (e.g. **Innsbruck**) because the police control and enforce the law more in the city centres.

- A few years ago, beggars were using posters saying they are 'hungry', 'sick'. Now, in **Graz** and **Vienna**, the selling of newspapers (*Augustin*, *Global Player*, etc.) can be observed. Sometimes they forge the ID which the publishing company provides the authorised vendors with.

- Since begging by/with children was banned, more people with disabilities can be observed as a means to raise the compassion of passers-by.

A. Legal Framework

Child begging

The legal system in Austria regarding child begging is regionalised, therefore there is a difference in laws and decrees on begging between the national and the local level - provisions against child trafficking are however federal. Cities and municipalities also have the authority to pass acts against begging within their jurisdiction. There is no nationwide regulation of begging, but most federal states ban certain forms of begging or begging in general within their State Security Law or similar. Since 2006, many new laws and decrees have been passed. As a regulatory offence, non-compliance is generally subject to a fine (ranging from up to 218 to up to 2,000 Euro) or imprisonment of one to six weeks in lieu of payment. Begging with children below the age of 14 is widely forbidden[160].

Begging is usually defined as begging for money or things of monetary value[161]. The state laws of the federal states Salzburg and Tyrol, two states which ban begging in general, provide more **detailed definitions of begging**[162]. According to these, begging means:

- asking for money or items of monetary value for self-serving purposes [as opposed to charity/non-profit; note from the author] for oneself or for another person,
- in public places or from house to house of other persons,
- by invoking actual or reputed neediness.

Activities that fall under these definitions are generally forbidden and are punished in Salzburg with a fine of up to 500 Euro or up to one week imprisonment in lieu of payment and in Tyrol with a fine of up to 360 Euro or up to two weeks' arrest in lieu of payment.

Styria only recently (3 May 2011) changed its law and now also bans begging in general, while giving the municipalities/cities the authority to allow begging within their jurisdiction via decree. According to media

160 The age of criminal responsibility in Austria is 14 years. This is also the case in administrative criminal law, like the provisions criminalising certain forms of begging or begging in general. Thus, children between 14 and 18 years of age can be held responsible if they violate these laws.

161 See Art. 1, Chapter 2 State Security Law of Vienna: http://www.ris.bka.gv.at/Dokumente/LrW/LRWI_I110_000/LRWI_I110_000.html

162 See Art. 29 State Security Law of Salzburg: http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrSbg&Gesetzesnummer=20000632 and Art. 10 Security State Law of Tyrol: http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrT&Gesetzesnummer=20000176

reports,[163] one city in Styria is already considering such an exceptional rule. Begging according to Styrian state law comprises any begging for money or items of monetary value in public places. Aggressive begging and begging with children (see below) was already banned and is not subject to municipal jurisdiction. Thus, these two forms of begging are banned in Styria without any exception.[164]

Other federal state laws regulating begging distinguish between different forms of begging and only punish some of them. To sum up, the following federal states/cities ban and foresee an administrative penalty in cases of:

- **Begging in general**: Salzburg[165], Tyrol, Styria[166] (with exceptions, see above), city of Klagenfurt by decree.
- **Aggressive/intrusive begging**, e.g. by means of touching, unrequested accompanying and insulting[167]: Carinthia, Lower Austria[168], Styria (without exceptions, see above), Upper Austria[169] (the new law also includes begging "from house to house"), Vienna, city of Eisenstadt by decree.
- **Organised begging**, i.e. begging within the framework of an organised group: Carinthia, Lower Austria, Upper Austria and Vienna.
- **Begging on a commercial/professional basis**, i.e. begging for the sole purpose of a continuous source of income and with the intent to do this in a recurring manner:[170] Vienna, Lower Austria.
- **Begging with children below the age of 14, i.e. fining people who induce the children to beg or carry them along when begging themselves**: Carinthia, Lower Austria, Upper Austria, Styria (without exceptions, see above), Upper Austria, Vienna, City of Eisenstadt by decree.
- **Begging of street musicians**: a provision banning such performances/begging can be found for instance in the Vienna municipal event law.[171] In Lower Austria any begging activity beyond sitting or standing is forbidden, thus also street musicians might be affected by the law.
- **Laws against begging with children** (see above) have been passed with the argument of serving the best interests of the child.[172] However, in practice, it seems to be a challenge for authorities to follow that principle. As the local level research in the four cities in Austria has shown, there is a general lack of support system for begging families and their children in all provinces under study. For instance, in **Graz**, the begging families stay in uninhabited houses in bad sanitary conditions, without heating etc. The police usually informs the youth welfare authorities when they learn about

163 See *Der Standard*, 4 May 2011: http://derstandard.at/1304428446953/Steiermark-Kapfenberg-ueberlegt-Ausnahme-bei-Bettelverbot

164 See report of the state parliament of Styria, February 2011: http://www.landtag.steiermark.at/cms/beitrag/11397098/58064506/

165 An appeal to the constitutional court was filed against the total ban on begging in the province of Salzburg (including its capital town, Salzburg). In July 2012 the total ban on begging, which had been introduced in Salzburg in 1979, was repealed by the Austrian Constitutional Court. The court came to the conclusion that a total ban of begging is a violation of § 10 of the European Convention on Human Rights. Furthermore, the Constitutional court had released a fundamental judgment on that matter: 1. a total ban of beggin in not in line with the European Convention on Human Rights. 2. However, the ban of specific forms of begging such as begging with children, aggressive begging, professional/commercial begging does not constitute a human rights violation. Sources: http://www.verfassungsgerichtshof.at; http://www.verfassungsgerichtshof.at/cms/vfgh-site/attachments/2/2/9/CH0003/CMS1341991026998/bettelverbote_-_ladenschluss_-_obsorge_presseinfo.pdf; http://www.verfassungsgerichtshof.at/cms/vfgh-site/attachments/2/2/9/CH0003/CMS1341991026998/bettelverbot_salzburg_g155-10.pdf

166 The appeal to the Constitutional Court against the total ban on begging in Styria is not yet decided.

167 See Art. 3a Security State Law of Styria: http://www.ris.bka.gv.at/Dokumente/LrStmk/LRST_4000_002/LRST_4000_002.html

168 http://www.ris.bka.gv.at/Dokumente/LrNo/LRNI_2010089/LRNI_2010089.html

169 http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrOO&Gesetzesnummer=10000161

170 See initiative of the SPÖ (Austrian socialist party): http://bettellobbywien.files.wordpress.com/2010/03/landes-sicherheitsgesetz.pdf

171 See Art. 30: http://www.wien.gv.at/recht/landesrecht-wien/rechtsvorschriften/html/i5800000.htm

172 http://www.wien.gv.at/ma08/hist-gesetzesentwurf/2008/beilage-7-08.pdf

children living under such circumstances. However, the youth welfare authorities rarely intervene according to experts interviewed.

- **Laws that do not criminalise begging explicitly but amount to a general ban on begging**: Vorarlberg does not ban begging explicitly, but the request for money or a benefit in kind to a plurality of persons without any legal or contractual obligation of the latter is subject to authorisation (*Sammlungsgesetz* - a law that regulates the collection of money/fundraising). As a permission cannot be granted to persons *in need* or their relatives for self-serving purposes, begging in Vorarlberg is forbidden and fined with up to 400 Euro or up to six weeks of arrest in lieu of payment.[173]

To sum up, four Austrian federal states prohibit begging in general (Salzburg, Styria, Tyrol and Vorarlberg; the capital city of Carinthia – Klagenfurt – also forbids begging in general). Four federal states ban aggressive/intrusive begging, organised begging and begging with children under 14 years of age (Carinthia, Lower Austria, Upper Austria and Vienna) and two of them also forbid commercial/professional begging (Vienna, Lower Austria). The only federal state without a law regulating begging is Burgenland (although the capital city Eisenstadt has already banned aggressive/intrusive begging and begging with children by decree).

In addition to the abovementioned regulations, the Highway Code (*StVO*, *Straßenverkehrsordnung*), which is federal law, may be used against begging in cases of beggars hampering pedestrian traffic (sec. 78 c of the Highway Code). These provisions involve a fine or imprisonment respectively and have already been used against begging people in Vienna[174]. Also section 81 of the Public Security Act (*Sicherheitspolizeigesetz*)[175] may be used against begging in cases of 'public nuisance'.

Children living or working in street situations

The Bawo (federal working group for the support of the homeless) uses the European Typology on Homelessness and Housing Exclusion (ETHOS),[176] differentiating between rooflessness, houselessness, insecure housing, and inadequate housing**.**

Children living or working on the street are not separately defined by the Bawo and fall under the above definitions, but youth between the ages of 14 and 21 years are seen as a specific group characterised by the absence of a parental home which can adequately provide for the physical and psychological integrity of the youth/child.[177]

Generally, the nine youth welfare authorities are responsible for children and have to assist families/youth/children if the parents cannot take care of them and have to interfere in cases where the best interests of the child are in danger.

Child trafficking

The Austrian Criminal Law Act contains a provision (sec. 104) criminalising slavery and the slave trade. In addition, the Aliens Police Law (sec. 116) penalises the "exploitation of aliens".[178] According to sec. 104a

173 http://www.ris.bka.gv.at/Dokumente/LrVbg/LRVB_2200_000_20020101_99999999/LRVB_2200_000_20020101_99999999.html

174 See *Augustin*, 3 December 2009: http://www.augustin.or.at/article1383.htm and reports of the *Bettellobby*: http://bettellobbywien.wordpress.com/2009/03/10/performance-auf-der-mariahilferstrase-am-freitag-denn/#more-141

175 http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40071712/NOR40071712.html

176 http://www.bawo.at/de/content/wohnungslosigkeit/definitionen.html

177 http://www.bawo.at/de/content/wohnungslosigkeit/jugendliche.html

178 GRETA Report on Austria, para. 12, p. 9

StGB (Criminal Law Act),[179] trafficking in human beings is defined as:

- the recruitment, harbouring, accommodation, transportation, or offering/passing of a person to another person,
- by means of deception, of the abuse of a position of authority, a plight, insanity or a position of defencelessness, of intimidation 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 sexual exploitation, labour exploitation or the removal of organs.

Child trafficking means the recruitment, harbouring, accommodation, transportation, or offering/ transferring of a person below the age of 18 for the purpose of exploitation, even if this does not involve any of the means mentioned above. The degree of penalty for the basic crime is up to three years imprisonment; from 6 months up to 5 years in the case of the use of force or serious threat; and from one to ten years if the victim is below 14 years, if the crime is committed in the framework of a criminal organisation, if the offence has been committed by the use of serious violence or by threatening the life of the person intentionally or out of serious negligence or by causing particularly serious harm to the person.

According to sec. 104a of the Criminal Law Act, only human trafficking for the purpose of sexual exploitation, exploitation through organ transplantation and labour exploitation are criminalised. This listing of criminalised forms of exploitation is exhaustive. Exploitation for begging is not mentioned in the law. However, in practice, the domestic courts consider begging to fall under labour exploitation. For instance, in judgment 31 Hv 57/09s of the *Landesgericht für Strafsachen Wien* (Vienna Criminal Court), begging was, indeed, considered as a form of labour exploitation.[180] The legislative materials for the criminal law reform in 2004 clarify that labour exploitation shall mean recklessly utilising the victim against their vital interests, for instance by giving the victim no or absolutely insufficient monetary reward for their work for a longer period of time. The materials also state the example of excessive extension of permitted working hours during a longer period of time as well as unacceptable labour conditions, referring to considerable and lasting undercutting of legal labour standards and the labour standards of collective agreements.[181] These guidelines help to tackle exploitation within forms of labour that are at least akin to an occupation regulated by a collective agreement.

However, although the judiciary now also subsumes the use of a trafficked person for begging or criminal offenses such as stealing under *labour exploitation*, these forms of exploitation do not qualify as akin to an occupation regulated by a collective agreement and thus are not measured according to these standards. In practice, this means that the standard for acceptable labour conditions and sufficient monetary reward within new forms of labour exploitation (e.g. begging) is very low (especially regarding the practice of deducting 'expenses' for travel, administration, accommodation etc. and using only the difference value as basis to calculate whether the victim gets enough money for their work). Consequently these forms of exploitation often do not legally qualify as labour exploitation and are not punished as human trafficking/ child trafficking.[182]

Nevertheless, since Austria is bound by the new Directive 2011/36/EU, the definition provided in the Directive, which includes begging as an offence to be criminalised, will be transposed into the national legislation.

179 http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40050380/NOR40050380.html

180 GRETA Report on Austria, para. 32, p.14

181 See Legislative Material to the Criminal Law Reform 2004: http://www.parlinkom.gv.at/PG/DE/XXII/I/I_00294/pmh.shtml

182 According to the head of the Central Service Combating Alien Smuggling and Trafficking in Human Beings within the Federal Criminal Intelligence Service Austria, telephone talk on June 07, 2010.

Other relevant laws: Sec. 217 StGB addresses cross-border trafficking of prostitutes and penalises the recruitment and introducing of a person from one state into prostitution in another state. Sec. 215a penalises the promotion of child prostitution. Sec. 194 penalises the illegal procurement of adoption.

Child protection framework

Child labour

On 11 February 2011, the federal constitutional law on child rights was passed, incorporating parts of the Convention on the Rights of the Child (UN-CRC) into the Austrian constitution. Still, many rights guaranteed by the UN-CRC are neither directly applicable in Austria nor implemented in (constitutional) law, such as the right to social security or the right to education and health.[183]

Apart from this, Austria has ratified the relevant ILO Conventions.[184] The Federal Child and Youth Employment Act prohibits most forms of child labour under the age of 15. There are some exceptions for children between 13 and 15 years who are allowed to work within the family business and private households and do light work such as errands, provided that their parents agree and the work is only light and sporadic, not in an industrial business and without employment status. Other exceptions exist for instance for work with the sole purpose of teaching and education and light and short domestic work as well as in the framework of public theatre, parades etc. if they are authorised by the governor.

Generally, children's health, physical and mental development and morals, schooling and religious duties shall not be endangered by their work. There are also regulations on working hours (such as the prohibition of night work).[185] Children between 15 and 18 years are also protected by law with regard to working hours, rest periods, prohibition of hazardous work, etc.

Reporting and intervention in child abuse cases

The legal system of Austria neither provides a definition of child abuse, nor does it tackle child abuse within a single law. The Criminal Code contains different sections relating to child abuse, such as: battery crimes, tempting and neglect of children below the age of 14, younger persons or defenceless persons, deprivation of liberty, coercion, serious threat, continual violence, denial of assistance, abuse of a position of authority, (severe) sexual abuse and other sex offences, neglect of care, education and supervision of children.[186] Furthermore, sec. 146a of the Austrian Civil Code prohibits the use of violence in child education and parenting.[187]

Together with the fact that no definition for child abuse exists within the Austrian legal system, it also neglects to provide for a separate legal definition of child exploitation. Exploitation in relation to child begging can constitute an element of the offence of child trafficking according to sec. 104a of the Austrian Criminal Code,[188] as set out above. Sexual exploitation is also criminalised by the Criminal Code in relation to child prostitution and child pornography.

In general, everybody has the right to report concerns about child abuse/exploitation to the police or

183 See information provided by the National Coalition on Child Rights: http://www.kinderrechte.gv.at/home/im-fokus/kr-politik/kr-in-der-verfassung/content.html, Text of the constitutional law on child Rights: http://www.kinderhabenrechte.at/index.php?id=116

184 1973 Minimum Age Convention No. 138 and 1999 Worst Forms of Child Labour Convention No 182.

185 http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008632

186 http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10002296

187 http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR12017840/NOR12017840.html

188 http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40050380/NOR40050380.html

the public prosecutor (sec. 80 Code of Criminal Procedure).[189] Public authorities and other public bodies (e.g. youth welfare, KIJA/ombudsperson for children, schools, social or family counselling bodies, public health officers, public hospitals etc.) have the duty to report suspected cases of child abuse/exploitation within their legal scope to the police or public prosecutor (sec. 78 Code of Criminal Procedure; with exceptions, but no exception in cases where reporting is necessary for the protection of the victim)[190]. Others have the obligation to report suspected cases due to reporting obligations within their respective public services law (e.g. doctors and teachers).

In cases of suspected child abuse/exploitation, public authorities and state organs as well as childcare or educational institutions also have to report to the youth welfare if this is necessary to prevent or avert danger for the child (sec. 37 Youth Welfare Act).[191]

Parental custody

In cases where parents endanger the best interests of the child, a court has to make the necessary orders to safeguard the best interests of the child. The (partial) withdrawal of parental custody is by all means the last resort. Parental custody comprises care and education as well as legal representation and asset management. All or parts of these rights/responsibilities can for instance be transferred to the youth welfare if this is in the best interests of the child (sec. 176, 176b Austrian Civil Code).[192]

Some of the interviewed experts believe that begging by and with children violates the best interests of the child. Still each case has to be analysed individually. Others argue and report from their experience with begging people that they have no alternative to bringing their children with them.

B. Policy Responses and Implementation of the legal Framework with Regard to Child Begging

Prevention of child begging

National policy responses to child begging are limited to banning begging and repatriation of children if they are unaccompanied in Austria. Prevention consists of police applying the laws on the banning of begging. All other prevention responses are outside of the Government sector (see D. Good Practices below).

Protection of children involved

Formally, all children below the age of 18 years should have access to protection, support and care via the Youth Welfare Authority, because they are by law responsible for the wellbeing of all children regardless of which country they come from. However, the Federal Youth Welfare Act, 1989, has been under revision and discussion for five years. So far, all the draft legislations were not passed due to resistance from some of the federal provinces. For instance, in the Federal Youth Welfare Act, which is over twenty years old, no standards or procedures on care and protection for victims of child trafficking are formulated. Victims of child trafficking are not even mentioned as a specific category of children in need in the law.

Because of the regionalisation of youth welfare matters, there is also no state prevention or immediate intervention strategy for the protection of children involved in begging, apart from the fact that almost

189 http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40050539/NOR40050539.html

190 http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40050537/NOR40050537.html

191 http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40088547/NOR40088547.html

192 http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40013329/NOR40013329.html, http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40013330/NOR40013330.html

all provinces have enacted laws against child begging. Services to begging children/families are rare and concentrated in the private sector. In Vienna, the Drehscheibe, a childcare centre of the local youth welfare authority, cares for children who are either potential victims of trafficking or unaccompanied migrant children. Thus, the Drehscheibe also cares for begging children who are picked up by the police and may have been trafficked or were separated from their families. Usually these children come from Bulgaria, Romania, Slovakia and Hungary, as well as from non-EU countries. Drehscheibe only repatriates children if there is either an existing formal agreement with the youth welfare authority of the respective country of origin or if the local youth welfare authority can guarantee the "safe accommodation" of the child. If the children do not have a residence permit, they generally have no support nor access to protection and assistance. If they acquire legal status as a refugee or victim of trafficking they are entitled to all rights in connection with medical, legal and social support.

The youth welfare authority is contacted in cases where children appear to be on their own, homeless or the adults accompanying them cannot prove that they are their parents. In such cases, the child is accommodated at a crisis centre of the youth welfare authority (YWA). However, the problem is that all shelters of the youth welfare authority are non-closed and that adults simply wait for the children to come out. On average, about 1/3 of all children admitted to the Drehscheibe subsequently leave and, from the point of view of the Drehscheibe, disappear.

As youth welfare is regionalised, in other Austrian federal states the local youth welfare institutions are responsible for begging children, although not all of them assume this responsibility or lack funding and training to deal with begging children or victims of trafficking. Furthermore there are no special victim centres for child victims of trafficking besides the Drehscheibe, which is only responsible for children in Vienna (although in the past the centre also accommodated children from other federal states in cases of imminent danger, when the local youth welfare could not provide them with a shelter in time).

To sum up, there is no institutionalised national referral mechanism (NRM) for victims of child trafficking. This fact has a negative impact on the identification of victims of child trafficking in general, also in cases of exploitation through begging. The procedures for the handling of migrant children are also very diverse, depending on residence/refugee/asylum seeker status, age (older/younger than 14 years), with or without family, EU citizen or third-country nationals.

Prosecution of offenders

The fight against child begging is concentrated on its relation to child trafficking. Although sec. 104a StGB (human trafficking section of the Austrian Criminal Code) has existed since 2004, there have not been any cases where the exploiters of children were sentenced according to this paragraph and almost no cases where they were prosecuted for human trafficking. The prosecution of offenders usually concentrates on other paragraphs such as battery, rape, labour exploitation, sex crimes, continual violence, etc. Cases where offenders were prosecuted and convicted for trafficking are either processed in the countries of origin or concern adult victims. The BK-THB reports that since 2006 they have not had a single case concerning child trafficking for the purposes of exploitation through begging.

Case Law

So far, no case is known relating to restrictions on child begging. However, currently there are proceedings at the High Court pending against the regulatory laws concerning begging in Upper Austria, Vienna, Graz and Salzburg.

Only very few cases have qualified as trafficking cases since 2004, when sec. 104a was introduced. It is a problem of the judiciary and the prosecutor who sometimes lack motivation or knowledge to make

use of this law. As imminent direct result of this situation, there are almost no court cases/convictions to be found, neither under the trafficking legislation nor under the legislation for organised crime/criminal organisations (sec. 278 of the Criminal Code) related to either begging by children or begging as such:

- In 2009 there was a case of two offenders later convicted to 8/10 years in prison: Two girls with minor mental disabilities from Bulgaria were exploited in several ways, raped and exposed to extreme violence by two 'controllers', a man and a woman. The victims turned to the Bulgarian Embassy for assistance and the offenders were apprehended by the police. Later, the prosecutor filed a case on the basis of rape, severe sexual abuse of children and other offences - the case was not filed on the basis of anti-trafficking legislation (104a). The girls led the police to other groups of foreign children under the supervision of adults. In the end, one of these adults was convicted for trafficking. However, these children were exploited through different forms: begging, prostitution and stealing.

Concerning the implementation of laws on begging with/by children and the sanctioning of offenders (i.e. adults inducing children below the age of 14 to beg or carrying them along with them while begging), there are no statistics available. As already mentioned, some of the federal provinces have statistics on beggars apprehended and fined under the regulatory bans on begging, but these statistics are not disaggregated according to age and concrete offence. Hence there is no information available about offenders according to regulatory laws against begging with/by children.

C. Public Perception of the Phenomenon and of national Responses

Public campaigns

There have been a number of public campaigns in recent years; most of them launched on the local level. However, their focuses differed very much, some of them lobbying for people who are in begging situations (e.g. 'Begging-Lobby' – initiative in Upper Austria[193], 'Begging-Lobby' Vienna[194]), others protesting against begging laws (e.g. Petitions against a general ban on begging in **Graz**[195] and **Linz**[196]) and campaigns focusing on organised begging as being hazardous for society (e.g. public campaign by the BZÖ against organised begging in Graz[197]).

In the City of **Vienna**, a campaign was launched by the police and the Vienna Chamber of Commerce, where business people encouraged their customers via posters not to support organised begging by giving money to beggars in front of shops.[198]

The impact of the campaign was not systematically measured or evaluated. However, experts interviewed in Vienna confirmed that the number of beggars in front of shops or in shopping centres or districts frequently vary (i.e. peaks in the summer and some weeks before Christmas). Hence, it seems that this campaign had no real impact and other factors are more influential on the phenomenon of begging.

Public debates

193 http://www.bettellobby.at

194 http://bettellobbywien.wordpress.com/

195 http://www.caritas-steiermark.at/aktuell/news/news/artikel/3694/1310/

196 See krone.at, 11 February 2011: http://www.krone.at/Steiermark/100_Gruppen_rufen_zu_Sit-in_gegen_Bettelverbot_auf-Proteste_in_Graz-Story-245480, *Der Standard*, 11 February 2011: http://derstandard.at/1297216159916/100-Gruppen-riefen-zu-Sit-in-auf-Grossdemo-in-Graz-gegen-Bettelverbot, Bettellobby, February 2011: http://www.bettellobby.at/ooe/1-linzer-massenbetteln/.

197 See ORF online, 30 August 2006: http://oesterreich.orf.at/steiermark/stories/133039/

198 See *Der Standard*, 8 July 2010: http://derstandard.at/1277337695856/Wien-Keine-Almosen-fuer-Bettler?seite=12

There has been much heated public debate about begging during the last few years, particularly in 2010 and 2011, when many Austrian federal states banned different forms of begging - some of them even banned any form of begging in public places. Begging with children has been criminalised for some years now in most federal states.

The begging laws have been criticised widely and the number of newspaper and online articles about the begging phenomenon and the relevant laws is large. Public debates revolve around topics such as: beggars as a nuisance, begging as human trafficking/exploitation, begging by Roma, begging as a form of labour, begging as a human right, organised begging, organised beggars from Eastern Europe, etc.

Media "Events" during the last five years

There was extensive coverage in the media in 2005 and 2006, when the numbers of begging children and women begging with small children and babies were quite high in **Vienna**. Later, the controversial discussion on changes to the begging law between 2008 and 2010 was reflected in the media. The Green Party, NGOs and advocacy groups such as the Begging Lobby (www.bettellobby.at), criticised the law as being inhumane and not appropriate.

In **Graz**, the Vinzenzgemeinschaft (a religious charitable institution) and its leader carried out a lot of media work to advocate for the rights of Roma people coming to Graz and - if necessary - making their income also through begging. The leader, Wolfgang Pucher warned of the negative impact of strict legislation which would *"criminalise a very disadvantaged group of people for being poor"*. Similar to Graz and Vienna, media debate in **Linz** centres on the new legislation and the complaint lodged with the High Court.

In **Innsbruck**, there has been little media coverage on the topic during recent years. This may be due to the fact that there was no discussion on the begging law because the law has existed for 36 years and, on the other hand, child begging and begging in general seem not be an issue of major concern.

D. Good practices

Enacting and enforcing new laws on banning begging with children younger than 14 years in all Austrian federal provinces. In **Vienna**,[42] the ban on child begging made it easier for the police to intervene on the grounds of the new law and to refer the children to the specific shelter, Drehscheibe.

Police and youth welfare cooperation model (BK-THB; Drehscheibe): In 2004 and 2005, when there was a very high influx of begging children from Romania and Bulgaria to Vienna, Drehscheibe was the centre that took care of the children. Together with the police, especially with BK-THB, they developed certain strategies. The strategies can be summarised as follows:
Cooperation between police and youth welfare authorities in Vienna. All police inspectorates in Vienna were informed about Drehscheibe as a specific shelter for unaccompanied foreign children, including those identified while begging. The positive impact was that the children were referred immediately to Drehscheibe by the police.

- Cooperation between the Austrian police and police in countries of origin.
- Cooperation between the youth welfare authority of Vienna and countries of origin.
- Cooperation with embassies.
- Identification of children.
- Capacit-building in countries of origin in terms of care and support for returned children.
- Post-return monitoring of children.

Due to the fact that some Roma children are not registered in their countries of origin, they are totally anonymous and hence easy to exploit. Identification of the children by Drehscheibe and the police helped to give the children an identity which made it more difficult for the exploiters/criminals to take advantage of them. For this, Drehscheibe and BK-THB started to closely cooperate with the embassies. Especially the police liaison officers at the Romanian and Bulgarian embassies were involved.

Apart from that, Drehscheibe convinced the youth welfare authorities in the respective countries to establish specialised centres for the children to be returned. Drehscheibe conducted capacity-building and trained staff there. BK-THB confirmed that this model was very successful, since the influx of children quickly decreased and children were offered a chance to go to school or undergo training in order to prepare them for a 'normal life'. Meanwhile BK-THB and Drehscheibe together conduct training in Eastern European countries such as Moldova, and there was interest also from other European cities in Switzerland and UK.

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4.3 Country Section – Bulgaria

Introduction

The roots of child begging in Bulgaria lie in the first years of democratic transition after 1989 and the subsequent socio-economic crises (including the recent financial crisis which spread across the country in 2009). This led to a considerable impoverishment of the Roma population. Some children involved in begging in Bulgaria combine the activity with pickpocketing, while others, mainly girls, become involved in prostitution. During the observations conducted in Sofia for this Study, begging children were seen to steal sweets from shops and engage in substance abuse. Some of them stole money and food products from shops. Other children helped drug dealers to sell drugs, while boys were seen at night in front of discos begging and selling drugs. Most of the children observed smoked cigarettes and were involved in substance abuse.

Criminal gangs have become involved in exploiting children through begging in recent years in Bulgaria, as well as involving them in these other activities. A practice was identified by a police officer from the Child Pedagogical Office interviewed for this Study, whereby mothers "rent out" their babies during the summer season for use in begging to evoke compassion. Begging is often hierarchically organised within an extended family, using violence and the threat of exclusion from the community to control children and others. Indeed violence and coercion in child begging were evident at all levels of the research for this Study in Bulgaria. Other begging children are homeless after being kicked out of home or having run away from a state institution.

The main criteria for the choice of case studies in Bulgaria were the prevalence of child begging in the cities; the possibility of access to the children and to organise observation sessions and interviews with them; and the feasibility of working with and contacting NGOs, police and local authorities that work with begging children. The specialised police units dealing with children reported that they have only registered cases of Roma children begging in some big cities: in the capital Sofia and in some cities in the Black Sea region, which is why the city of Sofia, the suburbs of Sofia and the city of Varna (on the northern Black Sea coast) were chosen for field research. Varna also provided interesting NGO experiences of working with begging children.[199]

Statistics

Uniquely among the countries under study, the National Statistics Institute of Bulgaria keeps an up-to-date record of the number of children passing through the Child Pedagogical Offices (CPOs) of the Bulgarian Police for reasons of begging and vagrancy, which shows that for the decade 2001-2010, during the first part of the decade, 2001-2003, numbers steadily declined from 1,318 per year in 2001 to 1,059 in 2003, only to reach a peak of 1,785 in 2004. From then on, the numbers of children went into decline overall, from 1,537 in 2005 to 671 in 2010. This may be due to the introduction and implementation of effective policies (see below in Section C), though stakeholders also indicated that it may be related to the out-migration or trafficking of Roma children from Bulgaria to engage in begging in other EU countries, as evidenced in many of the Country Sections set out in this Study. The National Statistics Institute also provides data on the number of "uncontrolled" children (see below for definition) who make a living mainly from begging and were registered by the Child Pedagogical Offices. There were 140 such children in 2010, 206 in 2009 and 218 in 2008.

Data for 2010 from the Ministry of the Interior on Homes for the Temporary Accommodation of Minors record that a total of 166 children (compared to 189 children in 2009) were accommodated for reasons

199 In 2010-2011, the State Agency for Child Protection and the Agency for Social Support introduced mobile teams and a hotline (116111) for children at risk.

of vagrancy and begging in 2010, and a further 296 (compared to 252 in 2009) were accommodated for reasons of homelessness accompanied by anti-social behaviour. There were a total of 334 neglected children registered at day centres for work with street children in 2010, and a further 185 children accommodated at centres for temporary accommodation.

At a local level, Sofia Municipality, together with the Sofia Police Directorate and the Social Assistance Agency, carried out raids to monitor begging and child labour in the city, registering 486 cases, which included 267 children, during the period from March 2010 to January 2011 (a representative of the NGO Alliance for Children and Youth (ACY) interviewed for this Study stated that this led to a decrease in child begging in the city). Furthermore, the ACY in Sofia records cases of child begging dealt with by the organisation, 100 in 2009 and 155 in 2010. Most cases involve children aged between 7 and 12, as well as babies who have been used for begging by their parents or other adults.

According to data on children in a street situation from Child Protection Departments in Bulgaria, in 2010 there were 211 such children, 149 of whom had protection measures under Art. 23 of the Child Protection Act taken (protection within a family environment)[200] and 71 children for whom measures as per Art. 26 of the Child Protection Act (protection away from the family)[201] were taken. The majority of these children were boys.[202] At a local level, the case studies showed that a total of 85 children passed through the Child Pedagogical Office (CPO) of the police during 2010 because of begging (under anti-social behavior) in the Sofia Capital region, while just 5 children passed through the Varna CPO for begging.

In relation to Bulgarian children begging abroad, in 2010 a total number of 48 incidents were reported to the State Agency for Child Protection with regard to the Coordination mechanism for referral, care and protection of repatriated Bulgarian UAMs and child victims of trafficking returning from abroad. This represented an increase of 60% on 2009.[203] Furthermore, in 2010, the Crimes against Children Department of the Chief Directorate of Criminal Police (CDCP) worked on 24 cases of Bulgarian children detained abroad for committing crimes, begging children, vagrant children, children without identity documents, etc. Most cases concerned children with addresses in the towns of Pazardzik (for sexual exploitation), and Pleven and Veliko Tarnovo (for pickpocketing). The cases from France, Germany and Portugal were mainly related to vagrant and begging children. The CDCP also reported 4 crimes involving the trafficking of 4 girls in 2010, and 15 criminal cases for procuring and kidnapping with the purpose of debauchery, involving 16 girls. In accordance with Art. 76a of the Bulgarian Personal Identity Documents

200 "*Article 23. The following shall constitute protection measures in a family environment:*
1. provision of pedagogic, psychological and legal aid to parents and to persons, entrusted with parental functions, concerning problems with child rearing, upbringing and education;
2. referring persons to the centres for social rehabilitation and integration;
3. consulting and informing the child in accordance with the level of his or her development;
4. consulting the parents or the persons, entrusted with parental functions, on issues of social assistance and services;
5. provision of assistance with a view to improve living conditions;
6. conducting social work to facilitate child-parent relations and solution of relations conflicts and crises;
7. studying the individual abilities and interests of a child and referring him or her to a suitable educational establishment;
8. assistance in finding appropriate jobs for children in need thereof, who have reached the age of 16, under the conditions set forth by the labour legislation;
9. referring the child to appropriate activities to fill up his or her spare time;
10. assisting the adoptive parents in their preparation to assume their parental responsibilities, to complete the act of adoption, as well as protecting the child's rights in cases of termination of adoption."

201 *Article 26. (1) The placement of a child with a family of relatives or friends, as well as placement of a child to be reared by a foster family or a specialised institution shall be done by the court. Until the court comes out with a ruling, the municipal social assistance service shall provide for a temporary placement by administrative order.*
(2) The request to apply measures under para1 shall be submittedto the court by the municipal social assistance service, by the prosecutor or the parent. They shall refer to the regional court, seated in the region of the municipal social assistance service.

202 State Agency for Child Protection Report on Implementation of the National Programme for Child Protection for 2010.

203 State Agency for Child Protection Report on Implementation of the National Programme for Child Protection for 2010.

Act, in the period 2006-2010, 262 children were subject to imposed compulsory administrative measures due to information received that during their stay abroad they had been involved or used in performing acts which fall under Art. 11 of the Child Protection Act (Art. 11 (3). Every child has a right to protection against being used for begging, prostitution, distribution of pornographic materials and receiving illegal material income, and also against sexual abuse).

Overview description of children involved in begging

Both Bulgarian Roma and Bulgarian non-Roma children are involved in begging in the country, with a predominance of children of Roma ethnicity. Many children who beg in the cities of Varna and Sofia are internal migrants from rural areas. Stakeholders interviewed related this phenomenon to internal trafficking within Bulgaria, but also to increasing urbanisation. The other 20-30 children who beg in Varna have spent their whole life living on the streets. A small number of Romanian Roma children have also recently become involved in begging, showing a high level of mobility between Bulgaria and Romania.

Many of the Romanian children are thought by stakeholders interviewed to be victims of organised cross-border trafficking. Recently also, there has been an increased presence of non-Roma Bulgarian children with drug addiction problems using various excuses to beg for money in Sofia, similar to the phenomenon of "*schnorren*" in Germany and Austria (see Country Sections on Germany and Austria). Non-Roma Bulgarian children can also be found playing music on the streets. Both girls and boys are involved up to the age of 14, after which age there are more girls begging. A significant group of children begging have visible disabilities or faked disabilities. In terms of age, the largest group of begging children are those aged between 6 and 12.

Therefore, the most prevalent types of child begging situations encountered in Bulgaria in the course of this research are types T1 (children between 0 and 6 years old involved in classic begging, woman with child, service provision, collecting, selling small items) and T4 (children between 6 and 16 years old involved in classic begging, service provision, illegal activities).[204] These are the most recurrent types of begging situations encountered, which does not mean that other types are not present, but to a much lesser extent.

Geographical distribution of the phenomenon

Children beg in Bulgaria in the larger cities (Sofia, Varna, Rousse, Bourgas and Plovdiv). During the summer, some organised groups of adults and children move to seaside resorts and beg on the main streets between hotels. Begging is much rarer in the countryside, where it is usually door-to-door. In Bulgarian cities, children beg at busy public places and in the central zones and squares of big cities and the capital, metro, railway and bus stations, main streets and big retail centres, in front of the entrances of big companies and institutions with many employees, crowded crossings (washing windscreens), supermarkets (taking back trolleys), restaurants and cafes (selling postcards and icons), hospitals, churches and graveyards. More recently, due to crackdowns on begging, many children have been moved away from city centres to shopping centres in the suburbs.

Trends and changes in the groups involved or geographical distribution over the past 10 years

The Sofia Municipality reported a decrease in recent years in children involved in begging or child labour in the city. The National Statistics Institute data on "uncontrolled" children begging, mentioned above, also show a marked decrease during 2008-2010. However, stakeholders interviewed at national and local level for this Study were divided between those who saw child begging as increasing, decreasing

204 For more information on the types of child begging situations identified through this research see the Chapter on Typology.

or staying the same. There has been little change in recent years with regard to the groups of children involved in begging and the locations in which they beg.

A. Legal Framework

Child begging

There is no legal regulation on children begging *per se* in Bulgaria at a national level, but what is regulated is the use of children for begging, in Art. 189 (1) and (2) of the Criminal Code.[205] This foresees a penalty of one year in prison or a fine of 100-300 levs (around 51-153 EUR) for those who use children *in their care* (thus including parents/guardians) for begging. Furthermore, if the person in question is the parent/guardian of the child, increased punishment of up to two years in prison, or corrective labour, probation or public reprobation is foreseen, thus explicitly setting out the exploitation of a child by their parent/guardian as an aggravating circumstance. This is reinforced by Art. 11 (3) of the Child Protection Act (CPA), which states that all children have the right to be protected from being used for begging. This is accompanied by various regulations related to the Child Protection Act which cover its implementation, including: Regulations for the implementation of the CPA; Ordinance for the conditions and rules for implementing measures to prevent abandonment of children and accommodate them in institutions, as well as ensure their reintegration; and Ordinance No I-51 on the conditions and rules for ensuring police protection for children.

The Criminal Code also includes Art. 192a on the labour exploitation of children, foreseeing a penalty of imprisonment of up to six months and a fine of 1,000 to 3,000 levs (around 513 to 1,538 EUR) for those who employ children without a special permit, with aggravated penalties for those who employ children under 16 and for recidivism. There are also provisions for protection of children against labour exploitation in the Labour Code. The minimum age of employment is 16. Employment of children under 16 years of age is prohibited, and for those aged 16-18 only with the permission of the Labour Inspectorate. Certain work is also generally prohibited for all children in Art. 304, including work which is beyond their physical or mental abilities; related to harmful effects which constantly have an unfavourable effect on their health; or related to the risk of work accidents which children are not able to consider or evade due to their physical and mental immaturity.

At a municipal level, each municipality has an Ordinance on public order which usually prohibits begging in public places (e.g. in Sofia) and foresees administrative penalties (usually fines). The State Agency for Child Protection (SACP) made proposals to the Ministry of Justice for changes in the Penal Code to raise the lower limit of penalties for crimes against children such as the crime of forced begging and in some cases – raising the upper limit of penalties for their more effective implementation. There is also a proposal for the term "systematic" to be excluded from the definition of the crime and also probation to be excluded as a type of penalty when it concerns a crime against a child, as well as proposals for using special surveillance tools in the investigation of "serious crimes".

Children living or working in street situations

The Criminal Code and the Combating Juvenile Delinquency Act (CJDA) cover children in street situations, under the rubric of "uncontrolled children", defined as "*a person under 18 who has been left without parental care by his/her parents or the person who has been granted parental functions and thus the child has been put at risk to his/her life, health and correct physical and mental growth.*"[206] Art. 49a of

205 As the research for this Study was conducted mainly in 2011, the legal provisions mentioned throughout this report are those in force at the time of the research.

206 Regulations for the management and activity of the asylums for homeless children in: State Agency for Child Protection: "Uncontrolled children – asylums, daycare centres and homes for temporary accommodation – as of 31.12.2010" (http://sacp.

the CJDA defines anti-social behaviour as any act that is *"socially dangerous, illegal and against ethics and moral values [...]"* and an *"uncontrolled child"* as *"a person under 18 left without care from parents or the persons who substitute them."* The Criminal Code in turn foresees penalties for this situation in Art. 182 (1): *"A parent or a guardian who leaves a person under parental care or guardianship without supervision and sufficient care, thus creating a danger for his/her physical, mental or moral growth, shall be punished by imprisonment of up to three years or by public reprobation"*. In relation to police protection of children, the Child Protection Act, in Art. 37 (1), grants the Ministry of the Interior's specialised units the responsibility for placing a child under police protection and defines this in Art. 39 (3) as an emergency measure which is taken when the child has been abandoned as homeless/uncontrolled, (Art. 38), the target of a crime, or lost or in a helpless state. Furthermore, in Art. 39 it is specified that the specialised units of the Ministry of the Interior can accommodate the child with no contact allowed to persons who can have a harmful influence, providing food if necessary. They can also return the child to their parents/ guardians. They must also explain to the child in an understandable way what measures are to be taken and the reasons for taking them.

Child trafficking

In its Section IX on Trafficking in Human Beings, the Bulgarian Criminal Code sets out penalties for THB, in accordance with international standards, as imprisonment of two to eight years and a fine of 3,000-12,000 levs (around 1,534 to 6,135 EUR) (Art. 159a(1)). In the case of child trafficking, this is increased to imprisonment of three to ten years and a fine of 10,000 to 12,000 levs (around 5,113 to 6,135 EUR). In the case of recidivism or the involvement of organised criminal groups, the penalty is further increased to imprisonment of five to fifteen years and a fine of 20,000 to 100,000 levs (around 10,226 to 51,130 EUR). Furthermore, all actions specified in Art. 3, Para. 1 of the Optional Protocol to the UN-CRC on the sale of children, child prostitution and child pornography are criminalised by the Penal Code of Bulgaria. Child trafficking for begging and exploitation of children for begging are not explicitly covered by the existing trafficking and exploitation laws. Child begging is only covered by the provision for the protection of children from being used for begging in the Child Protection Act (see below).

In addition, the 2003 Combating Trafficking in Human Beings Act is intended to ensure cooperation and coordination between state bodies and municipalities, as well as between them and NGOs, with a view to preventing and combating THB, and developing national policy in that field, with a particular focus on protecting THB victims who are women or children. Special protection is foreseen for victims who cooperate with the Police. This Act resulted in the creation of a National Commission for Combating THB under the Council of Ministers, responsible for the implementation of the Act and the implementation of the National Programme for Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims.

Generally, GRETA considers that Bulgarian authorities have undertaken several important steps to prevent and combat trafficking in human beings, in general, and in children, in particular. For example, the national legal framework in the field of action against trafficking in human beings was drafted in light of the country's international commitments, as well as in accordance with the situation and trends of trafficking in Bulgaria. The above-mentioned specific law on combating trafficking in human beings was adopted in 2003 and in 2009 the use of the services of victims of trafficking was criminalised and the penalties for trafficking were increased.[207]

government.bg/programi-dokladi/statistika/).

207 GRETA Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria, issued on 14 December 2011, available on: http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2011_19_FGR_BGR_en.pdf (consulted on 12.04.2012)

Child protection framework

Child protection in Bulgaria is covered by, *inter alia*, the Child Protection Act, Criminal Code, Family Code, Labour Code and Domestic Violence Protection Act, as well as local municipal ordinances. In accordance with the Combating Juvenile Delinquency Act (CJDA) and the Code of Child Pedagogical Offices issued in compliance with this Act, police officers specialised in working with children are assigned the task of investigating cases related to children, and protecting the children involved, including begging children. The Child Pedagogical Offices of the Police are also responsible for identifying both child victims and child perpetrators of crime, as well as children left unattended, either responding to cases or referring them to the appropriate authorities, and reporting cases to the prosecution authorities in relation to crimes committed against children by any adult, including parents/guardians (CJDA, Art. 27).
According to the Child Protection Act (CPA), Art. 7, the Child Pedagogical Offices must inform the Child Protection Departments, State Agency for Child Protection, Ministry of the Interior and other competent bodies in relation to all concrete cases. The same Article stipulates that anyone who learns that a child is in need of protection should notify the relevant authorities (See Section C on reporting authorities below). Art. 11 of the same Act covers the protection of children from involvement in acts which are unfavourable to their physical, psychical, moral and educational growth, and from methods of upbringing violating their dignity, physical, psychological or any form of influence contradictory to their interests. Art. 11(3) explicitly states that "*Every child has a right to protection against the use of children for purposes of begging, prostitution, dissemination of pornographic material, receipt of unlawful pecuniary income, as well as protection against sexual abuse*."

Prevention against violence and all forms of exploitation and abuse of children is among the leading priorities of the Bulgarian Government policy for child protection. The Child Protection Act stipulates that the right to protection against violence is a fundamental right of the child. According to the stipulations as per Art. 25, Para. 4 of the Act, violence in the family gives grounds for immediate removal of the child and taking measures for his/her protection away from the family. According to the Family Code (Arts. 132 & 133), if the constant abuse of children is proven by materials reporting at least three efforts of persuasion, forcing or constant use of children for begging, parental custody can be withdrawn. The procedure for limitation of parental rights is brought to the regional court at the place of current residence of the child on request of the other parent, the prosecutor or the Social Assistance Directorate.

Overall, the priorities of Bulgarian Government policy on protection against violence and all forms of abuse or exploitation of children are:

- The launch and maintenance of a national hotline for children;
- Introduction of measures for "early warning" in the system for child protection and enhancing the qualifications of specialists working with child victims of trafficking or exploitation;
- Development of quality services for the support and reintegration of child victims of trafficking or exploitation;
- Creation of programmes directed towards specialised institutions for children.

In addition, the SACP monitors and controls the protection of unaccompanied children from outside Bulgaria – citizens of third countries seeking protection according to the provisions of the Asylum and Refugees Act, which ensues both from the rights of the Chairperson of the SACP under Art. 17 of the Child Protection Act and the Memorandum signed by the Bulgarian Office of the United Nations High Commissioner for Refugees, State Agency for Child Protection (SACP) and State Agency for Refugees (SAR). According to the provisions of the Memorandum, the SACP and the State Agency for Refugees (SAR) agree to cooperate in the implementation of protection for child refugees and children seeking refuge. Unaccompanied children are children at risk according to the Child Protection Act para. 1, item 11.

The number of unaccompanied children who are citizens of third countries seeking protection under the Asylum and Refugees Act in Bulgaria is not large in the EU context, but there is an increasing trend. SACP was informed in 2010 of the cases of 12 children: 7 from Iraq, 1 from Lebanon, 1 from the Republic of Congo, 2 from Afghanistan and 1 from Armenia.

B. Policy responses and implementation of the legal framework with regard to child begging

Prevention of child begging

In general, Government policy for children is implemented within the National Strategy for Children, which requires the Council of Ministers to adopt a National Programme for Child Protection proposed by the Chairperson of the State Agency for Child Protection (SACP), which prepares national programmes and coordinates the activities of municipal commissions for child protection. In the SACP *Report on Implementation of the National Programme for Child Protection* for 2010, there is an analysis of the possibilities for "Improvement of the efficiency of the system for prevention and work with child victims of violence". The report comments that for the purposes of protection of children against any types of violence, a project agreement has been prepared for cooperation and coordination of the work of the bodies for protection of children on central and local level and Sofia Regional Prosecutor's Office in cases of street children, begging children and for monitoring child labour on the territory of Sofia Municipality. The report contains the concrete obligations and responsibilities of each party and there is a description of the procedure for interaction in dealing with cases of street children, begging children and for monitoring child labour.

The institutional framework to combat trafficking was also put in place at national and local levels, aiming at bringing together all relevant actors, including non-governmental organisations. Bulgaria has also done considerable work in terms of awareness-raising, training and international cooperation.[208] The main issues of concern identified were the lack of or insufficient financial resources for the institutions dealing with aspects of trafficking and insufficient detection of potential victims at border control. It was recommended that the quality, security and integrity of travel and identity documents, etc. be ensured.[209]

Bulgaria is unusual among the fifteen countries under study in that it has a coherent national plan to combat child begging. The SACP set out a Plan for Work with Begging Children, highlighting the complementary roles of the municipal administration, NGOs, the Ministry of Health, the Social Assistance Agency, police officers and Departments for Child Protection.[210] The plan initially functioned on a pilot basis on the territory of four larger cities where the problem of begging children is more severe and the municipal authorities have greater capacity for work – Sofia, Varna, Bourgas and Plovdiv. The project can also be joined by the respective municipal administrations by providing appropriate premises for work with the children, their accommodation, assistance by the municipal security companies and ensuring funding of NGO projects targeted for street children. It is also necessary to receive assistance from the Ministry of Education and Local Commissions for Combating Juvenile Delinquency, as well as the Ministry of Health because a great number of these children suffer from chronic diseases, contagious diseases and lack of personal hygiene. The project is also joined by NGOs which will increase the resources for work with the children, such as: creation of shelters, providing psychologists and teachers for work with the children.

208 GRETA Report on Bulgaria.

209 GRETA Report on Bulgaria, p. 34

210 Available (in Bulgarian) at: http://sacp.government.bg/programi-dokladi/strategii-programi-planove/proseshti-deca/

The long-term results are intended to be:

- Formation of multi-disciplinary units and building a permanent practice and mechanisms for work with begging children and prevention of child begging;
- Creating a negative attitude in society expressed as zero tolerance towards child begging.
- Implementation of the existing practice in other municipalities;
- Inclusion of the mechanisms and practices created in the system for child protection;
- Proposals for changes in the legislation for its optimisation and provision of better possibilities for work with children in a street situation.

In 2009, an Inter-institutional Coordination Mechanism was prepared for evaluation and action of all institutions and organisations related to child protection. This mechanism distinctly differentiates the responsibilities of different institutions for effective joint actions including measures needed against repetition of the acts of violence and abuse. Attempts are made to prevent child begging through the accommodation of children in centres of different types, work with psychologists, family consultations and provision of social services in the community and NGO projects, for example, the Alliance for Children and Youth in partnership with Sofia Municipality and its crisis centre – "Faith, Hope, Love" and Daycare centre "16 +". At a local level, national programmes and strategies are implemented by the following local and municipal authorities:

- Social Assistance Directorates and Child Protection Departments;
- Specialised units of social workers for work with begging children, street children and
- 123)homeless and underage children;
- Local commissions for combating juvenile delinquency;
- Commissions on guardianship and custody;
- Child Pedagogical Offices;
- Homes for Temporary Accommodation of Minors of the District Ministry of the Interior Directorates;
- Crisis centres for child victims of trafficking and violence of the municipalities or
- 124)NGOs;
- Shelters for uncontrolled children;
- Day centres and centres for the temporary accomodation of children;
- Public support centres and complexes for social services for the children and the family;
- NGOs – licensed providers for services for children.

According to the information of the SACP, in 2010 there were four functioning shelters for uncontrolled children in the cities of Plovdiv, Pernik, Rousse and Dobrich. The total number of children accommodated was 115. There were four centres of temporary accommodation for children in 2010 – two in Sofia, one in Varna and one in Dalbok Dol (Lovetch District). In 2010 the total number of recorded cases at these centres was 185 children. There were a further ten centres for work with street children in the cities of Bourgas, Sliven, Plovdiv, Shumen, Rousse, Varna and Sofia, among others, with a total capacity of 166. There were ten crisis centres for child victims of violence and trafficking in different regions in 2011. Children aged 6 to 18 who are victims of violence and trafficking can be accommodated there. There are 24-hour security guards at the centres who work under the programme "From social assistance to employment" and there is also assistance by police patrols.

The Centres for work with street children, established in the big cities of Bulgaria, are most active in the sphere of prevention of child begging and protection of street children. They operate according to the "Regulations for Conditions and Ways of Delivering Social Service: "Centre for work with street children"", approved by Social Assistance Agency and State Agency for Child Protection.[211]

According to the definition, the Centre for work with street children is a complex for social services, connected to the prevention of the phenomenon of "street children", ensuring the social rehabilitation and integration of children, living permanently or temporarily on the streets. This is achieved through individual work with the child and his/her family; delivering family consultation and support; medical and sanitary-hygienic services, literacy courses and education in parental skills. The target groups are children at risk, aged 3 - 18, who are on the streets for different time periods - alone or accompanied by adults or living in informal groups, and children who live and work on the streets. Begging children are included in these categories.

The proposed social services and activities by the Centre for work with the street children are as follows:

1. Outreach:

- planning raids
- observations on the street situation, identification and statistics about street children;
- identification of the children during the raids and according to notifications;
- data collection;
- creating contacts with the child and establishing relationships of trust;
- individual support for every child through on-site service provisions
- support, street education, consulting;
- when needed, sending reports *to the responsible Child Protection Department requiring* the *accommodation of the child at an institution for social services, including the Crisis Centre for child victims of violence.*

2. Daily social services for children:

- ensuring care for basic needs - food, clothing and shoes, sanitary and hygiene services and individual needs;
- healthcare for all children who visit the Centre and use the service "accommodation at the Centre for street children";
- psychological support and referral to external specialists when it needed;
- individual and group educational support for children at pre-school age and alternative education on basic school discipline;
- training in social skills, professional orientation and job searching;
- organising social and cultural activities for every child to promote his/her social integration into society, and creating the conditions for expressing his/her individual abilities;
- work with families - parents, relatives, members of the extended families and other people who are

211 This can be accessed under the title "Methodology – Centre for Work with Street Children" at the website of the National Network for Children: http://nmd.bg/library/child_services/ (in Bulgarian).

important for the child.

*The working teams at the Centres for work with street children direct the children to the Centre, and the Social Assistance Directorate issues an official instruction to use this social service for a fixed time period. T*he Centre then *provides the social service "day care". The time period is defined in the ordinance issued by the Social Assistance Directorate and can be: short-term accommodation – up to three months - and long-term accommodation - over three months but not more than one year.*

The work with every child aims to remove her/him from the street environment; this is achieved through mobile work in the field and ensuring the social service - "day care". The Centre is obliged to ensure a protected environment for the development of every child during his/her accommodation there, according to the normative regulations for child protection, defence and social assistance, as well as a durable removal of the children from their at-risk street environment.

The Centre for work with street children ensures institutional protection and defence for street children. The main goals of the social service are related to removing the children from the street environment and ensuring support in order to take care of the children in a protected and stabile family environment; providing daily care to the children; ensuring equal access for every child to the social welfare network of health, social and educational services; and promoting social skills.

According to research conducted on the welfare of children in their early childhood in Bulgaria, the greatest risk of poverty is for children with a single parent and children in large families. Children who live with poor parents and those who have no opportunity to live with their parents are the most exposed to risks of poverty, rejection by the society and discrimination, which in turn exposes them to an even higher risk of being abused, deprived of care and exploitation. The risk of poverty is more severe also for families with three and more than three children from vulnerable minority ethnic groups. Therefore, the National Programme for Child Protection 2010 includes a main priority of "Reducing child poverty and creating conditions for the social integration of children – policies for support of children and families", which should indirectly act to prevent child begging.

For the Roma group in Bulgaria, specifically vulnerable to involvement in child begging, on 12 May 2010, the Council of Ministers of Bulgaria adopted a Framework programme for the integration of Roma people in Bulgarian society (2010-2020), as well as decisions for its implementation through the National Action Plan under the initiative "Decade of Roma Inclusion 2005-2015".[212] The coordination, monitoring and control of the implementation of the programme is assigned to the Minister of Labour and Social Policy. The field "Healthcare" in the programme includes actions for creation of social and healthcare skills in avoiding risks (drugs, prostitution, trafficking, etc.) among Roma children as well as implementation of the programmes for prevention of trafficking and sexual abuse in the Roma community. The SACP has engagements in the field of "Education" of the Action plan related to the "Decade of Roma inclusion 2005-2015". The SACP report reflects the activities and interventions carried out in 2010 for more successful social inclusion of the specific risk groups among Roma children (children in street situations, victims of exploitation, begging and trafficking, children in institutions).

Protection of children involved

The Coordination mechanism for referral, care and protection of repatriated Bulgarian UAMs and child victims of trafficking returning from abroad (National Referral Mechanism) was adopted in 2005 and signed in November 2010 by the relevant institution.[213] The NRM is coordinated by the Ministry of the Interior and the Chairperson of the State Agency for Child Protection. In practice, in relation to Bulgarian

212 http://www.nccedi.government.bg/page.php?category=87&id=1468

213 http://www.stopech.sacp.government.bg/?sid=professional_eng&pid=0000000046

children trafficked abroad, the Ministry of Foreign Affairs – Consular Relations Department informs the authorities about relevant cases. Appropriate measures are taken on a bilateral basis to ensure shelter, temporary care and if needed – to provide means for the protection of these children. When necessary, the representatives of the diplomatic and consular offices participate directly and provide assistance for the transportation of the children. Child victims of trafficking or children who have been taken out of the country by their parents, are identified in the presence of police liaison officers or consular employees for the purposes of issuing identity documents for them and when it is necessary - to be returned to their country. The Social Assistance Agency, through its Social Assistance Directorates' Child Protection Departments, monitors repatriated children for a term of one year and if necessary for a longer period of time.

During the transportation, arrival and accommodation of the unaccompanied children in crisis centres, as well as the imposing of measures as per Art. 76a of the Law on Bulgarian Personal Identity Documents, the following problems have been identified. There is no existing financial mechanism for provision and regulation of the finances related to the repatriation of unaccompanied minors from abroad. At present these costs are covered by the representative of the Ministry of the Interior abroad or on a case-by-case basis by the National Commission for Combating Trafficking in Human Beings or international organisations such as IOM. The documents sent by the representative of the Ministry of the Interior, showing that the returned children have committed crimes during their stay abroad, do not arrive simultaneously with the children. This delays the preparation and dispatch of the written notification to the SACP and the Social Assistance Agency and renders difficult the accommodation of the children in crisis centres because it is not possible for the Director of the Social Assistance Directorate to issue a motivated ordinance for accommodation of the children taking into consideration their permanent address. Quite often the accommodation ordinances issued are appealed by the parents and are repealed by the court.

Stakeholders from law enforcement agencies interviewed for this Study commented that work on child trafficking cases involving begging is a long and arduous process without a long-lasting result, and addressed their criticism to the court system and the system for social assistance.

The short-term results foreseen from the above-mentioned Plan for Work with Begging Children in relation to the protection of children involved are:

- Determination of the exact number of begging children on the territory of the corresponding municipality/their status/whether they have parents or anyone who takes care of them/health status;
- Establishment of psychological contacts with the children;
- Regular work by social workers with children in a street situation with the aim of separating them from the unfavourable environment they live in;
- Accommodating the children in shelters;
- Accommodation of the children in institutions;
- Identification of persons who use children for begging and taking administrative and punitive measures against them.

Reports on child begging are received by the telephone numbers: 8035 900, 116 111 and 112 in Bulgaria. During 2010, the National Hotline for Children (116 111) received 66,366 calls and provided 13,695 consultations. About 8% of them were calls from other adults – relatives of children at risk, neighbours or concerned people who wanted to inform about children at risk, especially begging children or abused children. The hotline also has a Government-funded website. There is no specific data available on the number of calls or consultations related to child begging. Some NGOs operate their own hotlines, including the NADIA Centre and the ANIMUS Association Foundation. The Alliance for Children and Youth – Day centre "16 +" has a hotline 0700 1 95 59 specifically for begging and homeless children, for

contacts, notifications by citizens and urgent connections.

Mobile teams have been formed in Sofia, and according to the information received from the Social Assistance Agency (SAA), during 2010, a workplan and a plan for regular rounds by the mobile units were created. The units include social workers from Child Protection Departments, representatives of Ministry of Interior, representatives of the municipality and NGOs. For example, the special mobile unit at the Child Protection Department in the district "Mladost" in Sofia reacted to notifications received on the national hotline for children - 116 111 - or by the Child Protection Departments of the Social Assistance Directorates. The unit members, together with police officers on duty on the territory where the children have been identified, take measures for protection and directing the child and/or parents to forms of social services in the community for work with children and families. In addition, the NGO Alliance for Children and Youth in Sofia carried out a project on "Mobile Fieldwork with Street Children and their Families"[214] to identify cases of child begging, among other issues. The project was prepared with the support of the Social Assistance Fund, the Ministry of Labour and social services and Sofia Municipality. During the period April to December 2010, the team established contacts and consulted with 100 street children, as well as representatives of their environment and/or families.

Mobile teams have also been formed in recent years in other Bulgarian municipalities to address the issue of child begging, composed of representatives of Local Commissions for Combating Juvenile Delinquency (LCCJD), Child Pedagogical Offices (CPO) within the Police and Child Protection Departments (CPD) within Social Assistance Directorates (SAD), working effectively to decrease the numbers of children begging on the streets.

If a notification is received by the Social Assistance Directorate Child Protection Departments, SACP or the Ministry of the Interior (as stipulated in Art. 7 of the Child Protection Act, see above in Section B), they are obliged to inform the other institutions not later than one hour after receiving the notification, including by phone or fax. Then the notification is sent to the Social Assistance Directorate responsible for the district of the current address of the child. The Head of every Child Protection Department is at hand because it is his/her duty to appoint a responsible social worker who verifies the signal no later than 24 hours after receiving the notification.

If, after the check, the risk has been identified, a case is opened and the social worker prepares a report with the results of the inspection, and copies of the report and the notification are presented to the mandatory participants on the multi-institutional team – representative/s of the mayor of the municipality; representatives of the Regional Police Divisions – regional inspector and operation officer, or Child Pedagogical Office inspector. Depending on the details of the case, the team can also include a representative of the Regional Healthcare Centre; the GP of the child; a representative of Emergency Aid; the Chief of Ward of the respective medical provider which has sent the notification; the Regional Inspectorate of Education of the Ministry of Education; the school principal, head of kindergarten or service unit, class teacher or group supervisor, school psychologist; representative of the Local commission for combating child delinquency; district judge; district prosecutor; member of the management board of the institution for social services – residential type. By decision of the Child Protection Department, an Ordinance is issued (if there is a need to separate the child from the family or his/her accommodation in an institution – residential type). Within 24 hours, the responsible social worker organises a meeting of the team by phone within the shortest possible time.

The multidisciplinary team on a local level establishes a uniform strategic objective and an action plan for its implementation with fixed concrete tasks and terms of implementation. Each participant of the team presents to the other members what tasks he/she will carry out according to his/her responsibilities and in conformity with the normative regulations. The tasks should be fixed in such way that every

214 http://www.acybg.org/projects.htm#realized-projects

participant can act according to his/her own responsibility and at the same time all concrete tasks should be supported with the cooperation of the other participants. All this should contribute to the achievement of the long-term goal – guaranteeing the best interests of the child.

When all other opportunities are exhausted a decision is taken to accommodate the children in specialised institutions for the accommodation of children without parental care. Common practice is to provide services to families and relatives of begging children in order to solve their financial, social and living problems, but quite often the services provided to the parents do not reach the children. Nevertheless, in Varna, children begging on the streets are often taken into Centres for Temporary Accommodation, as the majority of them are not from Varna but are rural-to-urban migrants, as mentioned in Section A. The current practice is to then send them on trains back to their parents or guardians, after which they usually return to Varna to beg.

An insight into the functioning of protection in practice was also given by the interviews with children conducted for this Study in Sofia and Varna. Of the eleven begging children interviewed, four had visited the police station because of their begging activities, while two of the children had been sent to social institutions and both had escaped from there.

Prosecution of offenders

Police officers, social workers from Child Protection Departments and NGOs report to the court and the prosecutors' office when there is real risk of the children being involved in crimes or they are in a state of increased victim risk and need legal support. The reporting authorities for child begging in these cases are the Labour Inspectors, Child Pedagogical Office inspectors at the Police, SACP experts, Local commissions for combating juvenile delinquency (LCCJDs) and NGOs, who notify prosecutors and other competent bodies at local and national level if there is evidence of crimes committed against children. They also notify the Agency for Social Support, Departments for Child Protection and the municipal authorities. The agencies for child protection under the Social Assistance Agency (local Directorates) take the lead in handling cases of violence against children within their families. The Police inform the institutions for protection and they report the cases to prosecutors and the court.

In March 2011, the 'Agreement for cooperation and coordination of the work of territorial structures and bodies for protection of children' was signed concerning cases of child victims of violence and children at risk of being abused or in crisis situations. Parties to this agreement are the Minister of Labour and Social Policy, the Minister of Education, Youth and Science, the Minister of Justice, the Minister of Foreign Affairs, the Minister of Culture, the Minister of Health, the Chairperson of the SACP, the Executive Director of the Agency for Social Assistance and the Executive Director of the National Society of Municipalities in the Republic of Bulgaria. Later the Agreement was joined by the Chief Prosecutor of the Republic of Bulgaria.

Criminal prosecution of those who use children to beg, and traffic children for begging, is stipulated by the Criminal Procedure Code – in connection with the texts from the Penal Code and the Family Code set out above in Section A on the Legal Framework. In some cases, measures are taken against parents according to the provisions of the Combating Juvenile Delinquency Act. Art. 15 of this act covers parents or guardians who, in the course of the special sessions of local commissions (LCCJDs) are found to have failed in providing appropriate care to children and the adults in question are given either a warning, the obligation to attend special sessions and consultations on issues of education; or a fine to the amount of 50 to 100 levs (around 25 to 50 EUR). The chairperson of the Local commission can also substitute the fine with voluntary labour in favour of society, which cannot be longer than 160 hours.

However, if the behaviour of the parents or guardians constitutes a crime, the Local commission sends

the materials to the prosecutors. If the behaviour represents a risk to the personality, upbringing, health or property of the child or the parents for objective reasons are not able to exercise their parental rights, the Local commission makes a proposal to the regional court to take corresponding measures according to Arts. 131, 132 and 134 of the Family Code (see above in Section A).

F. Public perception of the phenomenon and of national responses

Public Campaigns

The campaign "Lend a hand, not money!" took place in the city of Plovdiv, organising information meetings with citizens of the city and the dissemination of brochures and stickers. The people were informed about the institutions that can take measures to decrease the number of begging children and where reports on begging children can be lodged. For this purpose, from 28-30 October 2009 at five key locations of the city, social workers disseminated brochures describing the necessary actions and the ways in which children who live and/or beg on the streets can be helped.[215]

The Alliance for Children and Youth also organised a public campaign, distributing posters bearing the slogan *"When you give money to a begging child – just think …"*. The posters also contained the message:

> *"The exploitation of children is a crime! Begging is an illegal business! For contacts, notifications and emergency calls there is an open hotline 0700 1 95 59. You have questions? Call us and we'll be glad to answer!"*[216]

Public debates and Media "Events" during the last five years

137)On 1 February 2011, there was an investigation shown on the television programme "Code Criminal", entitled "Organised begging: Charity for millions" on *bTV Action*. The television team described the criminal business of organised begging, the tricks of begging people, who organises them, who benefits from the millions of Euros earned and why nobody is punished. It was reported that those organising them sell begging people between themselves – the most expensive are mothers with babies and people with disabilities. They cost about 2,000 levs (around 1,023 EUR), a price that the buyer usually compensates in about a month.[217] The same series, Code Criminal, also aired a programme on organised begging exactly a year previously, with Part 2 shown the following day on who controls the begging business and Part 3 the day after on who collects the money from vulnerable begging people.[218]

An article from the website of the Sofia Municipality published on 5 January 2011, entitled "Lower number of beggars in Sofia", provides the following information: The Municipality observed a decreasing trend in the number of begging children in Sofia: From 18 March 2010 to January 2011, there were 486 cases of begging people on the territory of the city. The begging people were identified during a raid of Sofia Municipality, Sofia Police Directorate and the Social Assistance Agency for social work on cases with begging and for monitoring of child labour. In the previous two months there had been a trend of a sharply decreasing number of begging children on the streets or children practicing illegal labour, as well

215 http://decaisemeistva-plovdiv.org/2009-10.htm.

216 http://www.acybg.org/index.htm

217 http://tv.dir.bg/2011/02/01/news7903689.html . Reporter – Marieta Nikolaeva.

218 http://www.btv.bg/action/predavania/kodkriminalno/videos/video/1751647932 Kod_Kriminalno__Organizirana_prosiya.htttml; 01.02.2010, BTV, Code – criminal: "Organised begging" and http://www.btv.bg/action/predavania/kodkriminalno/videos/video/2075891625Kod_Kriminalno_Organizirana_prosiya__chast_2.html; 02.02.2011, BTV, Code criminal, "Organised begging – part 2: Who controls the business with beggars?" http://www.btv.bg/action/predavania/kodkriminalno/videos/video/1181455015.
Kod_Kriminalno_Organizirana_prosiya__chast_3.html; and Code criminal: 03.02.2011, BTV, Organised begging – part 3: Who gathers the money from the begging old men and the children?

as a decreasing number of notifications on the territory of Sofia Municipality.[219]

In October 2010, the local newspaper *Varna Tomorrow* published an article entitled "Sofia declares war on begging, we are waiting for the same to happen in Varna".[220] The Mayor of Sofia Yordanka Fandakova announced that from March 2011, there would be joint actions of the municipality and Sofia Police Directorate against begging children in the streets. Nine mobile teams were formed for work with street children in the capital. The problem was dealt with by representatives of Ministry of Interior, the Social Assistance Directorate and the State Agency for Child Protection. The mobile teams identified begging children and accommodated them at crisis centres. The Mayor promised that this would not be only a campaign but that there would be a number of continuous activities.

G. Good Practices

The Plan for work with begging children described above, which concentrates on the prevention of begging, can be consulted on the website of the State Agency for Child protection. The Plan was initially carried out as a pilot on the territory of four districts in big cities, where the problem of begging children was extremely aggravated and where the municipal authorities have a greater capacity to work – in Sofia, Varna, Bourgas and Plovdiv. If the Plan proves successful it can be implemented in smaller municipalities. The stakeholders for work with begging children are indicated in the Child Protection Act as agencies for child protection (the State Agency for Child Protection; the Social Assistance Agency – Social Assistance Directorates – Child Protection Departments; the Chief Police Directorate; and the territorial Ministry of the Interior units). The project also includes the respective municipal administrations, which can provide support in working with the target group – for example providing appropriate premises for work with the children, accommodation, and assistance by the municipal security companies. The project is also assisted by the Ministry of Education and the Local Commissions for Combating Juvenile Delinquency, as well as the Ministry of Health, as a great number of these children suffer from chronic diseases, contagious diseases and lack of personal hygiene. NGOs are also involved in implementing the Plan, which increases the resources for work with the children, such as providing psychologists and teachers

The basic aim of the project is to remove children from their unfavourable environment and provide a favourable and secure environment for their physical and mental development. As well as work with street children, the project includes measures for the prevention of child begging and other offences. The results of the implementation of the project include the following important elements at local level, which are now expected to be achieved at national level:

- Formation of multi-disciplinary units at local level and building a permanent practice and mechanisms for work with begging children and the prevention of child begging;
- Creating negative attitudes among local communities expressed as zero tolerance for child begging;
- Implementation of the existing practice in other municipalities;
- Inclusion of the mechanisms and practices created for prevention and work with begging children within the existing system for child protection;
- Proposals for changes in the legislation to improve it, and the provision of better possibilities for work with street children.

219 http://www.sofia.bg/pressecentre/press.asp?open=9&sub_open=51889&nxt=1155.

220 http://www.varnautre.bg/life/kid/item/4749 - Варна утре (*Varna Tomorrow)*, 23.10.2010.

In order to carry out the Plan, the following five exact steps are necessary:

- First step: forming the team, including specialists from the institutions and NGOs dealing with the problem, and establishing a good link between them and a method of communication;
- Second step: identification of the site where the team will work in the field - the place where begging children are mostly concentrated, as well as differentiation of the group of children by age and choosing an adequate method to work with them;
- Third step: creation of an action plan, including a method for establishing contact with the children;
- Fourth step: Contacting the children according to the functions of the different representatives in the team and identification of the children by a police officer together with a social worker from the Child Protection Department or a psychologist from an NGO participating in the project. If the begging child is accompanied by an adult, the adult is also identified by the police officer and his/her relationship to the child is clarified;
- Fifth step: Collecting data on the begging children. On that basis, the social workers from the Child Protection Department create a plan for work with the begging children. This plan aims to cover every individual child according to his/her individual needs and situation. The social worker should remove the child from the negative environment through regular meetings and discussions, psychological support and ensuring access for the child to different forms of positive social activities.

The Plan has been successful in Sofia, where a permanent multi-disciplinary team works on the problem of begging children, consisting of a social worker, a police officer from the Child Pedagogical Office, representatives of the Local Commissions for Combating Juvenile Delinquency, the municipal authorities, etc. The team works in close cooperation with the Centre for work with street children and the Crisis centre for children of the Municipality, as well as with the Daycare centre "16+" of the NGO "Alliance for Children and Youth". These structures work within the community, with the children and parents, and include the begging children in educational programmes and preparatory courses for school. The social workers regularly make tours around the city and in the places where Roma families live in order to identify street and begging children and to motivate parents to ensure schooling for their children, instead of exploiting them through begging and pickpocketing.

In Sofia, the project "Social work with the street children" was also successfully implemented and included work on the problem of begging children on the streets.[1] The project was initiated by Sofia Municipality and started in May 2010. Nine teams were formed within the project, consisting of representatives of the Social Activities Directorate and Social Assistance Directorates of Sofia Municipality and the Ministry of Internal Affairs. The NGO "Alliance for Children and Youth" takes an active part in the project. The specialists included in the teams were first trained for work with street children. The teams formed carry out daily raids to identify street and begging children in Sofia. Through their participation in social work on the streets, they provide methodological support to their colleagues from other institutions. In Sofia, the teams work in partnership with the Social Assistance Directorates, Child Protection Departments, the Sofia Internal Affairs Directorate – police officers from the Child Pedagogical Offices, Sofia Municipality and the NGO "Alliance for Children and Youth".

Institutions working on child protection according to the Child Protection Act then continue the social work with street children, their families and their relatives, on foot of the initial work carred out by the interdisciplinary teams. Their main goal is to ensure an optimal, protected environment to facilitate the normal psychological and physical development of street and begging children.

The Austrian-Bulgarian Model for Combating Trafficking in Children[2]

The first cases of child trafficking in Austria for the purpose of begging and pickpocketing were identified in 2004. To address the problem, a bilateral agreement for cooperation between the ministries of the interior of Austria and Bulgaria was signed. In 2005, travelling with children outside Bulgaria became more frequent. This involved Roma girls aged 8 to 14-15 years. As a rule, the parents would take two of their own children along with two other children. The family would be accommodated in Vienna or another Austrian city and the children would be used for pickpocketing. Every child brought in approximately 300 Euros per day.

What were the obstacles in countering this crime?

- Identify the problem.
- Initiate cooperation. In the beginning, the work started with the Vienna Criminal Police. The work continued with the BundesKriminalAmt.
- Build cooperation with crisis centres. Excellent cooperation and coordination was developed with the Crisis centre for children "Drehscheibe".
- Determine the true identity of the detained children. It is necessary because these children do not have any identity documents and for their repatriation, we need to issue a temporary ID document for travel which states the real data for the children: name, date of birth, etc.
- Take a picture of the detained children. When receiving a police report with a false name and other false data about the child, without a picture of the child, the real identity of the child cannot be determined.
- Issue temporary ID documents for travel.
- Repatriate the children. Since they have not broken the law, the police cannot detain the children. They have to be sent back to Bulgaria.
- Limit the possibility of re-trafficking by issuing a ban on passports and a ban on leaving Bulgaria.

As a result of the problem in Austria, the Bulgarian Ministry of Interior took the initiative and created a multidisciplinary team with members from Directorate "Combating Organised Crime", Border Police, National Police, Consular Directorate within the Ministry of Foreign Affairs, the Ministry of Labour and Social Policy, the State Agency for Child Protection and the National Commission for Combating Trafficking in Human Beings. A coordination mechanism was developed for referral and care of unaccompanied minors repatriated from abroad. All afore-mentioned institutions have clear roles and responsibilities when such a problem arises.

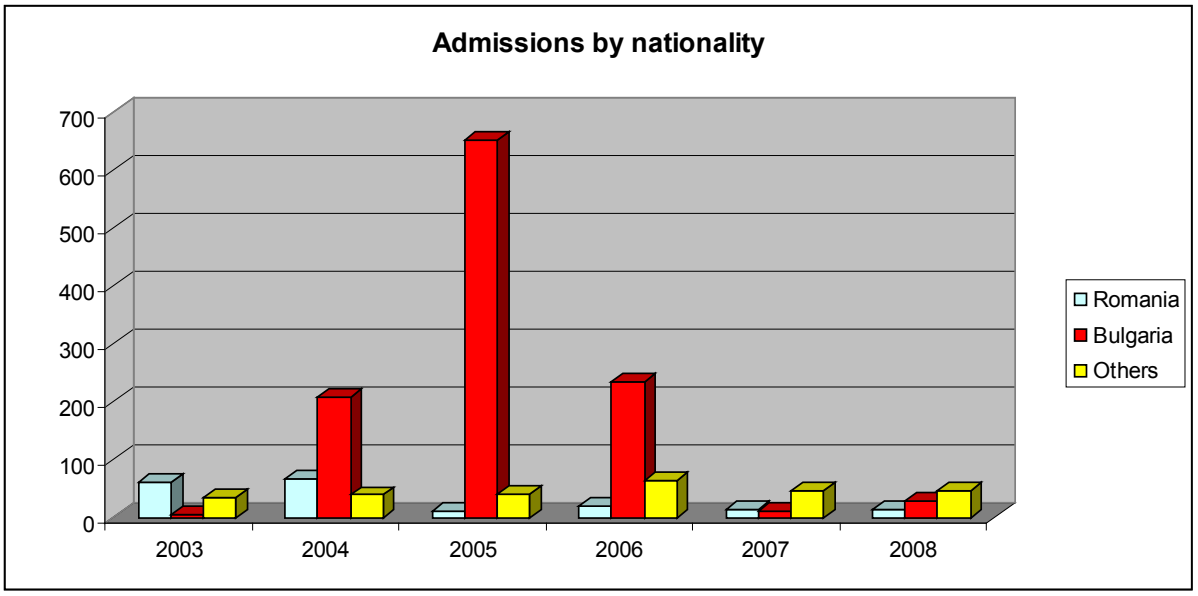
In May 2005, an Austrian liaison officer was appointed in Bulgaria. As a consequence, the rate of exchange of information tripled. Within 24 hours, people were detained both in Austria and Bulgaria. After this appointment, the first action plan was developed between the ministries of the interior of Austria and Bulgaria. Such a plan continues to be developed annually.

The "Drehscheibe" crisis centre is for temporary placement for child victims of trafficking. There are places for 10 to 20 children. There are five social educators and one social worker. The task of the Drehscheibe is the admission of all unattended underage foreigners who are picked

up in Vienna. They are given healthcare, psychological support, collection of all available facts, examination of those facts, registration of the offences and clarification as to whether a secure repatriation is possible, contact with the embassy, assessing name and date of birth, obtaining alternative travel documents from the relative consulate, commencing and arranging secure repatriation to the country of origin (with IOM or other organisations or alone).

This cooperation between Austria and Bulgaria started in 2003-2004. From 2004 to 2009, more than 80 children were repatriated. The partnership and cooperation between Bulgaria and the youth welfare office in Vienna showed an immediate reduction of cases.

Admissions to Drehscheibe by Nationality:



	2003	2004	2005	2006	2007	2008
Romania	61	68	11	19	14	15
Bulgaria	4	208	650	233	12	28
Others	34	39	40	65	46	45
Total	**99**	**315**	**701**	**317**	**72**	**88**

Preparations are made when repatriating children:

- In the countries of origin, awareness-raising of the public authorities around the problems of child victims of trafficking.
- Networking between the Viennese social authorities with the Viennese Executive, Justice and foreign representatives.
- Lobbying by means of the public.
- Contacting the responsible people within the agencies abroad.
- Raising awareness of the problem within the agencies abroad and within the Austrian executives and authorities.

What makes a secure repatriation possible is the partnership between the countries of origin, the transfer of knowledge through first-hand training sessions and seminars in a two-way invitation system, public relations and monitoring the case for six months. What is very important is the repatriation report in order to make sure the child is protected. This is a safety net for the youth welfare service in the country of origin and also a safety net for the country of destination.

In Bulgaria, there are nine crisis centres for child victims of violence and trafficking. The crisis centre in Pazardjik is a joint project of the Ministry of Labour and Social Policy, the Social Support Fund and the Municipality of Pazardjik. It offers 24-hour services for children between the ages of 6 and 18 who are victims of human trafficking or of violence. The capacity of the crisis centre is for 10 children. The team of the crisis centre is 9 people: director, treasurer, housekeeper, psychologists and social workers. Accommodation in the crisis centre is decided upon by a prosecutor's decree, an order for police protection or other types of documents issued by the specialised authorities. The duration of the accommodation is 6 months. When accommodating the child, immediate measures are taken to change the temporary address in order to be able to include the child in a suitable form of education. HIV, syphilis, hepatitis B and C tests are mandatory for each child.

The centre provides a beneficial environment and an opportunity for competent, professional support for the children, care and attention, and emotional understanding of the individual needs of the children. The team at the crisis centre works actively on informing children on human trafficking and violence problems.

The crisis centre provides:

- A safe and secure environment;
- Medical and psychological care;
- Clean attire and basic hygiene materials;
- Appropriate food;
- Educational help;
- Guidance for a relevant form of education;
- Consultation and information on smoking, healthy living, keeping personal hygiene and sexual education;
- Preparation for independent life.

In many of the cases, the accommodated children are witnesses in court cases.

1. See: http://dsd.sofia.bg/index.php?option=com_content&task=view&id=129&Itemid=31 (in Bulgarian).

2. Edited from the speeches of Norbert Ceipek, director of the crisis centre "Drehscheibe", Svetlozar Georgiev, chief inspector at the "Trafficking in Human Beings" Sector at the Directorate "Combating Organised Crime" within the Ministry of Interior of Bulgaria, Milcho Milchev, liaison officer at the Embassy of Bulgaria in Austria, and Vera Georgieva, director of the crisis centre for children in Pazardjik, Bulgaria.

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Stop exploitation of children, SACP specialised site http://www.stopech.sacp.government.bg/

4.4 Country Section - Denmark

Introduction

The conclusions from the Danish national and local research on child begging are quite clear: the phenomenon of child begging in Denmark is almost non-existent. This is sustained by several other analyses. The Danish Centre against Human Trafficking had a social worker in the streets of Copenhagen during a five-month period, interviewing 180 informants, concluding that *"there was no documentation of children begging in Copenhagen"*.[221] Furthermore, a Danish institution for homeless people, Kofoeds Skole, published a report (financed by the Ministry for Social Welfare) in June 2010, entitled: "Beggars in Copenhagen," where the conclusion was that out of 41 foreign people begging on the streets of Copenhagen *"none of them were children"*.[222] The analysis of the Danish Centre against Human Trafficking noted, however, that during the period in question (August to December 2010), a number of informants had observed a small group of (informally assessed) Roma children begging for a short period of time at the Main Square of Copenhagen, but that neither social authorities nor the police had had contact with the group. The police of Copenhagen observed one case (a teenage Roma boy playing a violin) in 2010 and one case in 2011 (a Roma boy begging together with his parents at the main central station). No prosecutions were conducted in any of the cases, nor were any social authorities involved.[223] The few cases of child begging observed were at the Main Square of Copenhagen (Rådhuspladsen) and the central train station.

There are a few examples of Danish children (mostly older teenagers) who have been observed begging

221 Tine Lindebjerg: The Danish Centre Against Human Trafficking. August to December 2010.

222 Louise Christensen: Tiggeri i København, Kofoeds Skole (p. 22). Own translation.

223 Interview with Henrik Oryé and Henrik Sass, Copenhagen Police.

from time to time. These children are mostly runaways or have drug addiction problems. This can be termed occasional or situational begging, where a teenager for instance needs some money for a train ticket, cigarettes or their addiction (like "*schnorren*" in Austria and Germany). This is a very limited problem with a very small group of vulnerable children. The children are observed by social workers and/or the police within a very short period of time from commencing begging, and are provided with protection and assistance as described in the Act on Social Services by the social authorities (see Part A below).

Therefore, while following the general format of the Country Sections for this Study, rather than incorporating local research on a virtually non-existent phenomenon, this Country Section on Denmark will focus in Parts B and C specifically on the question of *why* child begging is almost non-existent in the country, in order to provide lessons for other countries and for the EU in general.

According to the Central Statistics Department of the Danish National Police, there were warnings and prosecutions in relation to Art. 197 (prohibiting begging, see Part A below) in relation to 38 cases in 2007, 15 cases in 2008, 19 cases in 2009 and 28 cases in 2010. None of these cases included children. The head of the statistical department made the following comment during an interview for this Study: *"When we consider that these figures cover whole years and the whole of Denmark they must be seen as very low numbers."*[224] There are no official statistics about the number of children living on the streets of Denmark. The estimate from Save the Children is that it is "*very few*".[225] Regarding child trafficking, the Danish Centre against Human Trafficking provides the following note: "*The most recently published statistics regarding child victims of human trafficking concern the period from December 2005 to December 2006, during which time 7 children were presumed trafficked".*[226]

As mentioned above, there are very few examples of Danish children; one of these examples is from Greenland in June 2007, where children in the town of Qaqortoq where observed begging from tourists.[227] Regarding children from non-EU countries, there have been no reports of begging among this group. Although a considerable number of Unaccompanied Minors (UAMs) live in reception centres in Denmark and some UAMs occasionally leave the centres and live in hiding, there have been no observations of children from this group begging.[228] In general no stakeholders (police, social authorities, politicians and NGOs) consider that child begging in Denmark is a significant problem.

Interviews for this Study with representatives from the police from various parts of the country confirm that child begging is practically non-existent both in the bigger cities and in the small towns. The representative from the police of Northern Jutland informed that a report was given to the police about two children (of unknown nationality) who were observed begging in front of a shop. This is the only case that has been noted in the police records in this region for many years.[229] In Aarhus (the second largest city in Denmark), child begging is considered as almost non-existent – the reports record a few occasions where Roma children were observed as part of a family (under observation from the police under suspicion of committing petty crime), but never seen begging.

The assessment that child begging is a very limited problem in Denmark is sustained through interviews for this Study with a number of street workers, all confirming that they have not personally observed children begging (one of them stated that during his five-year period working on the streets of Copenhagen, he had never observed any children begging). The organisations providing shelter and service to foreign

224 Interview with Niels Otto Fisker, Danish National Police.

225 http://www.redbarnet.dk/Gadebørn/Gadebørn_i_Danmark.aspx

226 http://www.centermodmenneskehandel.dk/in-english/the-extent-of-human-trafficking-in-denmark

227 http://sermitsiaq.ag/node/60796

228 Interview with Kasper Schmidt, Danish Red Cross, responsible for the reception of UAM in Denmark.

229 Interviews with Tom Nørrskov, Mid- and Western Jutland Police, Torben Jensen, Northern Jutland Police, Jesper Leth Hansen, Aarhus Police and Henrik Oryé, Copenhagen Police.

homeless people confirm that children occasionally are part of families living on the streets, but that no begging has been observed.[230]

It is a general opinion among the stakeholders that the phenomenon with regard to adults has increased with the entry of Romania into the EU. The head of the Homeless Unit of Copenhagen Municipality assesses that 200-400 Roma people (including children) are living on the streets of Copenhagen during the summer months.[231] The police report an increase in the number of adults prosecuted according to article 197 (prohibiting begging) in the Danish Criminal Law during the past four years; this observation is, however, not sustained by the official statistics. On foot of the decision of the Supreme Court of 31 March 2011 (see below), police and municipal authorities (especially in Copenhagen) have expressed concern that the number of Eastern European people coming to Denmark with the purpose of begging will increase dramatically. The police also expressed concern due to the situation that Albanians no longer need a visa to enter Denmark.

All stakeholders, social authorities, the police and the NGOs agree that the cause for begging on the streets in Denmark is poverty. A police officer related that collecting empty bottles in Denmark and selling them through the return system would provide much better earnings than would be possible through normal work in e.g. Romania. Pamela Gusita from Romania told the Danish newspaper, *Politiken*, that she is able to earn 200 DKK (around €27) per day by collecting empty bottles.[232]

A. Legal Framework

Child begging

The most important framework in the area of child begging is the UN-CRC, which was ratified by Denmark in 1991. The Convention has not been implemented as a whole into Danish legislation, but it is seen as the foundation for a number of legal provisions related to children. There has been a political debate on whether or not to implement the Convention as a whole into Danish legislation.

It is illegal to beg in Denmark, both by adults and by children. The Danish Criminal Law, Art. 197, states: *"A person who, against the warning of the police, implicates himself in begging, or allows a person below the age of 18 years belonging to his household to beg, can be punished with up to 6 months imprisonment. Under extenuating circumstance the punishment may be waived. A warning according to this article has validity for up to 5 years".*

In the underlying comments to the Article, it is clear that the definition of begging is quite broad and includes e.g. playing music in the streets with a collector's box (in accordance with the Working Definition of this Study). The Article was originally part of a larger complex of articles dating back to the 1930s, including the illegality of having no permanent residence or having no permanent job; the main 'targets' of the previous set of Articles were vagrants. The complex was revised in 2001 as a result of a major discussion on whether to delete the paragraph. The main argument for deciding to retain the Article was considerations regarding the disturbance of begging people and street musicians in the major cities. The paragraph was not in use for many years until the beginning of the 2000s, when the paragraph was on several occasions used to put EU citizens – in all cases adults - on trial with the purpose of subsequently expelling them from Denmark (see below under Case Law).

230 Interviews with Steiner Rong, Municipality of Copenhagen, Annemette Nyfoss, Natcaféen and Bo-Lennart Heide-Jochimsen, Projekt Udenfor.

231 http://politiken.dk/indland/ECE1261387/udviste-romaer-kommer-tilbage/

232 http://politiken.dk/indland/ECE1261387/udviste-romaer-kommer-tilbage/

Children living or working on the street

The foundation for the protection and assistance of children in Denmark is the Act on Social Services, which is discussed further below.

Child trafficking

The relevant national legislation (Act no. 380), passed on foot of Denmark's ratification of the Palermo Protocol on Trafficking, is from 6 June 2002 and amends Danish law, mainly based on the Protocol. Art. 262a of the Danish Criminal Code states:
"For human trafficking up to 8 years imprisonment is given to a person who recruits, transports, transfers, houses and subsequently receives an injured party, where force has been involved:

1) *Illegal force according to Art.260*
2) *Detention according to Art. 261*
3) *Threats according to Art. 266*
4) *Illegal fraud and delusion or*
5) *Other undue act*

With the purpose of exploitation of the person by sexual immorality, forced labour, slavery or slavery-like conditions and the removal of organs.
Part 2:
In the same way, punishment will be given to a person, who with the purpose of exploitation of an injured party through sexual immorality, forced labour, slavery or slavery-like conditions or removal of organs

1) *Recruits, transports, transfers, houses or subsequently receives a person below the age of 18 or*
2) *Makes payment or other benefits to achieve consent to the exploitation from a person with custody over the injured and the person receiving such payments or benefits".*

Denmark ratified the Council of Europe Convention on Actions against Trafficking in Human Beings in 2007. It is notable that the Danish Criminal Code does not specifically include begging as one of the activities relevant in defining trafficking. Some critics have seen this as a loophole in the law, as the terms 'forced labour,' or 'slavery' do not take into account that according to the Palermo Protocol trafficking must be identified regardless of the consent of the child involved. Begging as an activity related to trafficking is not necessarily seen as such. For a discussion of this, see "Information Management to Prevent Trafficking" published by the Council of the Baltic Sea States.[233]

Although Denmark is not bound by EU Directive 2011/36/EU, the Ministry of Justice drafted the necessary amendments to the legislation to regulate the offence deriving from the Directive. A new national action plan to combat trafficking in human beings was recently adopted covering the period 2011 - 2014.[234] In terms of institutional aspects, there is an Inter-Ministerial Working Group on Human Trafficking, which coordinates the implementation of the activities included in the national action plans. In addition, the Danish Centre against Human Trafficking carries out activities that aim to improve the social assistance offered to victims, to ensure cooperation among relevant governmental and non-governmental actors and to collect data about trafficking in human beings.[235]

233 http://lastradainternational.org/lsidocs/baltic%20sea%20region%20THB_management.pdf

234 GRETA Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Denmark, issued on 20 December 2011, available on: http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2011_21_FGR_DNK_en.pdf (consulted on 12.04.2012)

235 GRETA Report on Denmark, p. 7

When it comes to numbers, GRETA noticed a low number of identified child victims of trafficking, only one in 2009 and two in 2010.[236] As a recommendation, Denmark was advised to increase the involvement of NGOs, particularly in the activities of the Inter-Ministerial Working Group, and to improve cooperation and coordination among the State institutions competent in the field with the involvement of NGOs and civil society.[237]

Child protection framework

The foundation of treatment of children in Denmark is the Act on Social Services. In the official Danish National Report to the UN High Commissioner, April 2011, it is stated that:

> *"The overall purpose of the Act on Social Services is to provide support to children and youth with special needs and give them the best possible conditions of upbringing so that they may have the same opportunities as their peers. Each municipality is obliged to ensure that children in need of special support receive the help they require – such as support in the home, psychological treatment, a contact person, placement outside the home, etc. In all cases of special support for children and youth, the child or young person's views must be taken into consideration according to their age and maturity. The child must be consulted before any decisions are made as to what type of assistance the child should receive. With regard to vulnerable children and youth assuring early and preventive action is a challenge."*[238]

In principle the Act on Social Services covers all children, irrespective of nationality. If a Danish child is identified in a begging situation, it is seen as a symptom of social problems and the social authorities will take immediate action. If a non-EU child is identified, the social authorities may provide services to the child and transfer the liability of paying the costs from the local authority (who are responsible for the financing of activities concerning Danish children) to the Ministry for Immigration. However a number of cases have shown that the Act on Social Services does not always provide sufficient protection for all children.

Denmark ratified the two relevant ILO Conventions in 1997 and 2000. The ratification of the convention regarding a minimum working age of 13 years particularly caused public debate. The argument against the ratification was that Danish children (even below the age of 13) traditionally had been part of working routines together with their parents during special seasons. It was however considered that such traditions no longer play a major part in the everyday life, thus paving the way for the ratification.

There has been a discussion related to the fact that the government has decided to reduce the level of social benefit to special groups ("Start Aid"), contributing to poverty among certain groups of families in Denmark. Save the Children has highlighted the negative consequences for the children of these families.[239]

Migration Policy

The Danish Aliens Act was revised approximately twenty times during the period 2001-2010. All of the amendments and changes had the purpose of making it more difficult for foreigners to settle in Denmark.

236 GRETA Report on Denmark, p. 10

237 GRETA Report on Denmark, p. 19

238 http://www.um.dk/NR/rdonlyres/726F9835-BDAD-4430-9D90-3F8A858DF945/0/UPRreportDenmarkPDF.pdf (p. 9).

239 http://www.redbarnet.dk/Danmark_og_Grønland/Fattigdom_i_DK.aspx

Since autumn 2011 this process has been stopped - and to a small extent rolled back - due to a new government in Denmark. Two articles in the Immigration Act are relevant to child begging and children at risk of begging, namely Arts. 9 and 32. Art. 9 states that an Unaccompanied Minor has the possibility of applying for a residence permit according to the Refugee Convention of 1951 or if there is a risk of death penalty, torture or humiliating treatment if they are returned to the country of origin. Art. 32 states that if a person has been subject to human trafficking, the time limit for return will be up to 100 days.[240] As mentioned above, there is a link between the Aliens Act and the Act on Social Services regarding the financing of services related to a child of foreign nationality.

On 1 January 2011, an amendment to the Aliens Act came into force. The background was that Denmark is among the countries experiencing a dramatic rise in the number of UAMs. The main points of the bill include the establishment of reception and care centres in the country of origin of the UAMs with the objective of ensuring a safe return for the children.[241] There has been strong criticism of this decision from a number of Danish NGOs, among them Amnesty International, which stated: *"There is neither experience nor documentation that such centres would be able to function adequately in, e.g., Afghanistan."* [242] If a decision of expulsion in respect of a UAM is taken, the child shall, according to Art. 56 of the Aliens Act, be appointed a representative to ensure the best interests of the child. The authority is obliged to contact a special unit of the Ministry of Integration.[243]

B. Policy responses and implementation of the legal framework with regard to child begging

Prevention

With regard to street children, it is the obligation of the social authorities of the municipalities to ensure sufficient assistance is provided. In major cities, a Daily Watch Team (*Den Sociale Doegnvagt*) functions around the clock.[244] In other parts of Denmark an allocated 24-hour telephone number will ensure a prompt reaction. As mentioned elsewhere, a number of private organisations provide services to vulnerable people. There is, however, no organisation allocated to the service of non-Danish children.

The Danish government (the Minister for Social Affairs and the Minister for Labour) introduced an activity programme related to the European Year on Combating Poverty 2010 with a total budget of 4.3 million DKK (around €580,000). The main objective of the plan was to inform the Danish public and to engage NGOs in the Year. There were no specific initiatives targeting child poverty in the activity programme. An assessment of the activities made by research institute Interresearch for the think tank Cevea revealed that the goals of making the year known among Danes failed: only 4.5% of the Danish population had discovered media coverage related to the year and less than one third of Danes think that the government is taking sufficient action to combat poverty.[245] The Danish government has introduced the following initiatives in order to ensure social inclusion:

- Strategy targeting Homelessness[246]

240 http://www.nyidanmark.dk/resources.ashx/Resources/Lovstof/Love/UK/udlaendingelov_826_eng.pdf

241 Act No. 1543 of 21 December 2010 amending the Aliens Act and the Integration Act (Revision of the regulations on unaccompanied alien children, etc.). http://www.um.dk/NR/rdonlyres/726F9835-BDAD-4430-9D90-3F8A858DF945/0/UPRreportDenmarkPDF.pdf

242 http://www.um.dk/NR/rdonlyres/8FBB36D5-4BD5-43B2-B3FD-B056CFB3DC6B/0/AmnestyskommentarertildendanskeUPRrapport.pdf

243 http://www.nyidanmark.dk/NR/rdonlyres/7E45F6A2-6E4C-498D-A4FC-68118BCFC5AE/0/praksisnotat_vejledning_om_administrativ_udog_afvisning.pdf

244 See e.g. Copenhagen: http://www.kk.dk/Borger/DetSocialeOmraade/Kriseramte/DenSocialeDoegnvagt.aspx

245 http://www.cevea.dk/ringe-indsats-under-fattigomsaar/

246 http://www.udenfor.dk/dk/Materiale/Files/Publikationer/Pjece+om+regeringens+hjemløsestrategi

- A common responsibility – Action plan targeting the most vulnerable groups[247]
- The Reform of Policies Regarding Children – changes in policies in order to enhance children's rights and ensure better opportunities for the municipalities to assist vulnerable children[248]
- Combating negative social inheritance – "Equal opportunities for all children"[249]

Otherwise, as the phenomenon of child begging in Denmark is very limited, no special initiatives have been implemented to prevent child begging. Overall, though, the prevention of child begging has been very successful in Denmark, so a special section is included here to examine this.

The absence of child begging in Denmark is a result of a number of (inter-linked) reasons, namely:

- The Danish welfare state, including the history and effects on the general attitude to the role of the state vis-à-vis the role of the people with regard to charity
- The legal framework in Denmark, including the prohibition of begging and the child protection laws.
- The general attitude of the Danish population with regard to both begging and children's rights
- Economical considerations by persons interested in establishing child begging
- The handling of children at risk by social authorities and the police (see section below on Protection)

The Danish welfare state

The creation of the Danish welfare state is crucial when addressing the fundamental question of why child begging is an unseen phenomenon in Denmark. The first Act on Begging came into force in 1683 with the aim of allowing poor people to beg, provided that they were registered by the authorities. In this Act child begging was *not* allowed, instead children at risk were put into special institutions, educating them to become craftsmen.[250] In 1709, the Act on Social Benefits was introduced, emphasising the responsibility of the State to provide economic assistance to persons in extreme poverty, including "children at risk". [251] In 1721 the King (Frederik the Fourth) established a new system of schools as a result of increasing problems with children begging (in spite of the law of 1683).

The new constitution in 1849 paved the way for a number of initiatives related to children, including the establishment of numerous 'free schools,' with limited alignment to the State, although the overall responsibility for the wellbeing of children was still in the hands of the State. During the first decades of the twentieth century, the political scene became increasingly dominated by the Social Democrats with their slogan: "Know Your Rights – Do Your Duties", emphasising that the main paradigm of the welfare State was not charity, but justice.[252] In 1933 – at a time of mass-unemployment and huge social problems - the cornerstone of the Danish welfare state, the Act on Social Reforms, was implemented, consistently moving the responsibility for taking care of people in need from private charity to the state.

Today the importance of a Danish welfare state is widely supported. In the election campaign in September 2011, all political parties promised to defend the values of the welfare state and only one (out of eight parties in the parliament) party advocated for a 'revision and diminishing' of the welfare state.[253] This party received 5% of the total votes. One can conclude that with a turnout of the election by 88%, eight out of ten Danes actively support the welfare state, irrespective of ideological viewpoints, as the seven

247 http://www.fa2.dk/Content?room=6

248 http://www.servicestyrelsen.dk/born-og-unge/barnets-reform/barnets-reform

249 http://www.sm.dk/data/Lists/Publikationer/Attachments/66/publikation.pdf

250 http://danmarkshistorien.dk/leksikon-og-kilder/vis/materiale/forordning-om-betlere-5-maj-1683/

251 http://danmarkshistorien.dk/perioder/den-aeldre-enevaelde-1660-1784/fattigvaesen-eller-tidens-forsorg/

252 http://www.leksikon.org/art.php?n=2695

253 The party Liberal Alliance

political parties defending the welfare state cover the broad political spectrum.

The development of the Danish welfare state has been under way for centuries, and support for the basic idea that ensuring that the responsibility to take care of people in need is in the hands of the state, not the individuals, is very broad among the Danish population. This does not mean that the functionality of the welfare state is perfect – on the contrary: there is an ongoing discussion of the development of the concept.

The legal framework

The legal framework in place also plays a role in preventing child begging in Denmark. Begging, both by adults and children, is prohibited according to the Danish Criminal Code (Art. 197). The number of observed cases of child begging is so limited – and none of them have been brought to court - that it is difficult to conclude whether or not the legislation in itself has an impact on the extent of child begging as a phenomenon. There have, however, been some assessments done by the police, concluding that having a criminal act prohibiting begging *in combination* with the social service system has had an impact on Roma families, discouraging them from using their children to beg.[254]

The foundation of the treatment of children is the Act on Social Services with the purpose of "*provid[ing] support to children and youth with special needs and giv[ing] them the best possible conditions of upbringing so that they may have the same opportunities as their peers…. With regard to vulnerable children and youth assuring early and preventive action is a challenge.*"[255] The Act on Social Services in principle covers all children – irrespective of nationality. It is the responsibility of the municipalities to assist children at risk, implying that no child should be tempted or forced to beg as a result of poverty.

Human trafficking has been seen as a factor that may lead to children being brought into very difficult situations, including child begging. In 2007 the Danish Centre against Human Trafficking was established with the aim of combating trafficking in Denmark. The Centre has been very proactive with regard to child trafficking, but has not been able to document any cases of child begging in Denmark.

In Denmark there is a double legal framework with regards to child begging: on the one hand begging is a criminal offense and on the other there is a comprehensive legislative framework aimed at protecting children at risk.

Collecting bottles as a "legal" form of begging

The police, the social authorities and the NGOs have noticed that a general trend among poor immigrants including mainly Asian and Eastern European people coming to Denmark is that they collect empty bottles and re-sell them in shops. The earnings from this activity are estimated to be around 200-300 DKK (around 27 – 40 EUR) per day, probably more than would be possible to earn through classic begging. The collection of empty bottles is a result of the deposit system in Denmark where each empty bottle has a value that can be realised in most supermarkets and shops. It is very common to observe both Danes and foreigners collecting empty bottles at events where large crowds are gathered outdoors.

In general, collection of empty bottles is seen as a 'public good' in Denmark, and not as begging, as the original idea behind the deposit system was to protect the environment; thus bottle-collectors are seen very positively. Collecting bottles is not seen as an advanced form of begging, but rather a form of work

254 Interviews with Tom Nørrskov, Mid- and Western Jutland Police, Torben Jensen, Northern Jutland Police, Jesper Leth Hansen, Aarhus Police and Henrik Oryé, Copenhagen Police.

255 The Danish National report to the UN High Commisioner, April 2011: http://www.um.dk/NR/rdonlyres/726F9835-BDAD-4430-9D90-3F8A858DF945/0/UPRreportDenmarkPDF.pdf (p. 9).

that benefits both the collectors and the society as a whole. Traditionally, Danish children collect empty bottles e.g. at outdoor concerts and sell the bottles to obtain a small income of their own. In hypothetical cases, an organised use of children for collecting bottles and delivering the profits to an (adult) organiser would probably be seen as a form of child labour, but there have been no such cases brought to court. There have been no observations in Denmark of foreign children collecting bottles as a substitute for classic begging.

When looking at risks, it seems clear that the Act criminalising begging, together with the legislative framework and active handling by the social authorities in combination makes it unattractive to beg in Denmark. Furthermore, with the strong focus on children at risk, child begging seems an unwise activity in Denmark. With begging being a criminal offense and the general negative attitude of the Danes towards begging, it seems both more profitable and without risk of prosecution to collect and sell empty bottles.

Protection

A number of Danish NGOs, most prominently Save the Children Denmark, are involved in advocacy and information work highlighting the rights of the child and the need for protection. There is no Ombudsperson for children in Denmark. Several Danish NGOs have criticised this. In February 2011, the UN Committee on the Rights of the Child again pointed out that Denmark does not have an Ombudsperson for Children.[256] During spring 2011, it appeared that a majority in the Danish parliament would support the establishment of an Ombudsperson for Children, but this has not yet materialised.[257] The organisation Boerneraadet (which in some European records appears as being an Ombudsperson for Children in Denmark) functions as an advisory board for the Danish government.

The privately run "Natcaféen" and "En Varm Seng" provide shelters for foreigners, but only for adults. The head of Natcaféen explained that they do not have the resources to take care of children, creating situations where e.g. Roma families are split up with the father and mother sleeping at the centre, and the children sent to a nearby park to sleep.[258] Projekt UDENFOR assists mainly homeless people with food and medical services. Thoracentret (an NGO) runs the telephone number regarding missing children,[259] while the organisation Børns Vilkår also runs a child helpline.[260] The Danish government decided in April 2011 to allocate more resources to the Child Helpline to make it possible to have the service open during evenings and weekends.[261] Save the Children Denmark also operates a hotline regarding sexual abuse of children in cooperation with the police. There have been no reports of the Child Helpline being used to report child begging.

There is a formal referral system in place regarding assistance to vulnerable children in Denmark. Child begging would be part of such a system if the phenomenon should materialise. Reports on children in need of assistance are provided by the municipalities to a department (Servicestyrelsen) under the Ministry for Social Services. With regard to handling cases involving children, there is a decentralised system, both with regard to social authorities and with regard to the police. This means that one can see considerable differences in how the police in various regions of Denmark prioritise cases involving children. For instance, it is the policy of the police in the region of Mid-Western Jutland to have zero tolerance of begging, meaning that Roma families and street musicians have been systematically approached and prosecuted; while the situation in Aarhus is more 'relaxed,' because the police do not give a very high

256 http://www.um.dk/NR/rdonlyres/0330A3AF-7040-4705-82D5-5A7028EC4217/0/ConcludingObservationoftheCommitteeontheRightsoftheChildDenmark.pdf

257 http://www.dr.dk/Nyheder/Politik/2011/02/28/101045.htm

258 Interview with Annemette Nyfoss, head of Natcaféen.

259 http://www.thoracenter.dk/index_files/Page830.htm

260 http://www.bornenettet.dk/raadgivning/BorneTelefonen.aspx

261 http://www.dr.dk/Nyheder/Indland/2011/04/04/04095504.htm?rss=true

priority to these types of crimes.

Handling by the police and social authorities

In Denmark, the responsibility for addressing children at risk is in the hands of the police and the social authorities. As no cases of child begging have been brought to court, specifically due to the absence of the phenomenon in the country, the role of the police regarding the phenomenon is actually quite marginal. It is, however, interesting to see whether different ways of addressing situations involving children at risk of being involved in begging will have different impact. As mentioned above, there are considerable differences in the Danish regions concerning the priority the police authorities give to begging. In the region of Mid- and Western Jutland, the police have a zero tolerance attitude towards Roma families, spending considerable resources, while in, for example, the region of Aarhus, very few resources are allocated to combating begging on the streets. The results in both regions were the same: no documented or reported cases of child begging.

The general handling of children by the police implies a social focus, meaning that certain special measures are taken when children are involved. An example comes from the Mid-Western Jutland Police, where Roma families created chaotic situations during arrest situations by having their children play a disruptive part. When the police decided to consequently involve social authorities in such situations the Roma families disappeared from the area, because they perceived a risk that the authorities would remove the children from them.[262]

The attitude of the Danish police regarding children is to a certain extent reflected by this statement from Henrik Sass from the Copenhagen Police: *"While it sometimes might be difficult to find the relevant resources to stop begging in the streets, the situation changes when there are children involved. Then the police will use all relevant resources to assist the children."*[263] It seems clear that the focus of the police when coming across children at risk of becoming involved in begging is on the wellbeing of the child; and this focus is achieved through the consequent involvement of the social authorities.

As per the Act on Social Services, it is an obligation for the municipalities to act whenever a child – irrespective of nationality – is at risk. It is, however, clear that there is a distinction between the treatment of EU citizens and non-EU citizens, as the costs for activities related to the latter are not a responsibility of the municipalities, but the Ministry for Social Affairs (until September 2011 the Ministry for Integration). As there have been no documented cases of children from non-EU countries begging in Denmark, this distinction does not seem relevant to this analysis.

In all major Danish cities, there is a Daily Watch Team working around the clock to assist children at risk, and in the rest of Denmark there is a 24-hour telephone service to be used. In the municipalities a number of street workers constantly survey whether children live on the streets or are at risk. When interviewing social workers – both representing the authorities and representing private shelter and aid organisations – it seems clear that the main focus is the well-being of the child.[264]

In summary: The handling of cases involving children at risk both by the police and by the social authorities

262 Interview with Tom Nørrskov, Mid- and Western Jutland Police.

263 Interview with Henrik Sass, Copenhagen Police.

264 Interviews with *Annette Hammershøj*, responsible for contact to Danish municipalities regarding children, Servicesstyrelsen, Ministry for Social Services; *Hanne Mainz,* Head, Danish Centre Against Human Trafficking; *Tine Lindebjerg,* responsible for analysis regarding child begging in Copenhagen August-December 2010, Danish Centre Against Human Trafficking; *Steiner Rong*, social worker, contact to foreign homeless people, Copenhagen Municipality; *Annemette Nyfoss,* responsible for Natcaféen, Nørrebro, Kirkens Korshær and *Bo-Lennart Heide-Jochimsen,* social worker, Projekt Udenfor

has an overall focus on the wellbeing of the child. The handling is in line with the overall general attitude of the population (see Part C below) and the priorities of the decision-makers. With the constant focus on children's issues by NGOs and the media it seems obvious that the police and the social authorities are very focused on dealing with cases in the best interests of the child.

Prosecution

There have been no legal cases regarding begging involving children.

Case Law

There have been no cases of prosecutions related to begging involving children. There have been several cases of (mainly) men being first warned and then prosecuted according to Art. 197 prohibiting begging, as noted above. Until a Supreme Court judgement on 31 March 2011, decisions regarding expulsions of EU citizens were administrative.[265] The Supreme Court decision states that it is illegal to expel EU citizens on the grounds of minor offenses. The argument is that to expel EU citizens there has to be a *"serious threat to fundamental societal interests,"* and that minor offenses (in the concrete case trespassing) are not sufficient grounds for expulsion. It seems clear that Art. 197 of the Danish Criminal Law prohibiting begging will be seen as a minor offense, and thus not a sufficient ground for expulsion of EU citizens, as a result of the Supreme Court decision. The police assess that repeated violations of Art. 197 may, however, be sufficient grounds for the expulsion of EU citizens.[266]

D. Public perception of the phenomenon and of national responses

Public Campaigns

The Danish railroad System, DSB, ran a campaign in 2007 against begging (in general) on trains.[267] Save the Children Denmark has a number of campaigns focusing on children's rights, among them child labour, sexual abuse, health, poverty and education.[268] Danish travel agencies – in cooperation with Save the Children Denmark – have been involved in an information campaign with the purpose of stopping tourism involving the sexual abuse of children.[269] The *Danish Red Cross*, which is responsible for the reception centres for refugees and UAMs in Denmark, has a number of activities and campaigns aiming at linking asylum seekers and Danes, among them a mentor system for UAMs.[270]*The Youth of Danish Red Cross* has produced a role-play focusing on children's rights.[271]

UNICEF Denmark has an ongoing information campaign about the UN-CRC, where an element is a weeklong focus on Danish schools.[272] *Boerneraadet*, the organisation with the objective of advising the Danish government on children's issues, has created two panels consisting of youth and children.[273] *Børns Vilkår*, which runs the children telephone number 116111, has initiated campaigns focusing on the use of the internet by children.[274] Finally, the *Danish Youth Council*, the umbrella organisation of most

265 Referring to the Manual for administrative expulsions of 28 June 2010 from Børne- og Opholdskontoret.

266 Interview with Henrik Oryé and Henrik Sass, Copenhagen Police.

267 http://www.dr.dk/nyheder/htm/baggrund/tema2007/generelt/annonce.jpg

268 http://www.redbarnet.dk/

269 http://www.redbarnet.dk/Default.aspx?ID=5224

270 http://www.drk.dk/roede+kors+i+danmark/integration/hjaelp+ung+flygtning

271 http://urk.dk/hvad-goer-vi/fortalervirksomhed/boerns-rettigheder/

272 http://skole.unicef.dk/artikler/1-uge-med-boernekonventionen

273 http://www.boerneraadet.dk/børnepaneler

274 http://www.bornenettet.dk/

Danish youth organisations, arranges dialogue meetings among other activities.[275]

The role of Danish NGOs and - to some extent – the Danish media, ensuring a constant focus on the rights of the child, is assessed to have a significant impact on the overall attitudes of the population and - likewise important – on the handling of cases involving children at risk by the police and the social authorities, as outlined above.

Public Debate

Every year in February/March there is a public debate related to Shrovetide (in Danish "*Fastelavn*"), where Danish children dress up and walk from door to door, asking for money or food. This debate takes place particularly on internet blogs with many parents questioning the tradition. Though the tradition started out as children walking from door to door receiving pastries and/or sweets, it has developed into a situation where it mainly involves cash donations to the children and is considered to be begging by many people. The debate concerns the dilemma that begging is prohibited in Denmark and that the action of the children is technically violating the law.

As a result of the verdict of the Supreme Court on 31 March 2011, which declared that minor offenses are not sufficient grounds for the expulsion of EU citizens, a strong public debate arose, where prominent politicians, including the Minister for Integration, warned against future problems with large numbers of poor people coming to Denmark. Together with other EU countries, Denmark started a process in order to revise the EU Directive concerning the right of citizens to move and reside freely within the EU (Directive 2004/38/EC).[276]

As seen above, the Danish welfare state is widely recognised and supported by the population, moving the responsibility to react on human suffering from the individual (charity) to the state. A large poll, conducted by the company Capacent for the Danish newspaper, *Kristeligt Dagblad*, in 2009, concluded that only 11% of all Danes are willing to give money to a person begging. More than half of the Danes declared that they would never give money to a person begging. The chairman of the Council for the Socially Vulnerable, Preben Brandt, explains this attitude: *"Danes are not used to giving alms, we trust that the system will assist the poor. Moreover the Eastern Europeans beggars have become much more frequent, and they have very little sympathy among the Danes."* The researcher Johannes Andersen agrees and states: *"The attitude epitomises the welfare state: In Denmark we have a system ensuring that no one will suffer; therefore there is no reason for begging."*[277]

A poll conducted by the research institute Cevea in 2010 concluded that 71% of those surveyed consider that poverty is not only a problem for the poor, but also a moral problem for society.[278] This underlines the conclusion that the Danish population finds that addressing social needs is a responsibility of the welfare state. There is no special poll regarding the general attitude of Danes towards vulnerable children, but in the large analysis of "Health and Prevention in the Future"[279], a very remarkable conclusion is that Danes prioritise one group above all other groups, namely children. Up to 80% of the Danes find it acceptable that the state/society establishes special measures in order to secure a healthy life for children. Another poll, conducted by Rambøll[280] in 2011, asked about the attitude to children in asylum centres. The result

275 http://duf.dk/

276 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:DA:PDF

277 http://www.kristeligt-dagblad.dk/artikel/350132:Danmark--Stort-flertal-siger-nej-til-at-give-tiggere-penge

278 http://www.cevea.dk/wp-content/uploads/021010NOTAT-Stigende-ulighed-er-en-samfundstrussel.pdf

279 An analysis of the attitudes of the Danes regarding Health and Prevention: https://www.mm.dk/fremtidens-forebyggelse-ifølge-danskerne

280 http://jp.dk/indland/article2341256.ece

was that 70% of the Danes found that special measures should be taken in order to protect children of asylum seekers; this is remarkable seen in the light of the quite critical attitude Danes have to asylum seekers in general.

In Denmark very few of the homeless people beg in the streets. A large proportion of the homeless are organised around selling a certain magazine, called *Hus Forbi*. Several blogs on the internet[281] discuss whether or not to buy the magazine in order to financially support the homeless. It seems that a general attitude is that it is acceptable to buy a magazine to support the homeless, but not acceptable to 'just' donate money.

On the basis of the Danish political debate it seems very probable that the Danish rights-based organisations have a significant influence on the debate and legislation with regards to children at risk. The campaign of Save the Children Denmark – "Poverty in Denmark" – has documented that 65,000 children in Denmark live in very poor conditions.[282] This criticism has had the result that the new Danish government, which took office in October 2011, will prioritise minimising the number of very poor children.

Media "Events"

The majority of the Danish media consider cases about children in need 'very relevant stories'. In 2011, several stories were published with the common feature that they involved children who had been neglected by the social authorities. Although the total number of children in such situations is very limited, there is a strong focus on the issue, driven predominantly by a public outrage over potential failures of the municipalities and social authorities. The stories underline the impression by both the media and the population that the wellbeing of all children is crucial and that the responsibility of ensuring wellbeing is in the hands of the governmental and municipal authorities. A number of stories have included personal persecution – both by certain newspapers and by individuals - of the civil servants involved, aiming at placing personal guilt on individuals within the social authorities.

The overall significant support for the welfare state by the Danish population is combined with strong attitudes against solving social problems through individual charity, resulting in quite negative attitudes towards begging in general. Support for the rights of the child seems to be very broad among Danes, with the Danish NGOs playing a crucial role in ensuring a constant focus on child rights both among decision-makers and the general public. The Danish media seem to have an almost aggressive attitude towards those responsible when presenting stories of children being neglected by the social authorities.

281 http://www.mobildebat.dk/archive/index.php?t-163932.html and http://www.sol.dk/debat/242-samfundsproblemer/1322839-alle-de-gadesaelgere?limitstart=0&limit=400#1322839 and http://www.24.dk/group/udsyn/forum/thread/2159930/40

282 http://redbarnet.dk/Fattigdom-i-Danmark.aspx?ID=161

E. Denmark as a Good Practice (See also Chapter 6 of this Study).

The conclusion is that the reasons why **Denmark** practically does not experience child begging are, as set out in detail in this country section:

- *Prosecution:* In Denmark it is prohibited to beg, both by adults and children. The Danish police have the possibility of prosecuting people begging.
- *Protection:* The overall attitudes of the Danes shows a common understanding that dealing with social problems is a responsibility of the state, not individuals, leading to on the one hand an unwillingness to give money to those who beg in general and on the other strong support for children's rights. The Danish Act on Social Services and the handling of cases regarding children at risk by the social authorities ensures a focus on the best interests of the child. How child begging is handled by the police and social authorities ensures that the main focus is on protection and prevention – rather than prosecution (although the Criminal Code provides a possibility to do so) – when children are at risk.
- *Prevention:* The Danish welfare state, including the Danish Act on Social Services, Danish history and the effects on the general attitude to the role of the state vis-à-vis the role of the people with regards to charity have an impact on preventing child begging. The general attitude of the Danish public supporting the rights of the child in combination with the constant advocacy and information work carried out by Danish NGOs provides the framework for preventing child begging in Denmark – both through a focus on avoiding extreme poverty among Danes and a focus on establishing procedures to protect children at risk – irrespective of nationality. Economic considerations by persons interested in establishing child begging and the attitudes of the visiting foreign families lead to the conclusion that child begging is a very unwise thing to become involved in, in Denmark.

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4.5 Country Section – France

Introduction

The majority of actors interviewed in France for this Study were members of associations and NGOs working directly with children and families involved in begging. Their response to this phenomenon is thus necessarily prevention- and protection-orientated, and they tend to emphasise the economic and family survival aspects of child begging. The public authorities (police services and Ministry of Justice) who were also interviewed emphasised the links to trafficking in human beings and networks of organised

crime. Their response was more orientated towards prosecution – the repression of child begging through arresting begging people and dismantling networks. These different points of view have been taken into account in compiling this country section on France. The fact that more actors were interviewed from civil society than from public authorities may influence the analysis, given that more information was collected on prevention than on repression. However, it must be noted that responses in the form of prevention, protection and prosecution are all necessary to address child begging.

There are no official statistics on the phenomenon of child begging in France. Some NGOs who were interviewed for this Study consider that there are approximately 10,000 to 15,000 Roma people in France[283], including 7,000 children, of whom 2,000 to 3,000 are estimated to be engaged in begging.[284] However, an increase in child begging has been observed in the last 3-5 years, partly due to a phenomenon of de-schooling, which is notably provoked by evictions and the dismantling of camps.

The phenomenon mainly concerns Roma children, coming mostly from Romania (90% of Roma people in France are from Romania[285]) and, to a lesser extent, from Bulgaria – there is an important Bulgarian community in some cities like Bordeaux. A few come from former Yugoslavian countries (e.g. Bosnia, particularly in Paris) or Afghanistan (Afghanis are essentially located in Paris). It thus concerns essentially EU citizens without a residence or work permit, falling under the transitional measures applied to Romania and Bulgaria since 2007,[286] restricting access to salaried work to migrants with a Masters' degree. Consequently, accessing the labour market is almost impossible for these people, and they cannot be considered as legal residents after a three-month period. Romanian and Bulgarian Roma migration can be considered as long-term economic migration; the number of Roma in France has on the whole remained stable over the last fifteen years.[287]

Overview description of children involved in begging

Begging children are essentially 8 to 13-year-old boys and girls. The average age for children who start begging on their own has decreased to 7-8 years old in the past years. Before 8, they usually beg with their parents or other adults: women go begging with babies and very young children are never left alone. After 13-15 years, they start doing auxiliary begging activities, like scrap metal dealing. These children are usually surrounded by their extended family, as Roma migration is a family migration, or they live in camps in communities. Most of them do not belong to the category of "isolated foreign minors"[288]. They do not attend school, which is quite a common situation. According to a study by the association *Rom Europe*, only 10% of Roma children in France attend school.[289]

There are various begging situations in France, which can be classified according to the different begging typologies defined in Chapter 2 of this Study. On the one hand, there are clear signs that begging is associated with organised crime and trafficking in human beings. In this case, children are exploited to enrich either extended families or third-party offenders. This phenomenon was highlighted by both the police and justice services interviewed for this Study. On the other hand, and according to several stakeholders interviewed from NGOs working with the affected children and families, begging

283 *The schooling of Roma children in France*, Rom Europe, September 2009

284 Interview with the association *Hors la Rue*

285 *The schooling of Roma children in France*, Rom Europe, September 2009

286 Transitory measures have been applied to citizens of Romania and Bulgaria from 1st January 2007, and will end on 1st January 2014. They mainly concern work and residence permits

287 *The schooling of Roma children in France*, Rom Europe, September 2009

288 France uses the term "isolated foreign minor" rather than the expression "unaccompanied foreign minors" used by the Commission. See Debré Isabelle (May 2010), *Les mineurs isolés étrangers en France*, Ministère de la Justice et des Libertés, La Documentation Française

289 *The schooling of Roma children in France*, Rom Europe, September 2009

can also be an element of a survival strategy, where children beg for economic reasons, i.e. to bring additional revenues to their families. Indeed, in the case of Roma children who beg, as most adults in the community have no access to the labour market (even to undeclared work), and given that auxiliary begging activities (selling flowers, newspapers, scrap metal, etc.) are not sufficiently remunerative, these families use children to beg, all the more as they bring more money than adults. These children are never very far from each other, even if they apparently beg alone. Begging associated with family survival was highlighted by various stakeholders, notably from associations and NGOs working very closely with Roma populations. Therefore, the different points of view can lead to a different classification of begging situations, which is not necessarily contradictory, as different begging typologies do exist within France.

Though Operation Golf and other police investigations have demonstrated a link between begging and trafficking, child trafficking in France is considered by stakeholders interviewed from civil society to be more linked to theft or prostitution, and more often concerns girls than boys. As mentioned above, this should be taken with the caveat that it was not possible in France to interview as broad a range of stakeholders, particularly from law enforcement, as in other countries under study. While begging mainly concerns the youngest children, other misdemeanours have been observed for older children, who leave begging to become engaged in other activities. This concerns older boys and adults, who engage for instance in pickpocketing, burglary, theft at ATMs, theft of scrap metal, theft on trucks, etc. In addition there is some exploitation linked to debts, and associations are sometimes confronted with isolated exploitation of children, but this phenomenon remains marginal in France from the NGO perspective. However, child trafficking for the purposes of exploitation through begging in France was indicated by the Operation Golf investigation, and observations conducted for this Study in France presented elements of child trafficking.

Therefore, the most prevalent types of child begging situations encountered in France in the course of this research are types T1 (children between 0 and 6 years old involved in classic begging, woman with child, service provision, collecting, selling small items) and T4 (children between 6 and 13 years old involved in classic begging, service provision, illegal activities).[290] These are the most recurrent types of begging situations encountered, which does not mean that other types are not present at all, but to a much lesser extent.

Geographical distribution of the phenomenon

The phenomenon of child begging concerns essentially large cities, notably Paris, Marseilles, Lyon, Bordeaux and Lille, but over the last five years, it has also become visible, to a lesser extent, in mid-size towns. In smaller towns, the phenomenon is less observable and tends to last a shorter time, because authorities are more vigilant. Usually, children live in the suburbs and come to beg in the city centre, in places where they can receive something in cash or in kind (e.g. train stations, like *Gare du Nord* or *Gare de l'Est* in Paris, metros, bakeries, shops, etc.). There is usually a turnover of children from one day to another; it is rare that children are sent begging every day.

Although child begging is visible in any large city, Paris remains the most affected area. Marseilles could also be an interesting case study. Indeed, the main areas of settlement of Roma people are: *Ile de France* with 3,000 people; *Bouches-du-Rhône* with 1,500 to 2,000 people, 80% of whom are settled in Marseilles; the area of Nantes with 1,300 to 1,500 people; the area of Lille with 800 people; the area of Lyon with 600 people; and the area of Bordeaux (500 people).[291]

290 For more information on the types of child begging situations identified through this research see the section on Typology.

291 *The schooling of Roma children in France*, Rom Europe, September 2009

A. Legal Framework

Child begging

In France, the practice of begging is no longer a crime since the entry into force of the new Penal Code in the early 1990s, while the exploitation of begging remains punishable under French Law. One exception though is train stations, where begging is prohibited, even though the violation of this prohibition is not subject to criminal sanction (*Law of July 15, 1845* on the railways police - article 24-1; and Decree n° 730 of March 22, 1942).

- Article 225-12-5 of the Penal Code defines the *exploitation of begging* as follows: *"Exploitation of begging is committed when a person in any way:*
    - *Organises begging by another, with a view to profiting from it;*
    - *Profits from another person's begging, shares the proceeds or receives income from a person who habitually engages in begging;*
    - *Hires, trains or corrupts a person in order to start them begging or exercises pressure on a person for them to beg or to continue to do so;*
    - *For his personal gain, hires, trains or corrupts a person into offering services on a public highway in return for a donation.*
    - *Exploitation of begging is punished by three years' imprisonment and by a fine of €45,000."*
- Art. 225-12-6 of the Penal Code states that *"exploitation of begging is punished by five years' imprisonment and by a fine of €75,000 when it is committed against a minor"*.
- Art. 227-17 of the Penal Code *"allows the prosecution of parents who do not meet the legal requirements for the protection and education of their children"*.
- Art. 225-12-7 of the Penal Code states that *"exploitation of begging is punished by ten years' imprisonment and by a fine of €1,500,000 when it is committed by an organised group"*.

On top of that, Art. 375 of the Civil Code provides for referral to the children's judge in order to take *"measures of educational assistance [...] if the health, safety or morals of a minor are in danger or if the conditions of his education are severely compromised"*.

The Law for Homeland Security (Law n° 2003-239), passed on 18 March 2003, reinforces the criminalisation of the exploitation of child begging, identifying it as a "deprivation of care". Indeed, modified Art. 227-15 defines *deprivation of care* as follows: *"Deprivation of food or care to the point of endangering the health of a minor less than fifteen years of age inflicted by an ascendant or by any other person exercising parental authority or having authority over the minor, is punished by seven years' imprisonment and a fine of €100,000. Keeping a child less than six years of age on a public highway or in a place used for the purposes of public transport with the aim of soliciting the generosity of passers-by also constitutes deprivation of care."*

The Law for Homeland Security also introduced the concept of "aggressive begging", thereby criminalising some specific forms of begging. Modified Art. 312-12-1 states: *"To solicit others to hand over money, valuables or any property on a public thoroughfare in a group in an aggressive manner, or with the threat of a dangerous animal, is punished by six months' imprisonment and by a fine of €3,750."*

Local level

Art. L. 2212-2 of the General Code of Local Authorities states that mayors have the power to control the

exercise of begging in their town, making use of their administrative police powers to ensure public order and safety. These powers include especially everything regarding the safety of streets, the repression of offenses against public peace, such as quarrels, noise including night noise and public gathering, and the maintenance of order when large gatherings, such as fairs, markets or festivities, are organised. The violation of these police measures is punishable by Art. R. 610-5 of the Penal Code with a fine amounting to 38 Euro under Art. L. 131-13-1 of the Penal Code.

Since 1993, several mayors have passed by-laws forbidding begging in their city, assimilating begging with other forms of nuisance and insecurity. The most recent ones to do this are Lourdes (2009) and Nogent-sur-Marne (2009). However, in 1995 the Ministry for Home Affairs issued a ministerial circular regulating anti-begging by-laws, stipulating that measures must be justified by the preservation of public order and specified in space and time, meaning that such measures cannot be extended to the whole town, but rather to limited public spaces such as malls or pedestrian streets, and cannot be permanent, but justified by specific events or periods (e.g. summer, festivities).

Children living or working in street situations

Art. L 4741-8 of the Labour Code states that the employment of children for begging, either openly or under the guise of a profession, is liable to the penalties provided for in Arts. 227-29 and 225-12-6 of the Penal Code, which provides in particular the following penalties:

- Prohibition of civic, civil and family rights;
- Suspension, for a period of five years, of driving license, either for professional or for personal driving, or for both;
- Cancellation of driver's license with prohibition of applying for a new license for five years;
- Prohibition, for a period of five years, to leave the territory of the French Republic;
- Confiscation of the object that was used to or intended to commit the offense or the product;
- Prohibition, either permanently or for a period of ten years at most, to exercise paid or voluntary work involving regular contact with minors;
- Obligation to perform an internship on parental responsibility.

It is notable these penalties (e.g. suspension of driving license; prohibition on leaving France) seem to be ill-fit to the situations encountered in practice, particularly the fact that most children begging are from migrant families.

Child trafficking

With the adoption of the Law for Homeland Security in 2003, a general definition (encompassing all forms of trafficking, exploitation of prostitution, labour or begging exploitation) of *human trafficking* was integrated into the Penal Code, as follows: Art. 225-4-1 defines human trafficking as *"the recruitment, transport, transfer, accommodation, or reception of a person in exchange for remuneration or any other benefit or for the promise of remuneration or any other benefit, in order to put him at the disposal of a third party, whether identified or not, so as to permit the commission against that person of offences of procuring, sexual assault or attack, exploitation for begging, or the imposition of living or working conditions inconsistent with human dignity, or to force this person to commit any felony or misdemeanour. Human trafficking is punished by seven years' imprisonment and by a fine of €150,000."*

In addition, when the offence is committed against a minor, it is punished by 10 years' imprisonment

and by a fine of €1,500,000. Traffickers are usually not convicted directly for trafficking but for related offences such as procuring unpaid work or working conditions incompatible with human dignity.[292]

Provisions regarding the residence, protection, admission and accommodation of foreign victims of human trafficking and procuring were enforced by Decree n° 2007-1352, passed on 13 September 2007. A residence card is given to victims testifying or placing charges against their traffickers; in case of danger for the plaintiff's life, the victim can receive police protection. When the victim is a child, the Public Prosecutor (*Procureur de la République*) is brought in and decides on appropriate protection measures.

In 2005, the European Court of Human Rights considered that French legislation was in breach of the *European Convention of Human Rights*, as the legislation did not include slavery or servitude. Although there is no coordinated policy against human trafficking, an Inter-ministerial working group on trafficking in human beings has been set up within the Ministry for Home Affairs and the Ministry of Justice in 2008. This group is in charge, among other missions, of elaborating the tools to improve the training of police and legal services.

When it comes to the definition and criminalisation of trafficking in persons at the national level, the Palermo Protocol supervising mechanism did not have objections about France's interpretation of the definition.[293] In addition, France has also considered forced labour or services, slavery or practices similar to slavery and servitude as under the term "exploitation".[294] France has also benefited from the technical assistance provided by the UN Secretariat aimed at assessing the domestic legislation for creating the necessary framework for the implementation of the UN conventions, including the Palermo Protocol.[295] Nonetheless, France is bound by the transposition obligation under the EU Directive 2011/36/EU, which requires the completion of the transposition process by 6 April 2013.

Child protection framework

Since the adoption of laws of decentralisation (1986), child protection falls under the competence of County Councils (*Conseils Généraux*) and of local departments for social assistance to children (*Aide Sociale à l'Enfance - ASE*). Generally, the city services and the County Council do not have jurisdiction to intervene directly in relation to begging children, which comes within the competences of the Prefecture and police services. Nevertheless, in the case of Paris,[296] the social policy set up by the municipality in the field of child protection has been essential to prevent this kind of phenomenon. For instance, families with vagrant children are received in hotel accommodation with subsistence allowances. In addition, the child welfare services of Paris accommodate isolated foreign minors, who have been identified by NGOs during identification missions. However, these children usually do not beg.

The law of 2007 reforming the child protection framework ensures that the "best interest of the child" is respected in every procedure. Since then, the Social Action and Family Code (Art. L.112-4) states that *"the interest of the child, taking into account of his or her fundamental needs, be they physical, intellectual,*

292 Dottridge, Mike, "Report on the implementation of anti-trafficking policies and interventions in the 27 EU Member States from a human rights perspective (2008 and 2009)", 2010.

293 Information from the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on the Review of the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime for the years 2005, 2008 and 2011

294 Report on the Review of implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime for the year (Report on Palermo Protocol Review) 2005, p. 15

295 Report on Palermo Protocol Review, op. cit. *supra*, p. 16

296 The County Council from which a written response to the Study questionnaire was received.

social or emotional, as well as respect for his or her rights, must guide any decision affecting him or her". The law created an Observatory on Children in Danger (*Observatoire de l'Enfance en Danger*) in each County Council to collect and analyse regional data, as well as local units for the collection, treatment and evaluation of risks and hazards faced by children.

The Ombudsperson for Children is a State institution, with the status of Independent Authority, created in 2000, in charge of defending and promoting the rights of children, and ensuring the enforcement of international conventions ratified by France. The institution can be accessed by children via the website of the Ombudsperson[297] (see below). Since June 2011, the position of Ombudsperson for Children has been replaced by the Ombudsperson for Rights (*Défenseur des Droits*), which unites the missions of the Ombudsperson of the Republic (*Médiateur de la République*), the Ombudsperson for Children, the Higher Authority against Discrimination and for Equality (*Haute Autorité de Lutte contre les Discriminations et pour l'Egalité*) and the National Commission of Deontology and Security (*Commission Nationale de Déontologie de la Sécurité*). The Ombudsperson for Rights position has been written in the Constitution since 23 July 2008 and instituted by the organic law and ordinary law of 29 March 2011. The position has been held by Dominique Baudis since 22 of June 2011.

The specific situation of unaccompanied foreign children

Since the law of 2007 reforming the child protection framework, children temporarily or definitively deprived of family protection are taken care of by the national child protection system. Since then, the situation of unaccompanied foreign children has depended on the child welfare system, laws regarding the admission and residence of foreigners and asylum procedures.

In Paris, a system of identification of and support to unaccompanied foreign children was set up in 2003 by Dominique Versini, at that time Secretary of State for combating poverty and exclusion. Composed of a mobile team of social workers and nurses, the aim of the system is to locate unaccompanied children and convince them to join day centres or shelters, while preparing integration in France or reintegration in the country of origin. Following Isabelle Debré's report,[298] advocating for better coordination among operators, the Prime Minister's office in December 2010 entrusted the Directorate for the Judicial Protection of Youth (*Direction de la Protection Judiciaire de la Jeunesse*), within the Ministry of Justice and Liberties, with the mission of coordinating State action for unaccompanied foreign children.

Child Labour

Child labour is firstly addressed by laws regulating compulsory education. Since 1959, school is mandatory up to the age of sixteen for any child living in the French territory, regardless of his/her nationality. Monitoring compulsory education is ensured by the mayor. Besides, child labour is regulated by the Labour Code which sets the minimum age for recruitment at sixteen (fifteen for apprenticeships) and strictly regulates working conditions for workers under eighteen. Exploitation of labour is punishable under French law:

- Art. 225-13 of the Penal Code defines it as: *"Obtaining the performance of unpaid services or services against which a payment is made which clearly bears no relation to the importance of the work performed by a person whose vulnerability or dependence is obvious or known to the offender is punished by five years' imprisonment and a fine of €150,000."*
- Art. 225-14 condemns the submission of vulnerable persons *"to working or living conditions incompatible with human dignity". If committed against minors, these offences are "punished by seven years' imprisonment and by a fine of €200,000".*

297 http://www.defenseuredesenfants.fr/contactForm.php

298 Debré Isabelle, « Les mineurs isolés étrangers en France », Ministère de la justice et des libertés, La Documentation Française, May 2010. Isabelle Debré is Senator of Haut de Seine.

B. Policy responses and implementation of the legal framework with regard to child begging

Prevention of child begging

Due to the apparent correlation between the dismantling of camps, evictions, de-schooling and child begging, prevention requires the stabilisation of these population groups. Some initiatives have been tested during the last five years, e.g. the "*Village d'insertion*" (inclusion village). This project is based on an agreement between the Prefecture and municipal and regional competent authorities proposing to a group of Roma people a place to live for a limited period of time (maximum 2 years). In exchange for being ensured that they will not be expelled, families must put their children into school and seek work. According to interviewees for this Study, these initiatives are interesting in terms of social inclusion; yet they could be better exploited if the emphasis was placed on social support and monitoring rather than on security measures. There have been few experiences of inclusion villages: the largest one is in Montreuil (350 people); they are also located in Lille, in the Parisian suburbs and in some mid-size cities like Dijon. Nevertheless, it concerns only 20% of these populations, while 80% of the Roma people still remain outside these villages.[299]

In some regions, local authorities have supported the creation of "mobile schools" managed by NGOs and associations, which mainly consist of teams of educators going to Roma settlements to teach children basic knowledge and skills. Particularly commendable is the work of *ASET* (Aide à la Scolarisation des Enfants Tsiganes/Help for Schooling of Roma Children), an association that promotes the education of Roma children and other excluded youth, working with parents and cooperating with public and private schools.

Financial support can also play an important role in child protection. In this matter, family allowances are distributed at regional level from the first child, the amount being related to both the number of children and the family income. Monthly financial assistance under the child welfare services (*Financial aid from the Child welfare services - AFASE or AMASE*) is distributed at local level by county councils to families who do not have sufficient resources to ensure their children's education, safety and health. In some counties, local authorities have significantly reduced this aid in recent years. In the *Nord* county council (including Lille metropolitan area), AMASES were largely reduced in 2009, even though this aid had been the main income of Roma families who could not access family allowances.[300]

No specific action related to child begging was undertaken during the European Year on Combating Poverty 2010 in France. It was not focused on specific target groups but rather on topics (housing, health, culture, inclusion, etc.). Child poverty also received little attention in the 1st and 2nd *French Action Plans for Social Inclusion* (2001-03 and 2003-05). The 3rd NAP gives greater emphasis to children's living conditions, stressing the need to foster mothers' access to work and to address the phenomenon of school exclusion. The last NAP focuses on apprenticeship and professional training. None of these plans address the situation of extreme exclusion, of child begging, or the situation of unaccompanied foreign children.[301]

In the framework of the Roma Decade, the French institute INALCO (Institut National des Languages et Civilisations Orientales/*National Institute for Oriental Languages and Civilisations*) was a partner in the organisation of the International Poetry Contest in Memory of the Roma poet Papusza in Tarnow, Poland

299 Interview with the association *Hors la Rue.*

300 To be eligible for CAF funding (Family Allowances Fund), European Union nationals must prove they have sufficient resources and health insurance.

301 Legros, Michel, « Lutte contre la pauvreté des enfants et promotion de l›inclusion sociale des enfants, une étude sur les politiques nationales, France », Study carried out for the Peer Review and Assessment in Social Inclusion, May 2007.

(March 2010).[302] Other than that, there was no official strategy of the French Government in participating in the Roma Decade. Lastly, France has been represented since 2008 at the European Union Forum on the Rights of the Child by the Ombudsperson for Children. Additionally, during the French Presidency of the EU in 2008, representatives from the EU presidency delegation and from the Ministry of Labour, Social relations, Family and Solidarity were in attendance. During the session of December 2008, the investigation system in the case of kidnapping ("*Alerte enlèvement*") was presented.[303]

Protection of children involved

Many foreign Roma children in France, often due to an irregular migration status, do not have access to basic services. Indeed, these children are not considered "unaccompanied" as they generally live with their family, and therefore do not really fit into the programmes of the social services (which are more tailored for unaccompanied children who cannot rely on their families). All the social workers interviewed during the case studies in Lille and Paris stated that the adults accompanying the children are members of their families (father, mother, uncle, grandmother, sister, brother, etc.). Children who are victims of trafficking or organised crime rather beg alone or in small groups, without the presence of an adult at the begging location.

As a result, almost none of these children are followed by the child protection services. This seems to be the case for the majority of foreign Roma children living in France, even though the stakeholders interviewed could not provide a statement valid for all Roma children on French territory. In 2010 for instance, there were around a hundred alerts to the child protection services, but no real protection or policy response was offered, although the French law protects both French and foreign children. Despite the fact that official reports note that the presence of the family or the community is often not sufficient to protect the children,[304] isolation is still frequently considered as the main criterion for poverty and danger.

One crucial issue is therefore the identification of begging children, currently not efficiently achieved by social protection services. Indeed, more than 67% of the children encountered by the association *Hors la Rue* were not known of by any social services and therefore not protected.[305] According to NGOs/ association managers interviewed for this Study, improving the identification of these children remains a significant challenge for the coming years.

In the case of Paris, a shelter system has been put in place by the municipal services, to accommodate street children day and night (including runaway children or children kicked out of the family home). It is managed by an NGO seeking to prevent these children from danger. The time spent in the shelter allows social workers to make an assessment of the situation of both the child and his/her family, ensuring mediation with parents, and eventually leading them towards social assistance services. Specific preventative actions are implemented, notably around the *Nord* train station, in order to reach out to vagrant and/or destitute children or young adults.

In addition, France used to have an Ombudswoman for Children (*Defenseur des enfants*), Dominique Versini.[306] The institution of the Ombudsperson for Children was created by a law of March 2000 and its role was to defend and promote children's rights as defined by law or by an international treaty like

302 http://www.romadecade.org/international_poetry_contest_in_memory_of_papusza

303 http://ec.europa.eu/justice/policies/children/forum/policies_children_forum_en.htm

304 Debré Isabelle (May 2010), *Les mineurs isolés étrangers en France*, Ministère de la Justice et des Libertés, La Documentation Française

305 Interview with the association *Hors la Rue*.

306 104, bd. Auguste Blanqui, F-75013 Paris, France, Tel: +33 1 53 63 5851, Fax: +33 1 53 63 5878, Website: www.defenseuredesenfants.fr.

the UN-CRC. The Ombudsperson for Children could receive and handle individual complaints, propose modifications to legislative texts and generally promote child rights. To assist her in these activities, the Ombudswoman for Children had the support of a multi-disciplinary team (lawyers, magistrate, social workers, psychologists, etc.) to respond to individual complaints, prepare opinions, recommendations and legislative or regulatory texts, as well as to promote children's rights, a team of *32* "Young Ambassadors for the Ombudsperson for Children" *(JADE)* to promote child rights and a network of 55 regional representatives who acted for her in the different county councils and raise awareness of children's rights. When informed of a situation in which the rights of a child have been violated, the local representatives could intervene in two ways:

- either they interview the person concerned (a parent, the child in question, etc.) and forward the file to the Ombudsperson for Children;
- or they are empowered by the Ombudsperson to seek further information relative to a complaint: meet with the child and the family, mediate with a local institution, carry out a visit to learn more about a situation, etc.

As of March 2011, the position of Ombudsperson for Children was integrated into a more general Ombudsperson, the *Défenseur des droits*. Support is also available from a range of NGOs, as illustrated below,

Street outreach to identify children begging

The association *Hors la Rue* provides assistance to foreign children in danger, and seeks to observe, identify and accompany them. It also engages in lobbying activities towards the social services so that they take care of these children, and towards institutions to bring appropriate political responses to their situation. These services keep children off the streets and thereby contribute to protecting children from becoming involved in begging. *Hors la Rue* also runs a day centre to host foreign children at risk and begging children.

In 2001, the *Ac.Sé* association created a system to provide secure accommodation through geographic relocation and protection to victims of human trafficking. There are other initiatives, but they are not specifically directed towards children begging: the *French Red Cross* provides accommodation and assistance centres, including six centres for asylum-seekers, a temporary accommodation centre for refugees and a reception and orientation centre for unaccompanied children arriving at Charles de Gaulle Airport. The *Samu Social* provides care and assistance to homeless people.

The association *France Terre d'Asile* established the Platform for Unaccompanied Minors in 2004, aiming to identify unaccompanied children, and providing personalised assistance: legal assistance, reporting to relevant services (child welfare, children's judge), help to complete the *Ofpra* (application form for asylum) and assistance during the proceedings before competent bodies. Similarly, these services can contribute to protecting children from being destitute and thereby becoming involved in begging.

The *AREAS* association implemented observation missions in Lille metropolitan area to meet begging children and improve their identification. Another goal of AREAS is it to make a diagnosis of their situations and to establish bonds with families to potentially start comprehensive social support.

The National Telephone Service for Children in Danger (*SNATED*) is a helpline (119) which was set up to receive calls from children in danger or from people confronted with this kind of situation. It also helps in identifying children in danger and protecting them. The *SNATED* has the duty to transmit information on serious situations to the County Council services in charge of child protection, and directly to a court if the situation comes within the competence of judicial services.

All of these mechanisms are useful in trying to reduce the child begging phenomenon. Indeed, they seek to take children off the streets and insert them into a more regular life, e.g. through schooling or the assistance of social services. As begging Roma children are generally not considered as unaccompanied and therefore not taken care of by the social services, as analysed above, these mechanisms provide solutions in making the social services and institutions aware of the phenomenon and involving them in dealing with these situations.

Prosecution of offenders

It has proved very difficult to find relevant statistical data on arrests, prosecutions and sentences, as well as on the type of sanctions applied. From what was gathered during the first phase of the research, repression essentially targets parents (as French law punishes exploitation); children are sometimes arrested, detained and then released by the police. According to the local press, some prefectures have adopted a strict attitude of repression towards foreign Roma populations, especially regarding child begging. This mainly applies to foreign children, as French nationals are usually not involved in begging activities. The local newspaper *Le Progrès* reports the strict comments of the Prefect of the *Rhône-Alpes* region towards Roma families from Macedonia, during a visit in Lyon.[307] In Lille, according to the newspaper *Nord Éclair*, the prefecture and the court jointly launched a policy of systematic arrests using all possible motives (exploitation of begging, aggressive begging, traffic offence, compulsory schooling) to contain the phenomenon.[308]

Case law

On 11 January 2005, the Court of Appeal of Paris examined for the first time a new crime introduced by the Law of 18 March 2003 (Art. 227-15 of the Penal Code), by prosecuting and arresting three mothers of Roma families for neglect because they had been begging on the streets of Paris with their children. The following jurisprudence was adopted: Jurisprudence of 12 October 2005 (Supreme Court – Criminal Division): The decision of the Court of Appeal to release the defendant, who was prosecuted on the basis of Art. 227-15 of the Penal Code for having kept her son under the age of six years on the highway to solicit the generosity of passers-by, was based on the assessment that the health of the child had not been compromised.

Migration policy

The bill approving the Franco-Romanian Agreement signed in Bucharest on 1 February 2010, updating the agreement of 2002, adopted by the Parliament in October 2010, was rejected by the Constitutional Council in November 2010. The Agreement, primarily intended to organise cooperation between France and Romania in the return of unaccompanied minors to their country of origin, allowed the Children's Judge (when called upon) or the court to order, at the request of Romanian authorities, the emergency return of children. Contrary to the preceding agreement, the children's judge was no longer mandatory in the procedure; the decision, when taken by the court, was then impossible to contest. The Constitutional Council considered that the agreement violated children's rights, and censured the bill considering that it did not provide sufficient guarantees in terms of appeal. The agreement also set up a cooperation mechanism for fighting organised crime, vagrant delinquency and networks of child exploitation.

307 Demontfaucon Annie (March 29th 2011), Rhône. *Le préfet aux familles Roms: 'Ne laissez pas mendier vos enfants'* [Rhône. The prefect to Roma families: "Don't let your children beg"], article from the newspaper *Le Progrès*.

308 Millecamps Matthieu (May 31st 2010), *Les enfants mendiants se préfèrent écoliers* [Begging children prefer being schoolchildren], article from the newspaper *Nord Eclair.*

C. Public perception of the phenomenon and of national responses

Child begging is a very heated and sensitive issue in France. All those interviewed for this Study were very concerned about the topic. Even people who are not directly concerned with the phenomenon (apart from seeing it) often talk about it. From what could be analysed during fieldwork in France, all of the stakeholders interviewed for the Study, as well as the people (e.g. passers-by, those working near child begging sites) to whom the issue was mentioned, have the feeling that begging children and families are everywhere (i.e. at each traffic light and at each crossroad). Even if this is not true (although in some areas of Lille indeed many children were observed concentrated begging in the same places), there is a general feeling that in the last few years, and even more in the last few months, child begging has become an increasingly important topic of discussion and reflection in the French society.

Public debates

There has been a debate on the status of the Ombudsperson for Children, a position which was replaced in March 2011 by the broader Ombudsperson for Rights, encompassing the attributions of the Ombudsperson for Children, the Mediator of the Republic and the National Commission of Deontology and Security. Even though the former Ombudsperson for Children received the support of several associations, the position was abolished in 2011.

Another debate concerns the stigmatisation of Roma people associated with begging, which was criticised by several NGOs and associations during summer 2010. In September 2010, the European Roma Policy Coalition (ERPC) urged the European Commission to move swiftly to finalise its investigation on France's actions in light of potential infringement proceedings. The ERPC also called on France to immediately stop the expulsion of EU citizens, to ensure that the human rights of all are respected, to implement its own legislation relating to the provision of camping sites on French territory and to refrain from making any further inflammatory statements stigmatising Roma communities.

Another debate concerns the French-Romanian Agreement on unaccompanied Romanian minors. The Ombudswoman for Children criticised the agreement for being against the fundamental principles of child protection, and for contravening both French legislation and the UN-CRC.[309] Indeed, unaccompanied Romanian children are already subject, since 2002, to an exception mechanism which gives them less protection than that which is granted to French and other unaccompanied foreign children. A study by the association *Hors la Rue* reveals that the majority of children returned under the agreement signed in 2002 had not benefited from a social investigation or from a follow-up after their return. The agreement signed in 2007 further weakened this protection. The new agreement removes the application for assessment prior to the return of the children and systematic referral to the Juvenile Court. It also dismisses the possibility for the child to be heard on his/her return.

This goes against the Charter of Fundamental Rights of the European Union (Art. 24), as well as the UN-CRC (Art. 3-1, Art. 12), which require the taking into account of the best interests of the child and grant children the right to speak on topics that concern them. The Agreement is therefore at odds with both the European and international commitments of France. The agreement also contains a number of provisions contrary to the recommendation of the Committee of Ministers of the Council of Europe on life projects for unaccompanied migrant minors. This text does not exclude the child's return to his country of origin, but argues that the construction of a life plan taking into account the best interests of the child must prevail over national policies regulating migration.[310]

309 Mentioned in the newspaper *Le Parisien*, 11 October 2008.

310 Communiqué of 5 September 2008, « Non à la ratification de l'accord franco roumain sur les mineurs isolés roumains » : http://www.france-terre-asile.org/index.php/component/content/article/681.

Media "Events" during the last five years

Media events which took place during the last five years in France included:

- Seminar "Street children: from individual case management to the implementation of social policies", *French Development Agency* and *Samu Social International*, 9 November 2010.
- Symposium "Identification, Protection and Care for Victims of Trafficking in Human Beings: How to improve Cooperation Between Actors?", *Network Against Trafficking* and *ECPAT France*, 21 October 2010.

D. Good practices

1. Inclusion Village

There are currently six Inclusion Villages in the Ile-de-France region, and a few experiences in large cities such as Lille, Nantes, Toulouse and Marseille. One Inclusion Village in Montreuil (a Parisian suburb), which is managed by an association (ALJ 93) composed of social workers, project managers, social mediators, etc., was visited for the purposes of this Study. Several families were living in two different settlements of the city, when the city hall decided to open a Village to host those families. Currently 192 persons are living in this camp. The objective of the authorities in the long term is to place these families in regular houses. Inclusion Villages are funded by a partnership between the State (via the Prefecture) and the local administration (city hall); one operator is chosen to manage the village. The period during which the village is supposed to last is approximately five years. The association supports and accompanies families and children in administrative procedures, job and schooling issues, access to healthcare and rights, etc. They work in several suburban towns and manage several villages.

Success factors:

- Community dimension: the fact that the families already know each other (e.g. they come from the same region), or belong to the same community (e.g. religious or cultural), enables the development of good dynamics. They can therefore implement activities together;
- Size: it is easier to work with small groups and a limited number of families. When the group becomes too large, it is harder to manage and to develop synergies between families;
- Support from the local stakeholders is crucial to the success of an Inclusion Village. Political will (both at State and local level) is essential to ensure the sustainability of the project. The involvement of the operator (association managing the Village) also proved to be decisive in terms of helping the families to settle in the environment and liaising between the families and the various actors they have contact with (schoolteachers, employers, social security, doctors and nurses, judges, local public authorities and decision-makers, etc.);
- Measures need to be set up to support both the parents in their job search and the children in their schooling. On the one hand, helping the adults to find a job and keep it (through short training sessions, administrative support, advice, etc.) prevents them from begging. On the other hand, children need to be supported both during and outside schooling hours: this means that activities should be developed to prevent them from going to beg on Wednesdays and Saturdays. In the Montreuil Village, some associations have developed activities on those days (sport, culture, drawing, etc.) and noticed the end of child begging as a consequence.

2. Presence of the AREAS association at the homes and begging sites of children

The social workers of AREAS run their activities in the different districts of the city; each social

worker therefore has very good knowledge of the families living and/or begging in the district he/she supervises. Almost every day, they do rounds in the city to meet the families, check whether they have problems, needs or requests, and monitor their progress. This daily contact enables them to be aware of the various issues faced by these families.

This initiative has made several positive contributions. In terms of protecting children and improving their living conditions, the association acts as a link between the families and social services (education, medical and social protection services), providing support for the families in accessing services that would be difficult to access without the association. In terms of prevention, the staff of the association uses its medical bus to visit different Roma camps and bridge the gaps between the families and medical services (organising visits by a doctor, taking appointments at hospitals, attending to young mothers, etc.) Moreover, the association helps parents to put their children into school, which is a factor that contributes significantly to reducing child begging.

The impact of the association is therefore twofold: on the one hand, they try to improve the living conditions of children and families already begging (medical assistance, social services, weekly referral service, support in administrative matters, etc.). On the other hand, they seek to reduce the phenomenon of begging children, e.g. through education and schooling, assistance for housing and finding employment, etc.

The awareness of staff in AREAS about the various issues faced by the families is relevant, all the more since they have regular contacts with police services and decision-makers. Regarding the latter, every month the association provides a statistical overview of the Roma families living in Lille and its suburbs, allowing the regional services to monitor them in terms of geographical origin, family size, gender, locations, etc.

Success factors:
- Day-to-day interaction with families;
- Very good knowledge of the families and their problems, needs and expectations;
- Trust-building between the families and the social workers;
- Role of link and liaison between the families and the authorities (employers, school, police);
- Location: coming directly to the places where children and parents beg or live does not distract them from their environment.

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4.6 Country Section - Germany

Introduction

In Germany no specific definition exists on the phenomenon of child begging. Therefore, in part A below, the legal aspects and the development of the application of general regulations on begging in Germany will be explored, as they relate to the specific aspect of children who beg. This Country Section on Germany is based on research on the topic of child begging in Germany at the national and the local level; the information presented below was gathered mainly through desk research, observation sessions and a limited number of interviews conducted with stakeholders and representatives of different organisations acting on the national/local level in the field of child begging (policy-makers, NGO and government staff etc.)

The observed reluctance of local level authorities (child protection and law enforcement) to comment on the subject should be highlighted. Approached by phone or email, two local law enforcement units at the district level in Berlin, and two child protection offices, refused an interview with the explanation that child begging is not in their jurisdiction. The Berlin Senate was also not available for interview.[311]

311 In July 2012, after the drafting of this report, the Berlin Senate declared a new initiative to prepare a strategy paper on the "Inclusion of foreign Roma families in Berlin". The details and the content of this initiative therefore do not form part of this Study, nevertheless this recent development is worth noting.

The Berlin police, as well as the federal unit responsible for child trafficking, could not be reached despite repeated attempts and an official inquiry procedure launched for the former instance. Therefore, the results of this study need to be considered with caution in terms of their stakeholder outreach. At the same time, the difficulties in approaching relevant authorities can be interpreted as symptomatic and explanatory for the lack of policy responses to the phenomenon of child begging in Germany concluded in this Study.

Berlin was chosen as the city for conducting an in-depth case study as there are some aspects that make Berlin particularly attractive for begging. These can be summarised as follows:

- Size and ethnic diversity of the city: Allowing undocumented migrants and people without identity documents to more easily avoid contact with law enforcement authorities.
- High concentration of tourists: Naturally, cities with much tourism are preferred locations for begging as they mean higher turnover of persons.
- Relatively low cost of living.
- Lack of persistent and coherent policy that tackles begging: unlike other cities, such as Hamburg and Munich, where restrictions on locations and specific forms of begging have been placed, Berlin does not have such local laws, and is also perceived generally to be more "open" towards begging people than other German cities.

Poverty in the country of origin, lack of work opportunities due to low education and difficulties integrating in Berlin, rendering children vulnerable to THB and exploitation, as well as a tradition among certain isolated groups of seeing begging as an acceptable activity, also for children, to earn money, are the main factors that explain child begging in the city. A certain level of organisation in regard to transportation to Germany, indicating elements of THB, as well as groups begging or living together, was identified.

Numerous reports on begging Roma families with children triggered a political and societal debate in the German capital peaking in Round Tables on the problems and solutions for Roma families. In addition, Berlin is known to be a gathering point for children in street situations, which represent the second type of children who have been identified in relation to begging in the field research.

Statistics

In principle, the practice of begging is legal in Germany, as long as it does not involve so-called 'aggressive begging'[312]. Therefore, begging cases are not documented and no statistics on begging people in general nor on begging children specifically are published. Information on the extent of begging children in the country is thus acquired on the basis of estimates on the two main groups, which, according to media reports and observations for this Study, constitute the majority of begging children - namely **children in street situations** and **Roma children** who have either arrived unaccompanied in the country, have been trafficked, have arrived with a large group of family members, or have been registered in connection with petty crimes such as street theft.

The definition 'street children' is accepted and approved in Germany by the German Youth Institute (*Deutsches Jugendinstitut*), which lists the tendency for begging as one of the main characteristics of this group of children.

At the same time, there is no up-to-date specification of the age bracket. There are no official or reliable

312 The term 'aggressive begging' refers to such practices, e.g. when a begging person stays persistently in the way of the passers-by, follows them over a long distance, is looking for body contact or if the begging person makes the object of the begging insecure with curses. Auxiliary begging activities such as flower-selling, windscreen-washing or street musicians can also be considered aggressive begging.

statistics on the extent of children in street situations in Germany. Offroad Kids,[313] one of the main organisations that work directly with the children, publishes statistics based on information from the Federal Criminal Bureau, according to which the annual number of children in street situations was between 1,500 and 2,500 (last year of data is 2002).[314] However, depending on the source, those numbers go up to 50,000.[315] One explanation for these large differences is the lack of a common definition and understanding of the phenomenon of children in street situations, in particular as regards age and homelessness. Offroad Kids also give some information on the age structure, indicating that although the majority of the recorded cases are of children above 13, the age limit is steadily falling. Offroad Kids also indicates that almost all of the street children have a German background.

The second main group of children who beg on the German streets have a migration background and are, in their majority, to be attributed to the Roma group. However, little is known about the actual size of this group, and despite some media presence, no numbers on the extent of begging carried out by this group in general and on the involvement of children is such practices are known. This comes not only from the fact that begging itself is legal, but also from the fact that the majority of people of Roma origin enter Germany from the new Member States, with legislation allowing them to stay in Germany for up to three months visa- and permit-free as EU citizens. There are about 70,000 Roma with German citizenship living in the country, and UNICEF indicates that the number of refugees (especially from the former Yugoslavian countries) is about 50,000, among which 20,000 children.

Obviously, it would be wrong to relate such numbers directly to child begging, yet they can give an idea of the overall presence of Roma people in Germany. A different applicable statistic is on entries into Germany of unaccompanied minors. For 2008, their number was 174, coming predominantly from Afghanistan, Iraq and Turkey.[316] It has to be noted though that this group of children consists predominantly of asylum-seekers due to political reasons and war circumstances, and there is no information on the extent to which they are exposed to begging practices.

Another statistic is the annual migration statistics, which gives the total number of immigrants per country of origin, as well as the overall age structure (although not per country). The *Migration Report* for 2009 indicates that especially since Romania and Bulgaria joined the EU, migration from those countries has increased strongly, and over 30% of all relocations of persons from the new Member States were from those two countries.

The criminal statistics on cases of **child trafficking** in Germany provide a further insight into child trafficking for the purposes of exploitation through begging. The number of those cases identified is increasing. The chart below shows the cases of child trafficking according to the annual federal police report:

313 Offroad Kids is the only nationwide aid organisation that targets children in a street situation. It maintains street social work stations in Berlin, Hamburg, Dortmund and Cologne, offers drop-in centres, street outreach work, a telephone hotline, as well as residential youth groups.

314 http://www.offroadkids.de/Statistik.13.0.html

315 Jelka Freund, *Zuhause auf der Strasse* (2003).

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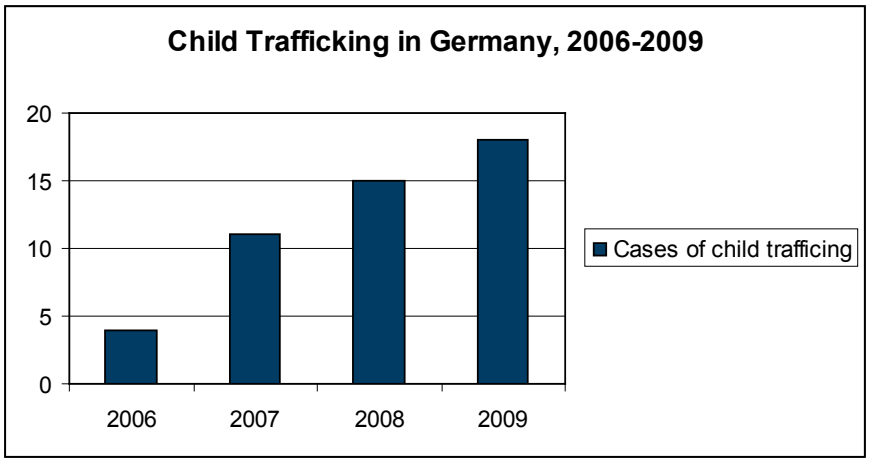

Source: Federal Office of Criminal Investigation 2010.

One potential information point that provides more clarity on the subject is the special services within the city council of each city that are responsible for safety and order at the local level (*Ordnungsamt*). They may have records in particular for cases of 'aggressive begging', although the collection of such information is at their discretion, and there are no consolidated statistics, nor statistics on which cases involved children. One example that can be mentioned in this case is the city of Dortmund in the province of North Rhine-Westfalia, which records 60 cases of begging in 2007; for 2008 and 2009 the numbers are higher - over 200 (261 for 2009).[317]

Overview description of children involved in begging

Regarding the typologies of child begging situations found in Germany in the course of this research, the recurrent ones are types T3 (children older than 14 involved in the activity called "*schnorren*") and T5 (children of various ages involved in classic begging, woman with small child, as well as services provided by older children).[318]

When focusing on the example of **Berlin**, it is difficult to give an estimate of the extent of the child begging phenomenon in the German capital. Nevertheless, the phenomenon of child begging in Berlin can be largely attributed to Romanian families of Roma origin. Street children, although present in the city's landscape, constitute only a very minor group, and the indications of Strassenkinder E.V. point to the fact that in most cases the children have home or shelter and begging is only a very minor activity. Moreover, the majority of street children are aged over 17.

Judging by the media publications, the trend of begging among Roma families is an upward one, especially since the accession of Bulgaria and Romania to the European Union. The US Government TIP Report estimates that in recent years, around 20,000 Bulgarians and Romanians came to Berlin, yet it is unclear how many of them are Roma, how many of them beg, and specifically how many children beg. Amaro Drom e.V.[319] estimates that there are between 50 and 100 Romanian Roma families who are actively involved in begging. They have no recorded cases of Bulgarian Roma begging, and note that cases they are aware of involving Bulgarian citizens are related to prostitution and not to begging.

317 http://www.derwesten.de/staedte/dortmund/Aggressives-Betteln-nimmt-in-Dortmund-zu-id4197132.html

318 For more information on the types of child begging situations identified through this research see the Chapter on Typology.

319 This is a relatively new organisation, founded in 2009. It is conceived as an intercultural youth association of Roma and non-Roma, and is based on the principles of empowerment, mobilisation, self-assistance and participation.

Yet they also note that while some children are taken along when begging, not all children within a family actually beg and some are left at home or sent to school. Mainly young children aged 0-13 are involved in the begging activity. Babies are also often taken by their mothers or other adults. After that they are considered old enough to beg on their own, or to assist their parents in different income-generating activities. It appears that e.g. older boys are sent to help their fathers, who usually work at construction sites, while e.g. girls look after the rest of the children at home or start a family of their own, or start a family of their own and go begging. Teenage children seem to be rather active in the auxiliary begging activities of car windscreen washing, or costume-wearing for tourist photographs, or they stay at home and take care of the rest of the family.

Geographical distribution of the phenomenon

Begging exists in all big German cities. While the phenomenon is not new to **Berlin**, and the first records of begging Roma families with children can be traced back to the 1990s, in the last two years it appears that the situation has intensified substantially, both in terms of volume and in the variety of begging activities carried out. An article in the weekly magazine *Der Spiegel* states that the problem also exists in other cities in Germany, namely in the cities of Cologne, Hamburg, Munich, Dresden and Frankfurt - only to mention some of the most prominent locations.[320] Since then, some cities, such as Munich and Cologne, have passed specific legislation at the local level that foresees a ban on aggressive begging and child begging.

According to media reports, begging is largely concentrated in the city centres - first of all due to the big turnover of passers-by and the large number of outdoor cafés, and secondly due to the contrast between the appearance of the begging people and the setting of shiny shopping areas - which is considered to encourage the passers-by to be more generous towards begging people. Although in many German cities there are local rules that forbid begging in central areas, in practice such bans are hardly followed.

Thus, in **Berlin** the main areas where large-scale begging can be observed are the shopping areas around Kurfuerstendamm, and the area around Alexanderplatz. In Munich, the places connected to begging are the pedestrian zone in the city centre, the area around the central station, around the churches, in particular the Stachusbauwerk and Marienmarkt and the Viktualienmarkt. Cologne's most favourable locations for begging are in the pedestrian zone around Hohe Strasse, Breite Strasse and Neumarkt, and at the Cathedral Square, which is an especially attractive gathering point for children in street situations, although at the entrance and exit of the Cathedral begging women with babies have also been spotted. Hamburg's main shopping street, the Jungfernstieg, which is also one of the most expensive and luxurious areas in the city, covered with white tiles, is the place that is usually mentioned in media reports on begging people in the city. Other places in Hamburg are the Moenckebergstrasse and the Rathausmarkt. Finally, in Dresden the areas connected to begging are around the Frauenkirche, as well as at the Schlossplatz and Neumarkt.

Any trends and changes in the groups involved or the geographical distribution over the past ten years
It is difficult to draw a conclusion on any change in the groups involved in begging. There is substantially more media attention on the topic of Roma people begging and on organised criminal exploitation groups from Eastern Europe. Perhaps one observation in this respect is that while before 2007 the most often mentioned nationality of foreign begging persons in Germany was Slovakia, now it is overwhelmingly Romanian and Bulgarian citizens from the Roma minority who are pointed out in connection with begging.

320 *Der Spiegel* 33/1990 'Exotischer Touch'.

A. Legal Framework

Child begging

Generally, begging has been allowed in Germany since 1974 through the abolition of the respective clause from the Federal Criminal Code (or more precisely, begging is no longer considered a criminal behaviour). Therefore, the federal level laws state that 'silent begging' is allowed and at the local level the municipalities and townships regulate further what the precise begging practices are that are banned or not, and what the applicable administrative and legal procedures are. What is forbidden is so-called 'aggressive begging', referring to such actions by begging people that restrict the passers-by in their personal sphere, such as touching, shouting, following closely over a lengthy distance, etc.

Each city can elaborate its own definition of aggressive begging. One example is the city of **Cologne**, where the ban on aggressive begging is regulated in Paragraph 12a of the Street Order Regulations, under the general heading of 'Disturbing behaviour in the public space'. The precise wording that relates to aggressive begging describes it as follows: *"[...] touching, holding, blocking the way, intrusive response, placing obstacles in the transport area, oppressive following over a distance, placement of dogs, harassment through joint behaviour of of several persons"*. It is interesting to note that the regulations at the local level developed only after the federal-level ban, with Munich deciding on including a clause on begging within the street public order and safety regulations in 1980. However, it was only in the mid-1990s that the trend of regulating begging at the local (communal) level spread further to the majority of other big German cities.[321]

The fact that each city can elaborate and specify the definition of aggressive begging has been used widely by the local authorities in order to apply a more restrictive interpretation. A very important example is the **Free State of Bremen**, where begging with children is explicitly mentioned in the wording of the ban on aggressive begging. The cities of **Frankfurt**, **Aachen**, **Hagen**, and many more have also listed begging with children as a specific form of aggressive begging. The most precise description was found in Frankfurt, where Art. 7 of the Police Regulations for Public Safety and Order forbid begging by, with or through children. In other cases, such as **Berlin**, **Cologne** and **Munich**, the definition is very broad so that in fact the local safety and order authorities leave the judgement on whether or not a begging practice can be classified as an aggressive one to the local enforcement staff, which then applies the clause at its own discretion in order to vacate the city centre of any begging people.

The **Berlin** catalogue of activities that fall under the jurisdiction of the local law enforcement authorities and require imposing an administrative fine (Law of Administrative Offences, Art. 118), describes aggressive begging under its chapter on '"Actions that are appropriate to harass or to endanger the public by "grossly indecent acts" (according to the circumstances of each case), e.g.: Intrusive / "aggressive" begging through blocking the way, touching, holding, persistent following over a distance"[322]. Thus, begging by, with or through children is not explicitly included in the definition of aggressive begging that is used in the area of Berlin. In general, the Safety and Order Service has two possible means of reaction in cases of aggressive begging: it can impose a fine of EUR 20, and it can also send off the begging person from the location (*Platzverweis*). The latter was reinforced through a new regulation from September 2009 that aimed to strengthen rules for public safety and public order, particularly in the historical centre of Berlin, and allowed the Safety and Order Service to act more strictly against "offensive" beggars through sending-off.[323]

321 Ron Steinke, Betteln Verboten!, at http://www.linksnet.de/de/artikel/20688

322 http://www.berlin.de/imperia/md/content/balichtenberghohenschoenhausen/gesetze-vorschriften/vgkata_v13.2.pdf?start&ts=1275400118&file=vgkata_v13.2.pdf

323 http://cdu-bvv-sz.de/antraege/09_09.pdf

However - as already mentioned - no general practice or regulation exists at the federal level in connection to begging with children, and what is clear is that there is no coherence and no common understanding on whether or not begging with a child is in itself aggressive begging. In two cases - in the cities of Oberhausen and Dortmund - statements were made by the Youth Services (*Jugendamt*) and the Safety and Order Services (*Ordnungsamt*) that begging with children is allowed, as long as it is conducted as 'silent begging', that is, sitting on the street and not disturbing the passers-by.

Children living or working in street situations

There is no unanimous definition of so-called 'street children' in Germany, although they are officially recognised as a group in society who require special attention. The most common definition is that of the German Youth Institute, which was mentioned in the Introduction. Its precise wording on what the characteristics of a street child are is as follows:[324]

- Substantial departure from socially established instances such as family, or, in its absence, youth welfare institutions, as well as school and education institutions.
- Turning to the street, which becomes the most important or the single social instance.
- Looking for ways to make money on the street through anticipation of delinquent adult behaviour, such as begging, stealing, prostitution, drug dealing.
- Factual homelessness.

As pointed out above, there are considerable debates on this definition, as it does not specify the age bracket, and also leaves out many cases of children who leave home temporarily.[325]

Child trafficking

The definition of human trafficking as found in the German Federal Criminal Code, Arts. 232-233 (StGB) is widely consistent with the international Palermo Protocol definition (Art. 3) and includes also trafficking for the purposes of labour exploitation as an act subject to criminal prosecution.[326] Begging is not explicitly mentioned but is attributed to the category of labour exploitation. Trafficking of children is specifically captured under Arts. 236 of the Federal Criminal Code. It is understood as defined in Art 3c of the Palermo Protocol, thus it is not necessary that there is a deceptive action towards the child in order to constitute trafficking - it is sufficient that there has been action towards the child that has been undertaken with the goal of exploitation.

Child protection framework

The UN-CRC was ratified in Germany in 1992. Two years before that, in 1990, the Children and Youth Protection Law came into force, which introduced the main operating principles of the Youth Services, which function as the main state institution involved in the protection of children. The principles are prevention, decentralisation, securing the main necessities of children, integration, participation and intervention. The Youth Services have an obligation to step in and assist children when parents are neglecting their responsibilities. According to this law, children have the right to socio-educational youth work services.

Child labour

324 DJI, „Straßenkinder", S.138, München/Leipzig 1995.

325 http://www.offroadkids.de/Definition.15.0.html

326 Petra Follmar-Otto and Heike Rabe, *Menschenhandel in Deutschland*, German Institute for Human Rights, 2009.

Child labour is covered in the Law on Youth Protection, which bans any kind of work for children aged 13 or younger. The Law on the Protection of Working Youth further specifies the conditions under which children and youth are allowed to carry out specific types of working activities. Between the ages 13 and 18, children are allowed to contribute by conducting some light kinds of work, for a maximum of two to three hours a day (depending on the type of work), as long as this does not interfere with their health, their security and their education.

Reporting and intervention in child abuse cases
The German National Strategy Report for Social Protection and Social Inclusion 2008-2010 takes an explicit position towards child protection, especially for cases of negligence and abuse. Early assistance and early warning systems are emphasised, as well as phone hotlines and other assistance systems. Furthermore, Germany stresses the importance of an integrated approach of combining the expertise of the youth services, the health centres, police and family courts in order to ensure maximum child protection.[327] No specific reference is made to the problem of homeless or begging children.

The legal system of the Federal Republic of Germany is codified in the constitutional law, with respective European and international legislation also applicable. There are four judiciary types of courts, and as Germany is a Federal Republic, those courts apply the laws at different levels - local, regional, higher regional and federal level. With regard to child protection policies and child begging, it is the Courts of Justice, the Administrative Courts, and the Federal Constitutional Court that have jurisdiction, depending on the nature of the case. The Courts of Justice are responsible for criminal matters, civil matters and family law. The Administrative Courts handle all public law cases applicable to the area of administrative law. The Federal Constitutional Court is not only the supreme court of the Federation, but also a constitutional body adjudicating in constitutional disputes.

Children and youth policy is developed at three levels - federal, regional and municipal. At the federal level, the Ministry for Family Affairs, Senior Citizens, Women and Youth is responsible for formulating overall governmental policy on issues such as youth welfare and protection, and for the development of the central programmes of the Federal Government's youth policy. At the regional level of the *Länder*, they are assigned broad responsibilities in specifying and adapting policies that are not covered at the federal level, which includes the predominant part of the children and youth policy. In particular, the Youth Services, which are the organ that intervenes in cases of suspected child endangerment and abuse, are established at the local and the regional levels only, with the 17 Superior Regional Youth Services (*Landesjugendämter*) forming also a consultative body at the federal level. At the same time, there are local laws especially in terms of administration and security/police, which fall under regional jurisdiction.

B. Policy Responses and Implementation of the legal Framework with Regard to Child Begging

Prevention of Child Begging

No targeted policy response exists at the national (federal) level in Germany that refers to child begging. In connection to cases of human trafficking for labour exploitation, the German Federal Ministry of the Interior concludes in its annual communication on the state of human trafficking in Germany that *"[...] a final evaluation of criminal activities in view of the few recorded cases of human trafficking for labour exploitation is still not possible".*[328] As set out above, all attempts to address the issue have been carried exclusively at the local level, by including begging with children in the definition of 'aggressive begging'.

327 http://ec.europa.eu/social/keyDocuments.jsp?type=3&policyArea=0&subCategory=0&country=0&year=0&advSearchKey=nsr+spsi&mode=advancedSubmit&langId=en

328 BMI, "Human Trafficking. National situation 2009". Annual report, http://www.bmi.bund.de/SharedDocs/ExterneLinks/DE/Themen/sicherheit_allgemein/lagebild_menschenhandel_2009.html;jsessionid=AB10E7E2B7074671BA8EB61053E5BE49.1_cid183?nn=246796

In particular, it appears difficult for the authorities to prove that there is an actual threat for the children involved in begging, so that the responsible Youth Services can intervene. In addition, some fears were raised by policymakers that if indeed a general ban on begging by, with or through children is issued, it would negatively affect the group of children in a street situation, who indeed beg for themselves.[329]

An interesting example of an attempt to invoke a policy that tackles child begging above the regional level stems from the city of **Nienberg** in the province of Niedersachsen in 1993, as the first cases of begging Roma families with children were detected after the fall of the Berlin Wall. The city tried to address the issue through identifying such practices when children were begging as 'collecting in the name of third persons', for which a special permit from the city council was needed. Twice the local safety and order enforcement staff issued fines, and the approach seemed to be working. The so-called 'Nienburger Model' was then introduced and discussed at the policy level in another province (Schleswig-Holstein). However, at this time the other option - of considering begging with children as aggressive begging - was also increasingly discussed and seemed to provide a better option for addressing the problem.[330]

All stakeholders interviewed for this Study were unanimous in saying that there is a huge need for an overall policy concept and an overhauling strategy with regard to begging children. Such a policy response is largely lacking at this point in time. Amaro Drom e.V. sees the following aspects as crucial for such an approach:

- Health situation: access to health services and health insurance.
- Work situation: solutions to increase legal work opportunities for Roma families.
- Living conditions: Poor living conditions and in particular difficulties with finding a suitable living space represent a key obstacle for the families, as having a registered address is a key condition for access to education, healthcare and social services. Therefore, urgent change is needed in the housing situation of families, in terms of rental conditions (contract, rent amount), living conditions (size of apartment, availability of electricity, heating, water).
- Educational possibilities (access to school and targeted school programmes) and
- Legal assistance (for issues such as registrations, work permits, fines, contact with local authorities).

The authorities in Berlin are therefore currently not addressing this issue and the police, street order services and youth services shift responsibility between each other, preventing them from seriously tackling child begging.

Since begging is generally allowed, *"the hands of the Safety and Order Services are tied"* provided that no aggressive begging is involved. In relation to the practice of begging groups to dress up in costumes of cartoon characters such as Mickey Mouse and pose with tourists in front of monuments and tourist spots in exchange for money,[331] the experiences of public authorities and the Safety and Order Services seem to be quite diverse. Even in those cases where the Safety and Order Services do impose a restriction, send away the begging people, and initiate a court procedure for a street order misdemeanour, the court considers the pictures with costumes as an artistic expression, and allows a donation to be asked for.[332] According to some of the interviewees for this Study, the Safety and Order Services cannot do much in cases of begging in general, as long as it does not constitute aggressive begging.

As far as child begging is concerned, the responsibility rests with the police forces and the youth services.

329 According to Marion Seelig, Berlin House of Representatives, from Die Linkspartei, in *Der Tagesspiegel*, 25.10.2002.

330 *Der Spiegel* "Touching forbidden", 07/1993.

331 Many of the persons involved in this are children who fit in the small costumes. This was also noted during the case study observations.

332 Carsten Spalleck in: *Der Tagesspiegel Berlin*: "Mickey und Co machen Jagd auf Touristen", 16.07.2011.

The mandate of local law enforcement authorities (e.g. in Berlin) involves maintaining the public order and street safety, and therefore they have a responsibility to ensure that regulations such as bans on aggressive begging are followed. As a measure, they can impose fines, and also alert the Youth Services and/or the police.

Protection of children involved

Child protection responsibilities usually lie within the neighbourhood where the child was registered. Other interpretations consider that responsibility rests with the Youth Service under whose jurisdiction the begging activity - thus the putting at risk of the child's well-being - was taking place.

These examples also reflect the general opinion expressed by some of the respondents of this Study, for local authorities often tend to see responsibility lying with someone else and to shift responsibility between different districts, as was found in the **London** (see UK Country Section below). The reactions of the different local authorities is very demonstrative for this - while the local law enforcement sees responsibility mainly with police force and Youth Services, the Youth Services state that they cannot react without a signal from the local law enforcement.

The tasks of the Youth Services include, among others:

- Consultation and support of parents with regard to the upbringing and the development of children and youth;
- Consultation and support of children in need and in conflict situations;
- Ensuring the child's well-being.

The Youth Services have an especially important role to play with regard to the latter point. If the Youth services have particular evidence that suggests or implies endangerment of the child's well-being, this risk should be assessed and potentially acted upon in collaboration with other institutions and organisations involved, such as the family court, local police or health authorities etc. But some representatives of Youth Services stated that there are few possibilities to act when assistance is not desired by the families themselves, and that it is very difficult to prove that cases of child begging actually do represent a case where the wellbeing of the child is placed at risk. Furthermore, the capacities in particular of the Youth Services are much restricted due to language barriers.

Case Law

In 1998, the city of **Stuttgart** attempted to prohibit begging in the city in general, and the ban was revoked by the Higher Administrative Court of the province of Baden-Wuertemberg, which declared begging, as long as it is carried out in a peaceful way, as in conformity with the norms of society.[333]

Some interesting practices could be found in several other cities of the province Baden-Wuertemberg. In 2005, the police in **Freiburg** succeeded in proving organised begging by a group of Slovakian citizens.[334] As a consequence, the city of **Freiburg** elaborated a specific ban on organised begging with the goal of profit-making, which was also discussed with other cities from the region that followed the ban, such as Ravensburg and Augsburg.

Apart from these examples, no relevant case law could be identified that can be directly attributed to the practice of begging with children. In a recent case from the city of **Oberhausen**, the problem was

333 Bettelarm 2: Administrative regulations surrounding begging, http://sowi.st-ursula-attendorn.de/be/bedok020.htm

334 Gerhard M. Kirk, BZ, 15.01.2005, http://www.frsw.de/littenweiler/zumheulen1.htm.

summarised as follows by the local Youth Services: *"In order for us to intervene and take the child into our custody, there should be an obvious situation where one can prove that the child is in danger".*[335] In the case of children where a parent or a family member cannot be directly identified, it becomes even more difficult, as, according to the police in **Berlin**, the children will always insist they are begging of their own intention and have not been forced to beg for others.[336]

In December 2010 in **Munich**, three Romanian men were accused and convicted of serious extortion and human trafficking, as it was proven that they had kept a group of their countrymen at a campsite near the city and used brutal methods to force them to beg and collected the money afterwards. The trial however ended with mild sentences of 18 and 24 months probation, and serious criticism was expressed in the media about the way in which the trial was conducted.[337] In another case from 2009 in **Düsseldorf**, two hearing- and speaking-impaired Polish citizens were accused of exploitation of other disabled Poles with the suspicion of human trafficking and exploitation as well as aggressive begging.[338]

C. Public Perception of the Phenomenon and of national Responses

Public campaigns

No public campaigns on child begging have taken place in Germany.

Public debates

The topic of begging, in particular connected to the arrival and behaviour of foreign people begging, such as those coming from the new EU Member States with a tourist visa, has been covered extensively in the media - most recently in connection with the Berlin group who were given money to leave the city. *Berliner Zeitung*, a local boulevard newspaper, continuously referred to the group as *'beggar Romanians'*, whose children *'ask for money on the streets with their small dirty hands'*.[339] Similar comments came from other newspapers, also from the left-wing liberal *Tageszeitung*. This led to a reaction by the parliamentary group of the Greens, who asked the Federal Government if it was aware of the media reactions surrounding the case.

Other notable discussions have been recorded in **Hamburg**, **Dresden** and **Munich**, however they have always been led at the local level, and no actual debate has taken place nationally. The connotation has in general been a negative one and usually with allegations that such cases form a part of organised criminal groups ('beggar-mafia') and exploit the practice of begging. In addition, it has been often stated in different newspaper articles that this type of mass begging has a negative effect on the businesses situated in the central shopping areas, as the clients feel intimidated by 'aggressive' beggars.

As far as begging with children is concerned, articles in newspapers have documented the difficulties of the Youth Services in intervening in such situations, and it has been often stated that children are living in bad conditions but would not go against their families. On the other hand, some journalist investigations point to the fact that sometimes begging people from Eastern Europe simply travel in groups for convenience, and there is no real exploitation involved in the cases. In addition, Roma and Sinti

335 Andrea Rickers "Begging with a child- Youth services do not see a danger", in *Der Westen*, http://www.derwesten.de/staedte/oberhausen/Betteln-mit-Kind-Jugendamt-sieht-keine-Gefahr-id235989.html.

336 Andreas Kopietz: Handicapped children are sent on the streets to beg, in: *Berliner Zeitung*, 02.09.2002, http://www.berlinonline.de/berliner-zeitung/archiv/.bin/dump.fcgi/2002/0902/berlin/0021/index.html

337 E. Unfried: "Begging-Mafia: Mild sentences for Slave-holders", in TAZ, 20.12.2010

338 B. Kirchner: "Deaf Poles forced to beg", in Express, 14.08.2008.

339 *Berliner Zeitung*, 19.05.2009, http://www.bz-berlin.de/aktuell/berlin/das-lager-der-bettel-rumaenen-article462650.html

organisations have reacted very strongly to the fact that the ethnic background of such begging groups is referred to, as they consider this unnecessary and misleading information.

Media 'Events' during the last five years

No structured debate around the topic of begging could be identified at the national level in Germany. In June 2010, the German national television channel, *Das Erste*, showed a documentary in its feature FAKT, entitled 'Compassion as a trick'[340], in which the reporters investigated the behaviour of begging groups from Eastern Europe in a number of German cities and also went to a small Romanian town to which they had traced one of the groups. The journalists identified the largest group of begging people as 'Roma from Romania' and focused on the auxiliary begging activity of washing car windscreens at busy city crossroads in return for a token sum. The overall conclusions of the report were: *"There are also regular begging bands. With them, poverty is usually acted out only. Behind it are mafia-like structures"*. The feature also asked the opinion of several stakeholders, such as the ADAC, which is the biggest German automobile club, the police in Berlin, the Safety and Order Service in Hamburg, as well as UNICEF Germany. With regard to child begging, the feature formulated the cautious suggestion that children are *"[...] possibly helpful, when it is about earning money"*.

In particular in the years since 2007 there has been a noticeable upward trend in the publications in local media, and it can also be observed that the majority of the boulevard press implicitly or explicitly use methods of confrontation with such practices, through the deployment of labels such as 'Begging mafia', 'Shock beggars', 'Annoying beggars'.[341]

It has to be noted that more recently in **Berlin**, there have also been a number of more serious and differentiated publications and television reports on the subject, which point to the origins, the living situation and the difficulties of Roma families in integrating in the city due to cultural and language barriers. These articles give insight into the everyday life of Roma families and reveal a picture of a group that often lives in the grey zone between legal and illegal. They also point to the need for an overall policy concept and cooperation strategy on the part of the local authorities, which often show a tendency to shift away responsibility to each other.

D. Good practices

1. The 'Schaworalle'-project in Frankfurt am Main: In 1996, a noticeable group of Romanian children in a street situation, who had attracted the attention of the local authorities through petty crime and begging, led to the establishment of Schaworalle, a daily childcare centre targeted explicitly at this group. Provided by the 'Roma E.V.' NGO at the request of the Frankfurt Youth Services, its aim was to offer an integrated approach for begging Roma children and their families by ensuring not only a daily shelter for the children, but also advisory and counselling services for the families. The children are enrolled in educational programmes, which are provided to them directly at the centre, and receive recognised diplomas and the possibility to switch to regular schooling. The project is considered highly successful in targeting the group of begging children.[1]

2. The overall model project 'Establishing a causal link between the failure to use educational and school support and the offer of stationary assistance outside of the parents' home', Cologne: In 2004, a group of about 80 children from former Yugoslavian countries had made a name

340 http://www.mdr.de/fakt/7429525.html.

341 *Bild*, 15.07.2011, http://www.bild.de/regional/berlin/betteln/polizei-einsatz-gegen-micky-maus-bande-18887204.bild.html;

for themselves in the city of Cologne through "begging, pick-pocketing and deviant behaviour". This had as a consequence that measures were taken at the local level, with the pilot project addressing not only this specific group, but also aiming at the overall issue of offering Roma parents and children educational and integration possibilities. The total model project includes nine different initiatives, with three of them targeted to the specific group of begging and pickpocketing children. Those include the school Amaro Khmer, which works according to the example of the Schaworalle school in Frankfurt, a literacy course for delinquent girls, as well as one-to-one counselling services for delinquent Roma children.[2] The results of the project were impressive - by 2007, there had been a significant reduction in the number of begging and pickpocketing children under the age of 14 and from an initial 50 intensive perpetrators, by 2007 only 5 to 10 had remained such. As a result, the project was extended by the Federal State of North Rhine-Westfalia until 2009.[3]

3. Amaro Drom E.V. Berlin: The organisation Amaro Drom is a Berlin-based NGO providing assistance and legal counselling to Roma families. Its role became particularly important after the events in Goerlitzer Park, when the organisation actively supported the process of finding solutions. Amaro Drom provides not only assistance at their office, but also summer camps for children, a kindergarten, and most importantly, they have a mobile team that visits the begging women and children and gives counselling on-site. As one of only two local organisations dealing with the situation of Roma families in Berlin, Amaro Drom e.V. has been instrumental in raising awareness on the topic. For instance, in late 2010 it launched the first inquiry on the local level on the situation and perceptions of Roma families. Both local authorities and the families themselves participated, and in total 41 interviews were carried out. Furthermore, Amaro Drom e.V. publishes a monthly statistic on the people who have visited the counselling service point. It reveals that around 600 sessions (which include counselling at the office of Amaro Drom e.V., phone counselling as well as accompanying people to different institutions and authorities such as health services, schools, the OA, the tax authority etc.) are being carried out per month, mostly in relation to hardships in financial and living situations. In addition to this form of counselling, the social workers of Amaro Drom e.V. also carry out so-called explorative counselling, which takes the form of pro-active searching for people who might need assistance at certain locations. In the majority of cases, this type of work addresses begging women and children on the streets of Berlin.

1. Centre for Anti-Semitism Studies, Technical University Berlin (at the request of UNICEF): On the situation of Roma children in Germany, 2007.

2. Centre for Anti-Semitism Studies, Technical University Berlin (at the request of UNICEF): On the situation of Roma children in Germany, 2007.

3. Kölner Stadt-Anzeiger: "Victorias Familie hat nun eine Perspektive (03/04.02.07).

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Andreas Grieß, Maria Marquart und Dominik Peters: "German Roma-Camps? Wrong indication", Der Spiegel 17.09.2010, http://www.spiegel.de/politik/deutschland/0,1518,713689,00.html

B. Kirchner: "Deaf Poles forced to beg", in Express, 14.08.2008.

Gerhard M. Kirk, BZ, 15.01.2005, http://www.frsw.de/littenweiler/zumheulen1.htm.

Andreas Kopietz: Handicapped children are sent on the streets to beg, in: Berliner Zeitung, 02.09.2002,

http://www.berlinonline.de/berliner-zeitung/archiv/.bin/dump.fcgi/2002/0902/berlin/0021/index.html

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Ron Steinke, Betteln Verboten!, in http://www.linksnet.de/de/artikel/20688.

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http://www.derwesten.de/staedte/dortmund/Aggressives-Betteln-nimmt-in-Dortmund-zu-id4197132.html

4.7 Country Section - Greece

Introduction

In Greece, the issue of child begging is considered by most stakeholders interviewed for this Study as a widespread problem, but one that receives little attention from institutions, policy or the media, in the context of a legislative framework that prohibits begging in general. Begging has been considered one of the most common crimes committed by children, especially those up to 12 years of age (Spinelli 2005). Furthermore, research in Greece has shown the existence of trafficking networks bringing Albanian children to Athens and exploiting them through begging (Chloupi 2006, Sikiotou 2003). Another indication of the involvement of trafficking in the phenomenon is that among Romanian and Bulgarian children, groups have been observed transported in cars or vans to certain parts of Athens to beg, overseen by an adult supervisor (ARSIS Street Work 2007-2008).

Stakeholders interviewed in Greece confirmed that child begging can take place both within very poor families, where sometimes the parents also beg and teach their children to beg, as well as in the context of exploitation and trafficking of children begging by third parties, often due to debts contracted by the parents (Interviews with the Prosecutor of Minors, Thessaloniki; the Department of the Minors at the Hellenic Police; the Deputy Ombudsman for Children's Rights; and EKKA Thessaloniki). The Prosecutor of Minors in Thessaloniki specifically referred in an interview for this Study to some begging children in

Greece being in "*a situation of modern slavery: they are totally controlled by their exploiter, they are kept in conditions of food deprivation and physical punishments if they don't bring back the money defined to their controllers*". She also mentioned cases of Bulgarian and Romanian parents selling their children or giving them away to other family members. The Deputy Ombudsman for Children's Rights, however, considers trafficking to be a small part of the whole phenomenon of child begging.

This Section on Greece is based on research conducted at a national level into child begging in the country, together with interviews with stakeholders at a national level, as well as desk research, stakeholder interviews, observations of child begging sites and interviews with begging children in the cities of Athens and Thessaloniki, chosen for case studies due to the prevalence of child begging in those cities. An insight into the issue as viewed by the children involved is provided by children interviewed in Athens for this Study, who almost all saw their begging as a job, and did not consider it to be begging as such. Half of the children interviewed in Greece overall would rather not be begging, but considered that they must help their families financially. Some of the children mentioned that their mother's "work" was to supervise their begging activity even if she did not work herself.

The exploitation that is taking place is evidenced by the fact that almost all children interviewed gave the money earned from begging to their parents or other adults. All children interviewed stated that they passed the money earned on to a family member – a parent, older brother or grandmother – rather than to non-relatives, with some children keeping some part as pocket money. In addition, their access to schooling is jeopardised by the activity; long and late working hours meant that most children did not go to school, partly as they could not get up early enough the next morning.

Some children interviewed in Thessaloniki expressed feelings of shame about their begging activity, while others seemed to see it as normal within their family context. However, two Bulgarian boys interviewed mentioned that they needed the money to pay for their brother/cousin's hospital fees and for their own future marriage dowries. It followed from observations in Athens that children tend to receive more money from tourists than native Greeks, and tend to therefore concentrate their efforts more on this section of the public.

Statistics

There are no up-to-date official nationwide statistics on child begging, child trafficking, child labour or child exploitation in the Greek context. The most recent relevant statistics published by the National Statistical Service show a total of 85 children convicted of begging in 2005. The National Statistical Service furthermore recorded an increase in juvenile delinquency during the past two decades, mainly owing to the increase in children aged 7-12 arrested for begging, the largest number of whom were Albanian. Statistics from police authorities record begging cases nationwide without disaggregating adults from children, noting a significant increase in apprehensions during 2008-2009 (a total of 2,233), and an increase in the proportion of cases involving foreigners begging as opposed to Greeks. The Head of the Department of Children's Rights at the Greek Ombudsman's Office and Deputy Ombudsman cited NGO estimates that at any one time there are around 1,000 children begging on the streets of Greece. As an indication of statistics on child trafficking without specifying the purpose of trafficking, four cases were identified in 2007, involving two Romanians, one Lithuanian and one Nigerian. A very limited number of cases of serious crime in Greece are committed by children, as children are more involved in mild forms of crime such as pickpocketing or shoplifting (Pitsela 2008, TACT data, MARIO project data).

Actors in the NGO sector have also recorded local-level statistics on child begging, such as the Transnational Action Against Child Trafficking (TACT) project, which ran from 2003 to 2009, during which period the NGO ARSIS identified a total of 736 children begging – 533 in Thessaloniki and 203 in Athens. The majority – 395 – of these children were undocumented, with a majority also belonging to the Roma and *Egyptian*/Jev communities of Albania. Local-level statistics were made available by the Police

Department for the Protection of Minors in Attica, where Athens is located, for the period 2007 to the first semester of 2011. These numbers show a total of children arrested for begging during that period of 51 and a total of 226 children identified as victims of begging (see Section A on the legal framework below). According to the Juvenile Probation Service in Athens, for the year 2009-2010, 31 children were convicted of begging; 21 boys and 9 girls. Out of them, only a boy was present at trial. It must be also noted that most of them were younger than 13 years old.

In Thessaloniki, statistics were available only for the first semester of 2011 concerning arrests of children for begging, with a total of five – four Bulgarian boys and one Romanian girl, all of whom were under twelve. In all of the aforementioned cases, charges were pressed against the parents. The NGO PRAKSIS estimated that there are around 100 children aged 5-14 begging in the central districts of Thessaloniki. The Prosecutor of Minors of Thessaloniki, in an interview for this Study, pointed out the lack of statistics in Greece on children begging, indicating that they rarely reach that office, and that on a daily case list, around 2-3 of 64 cases relate to children begging.

Overview description of children involved in begging

Regarding the types of child begging situations encountered in Grece in the course of this research, the most prevalent is type T1 (children between 0 and 6 years old involved in classic begging, woman with child, service provision, collecting, selling small items).[342] This is the most recurrent type of begging situation encountered, which does not mean that other types are not present at all, but rather to a much lesser extent.

Information on the characteristics of children begging in Greece analysed for this Study was drawn from a variety of secondary sources,[343] as well as primary research conducted in Athens and Thessaloniki. According to this analysis, children begging in Greece are mainly from the Roma and *Egyptian* communities of Albania and the Roma communities of Bulgaria, Romania and Greece.[344] Albanian children in Athens come mainly from Southwestern and Southeastern Albania (Fier, Vlora, Korca). Only in Athens, stakeholders mention begging by a small number of young boys from Afghanistan and Pakistan, while begging children in Thessaloniki are exclusively European. Most Greek children begging in Athens come from the Roma community of Xanthi in Southern Greece.

The children interviewed for this Study in Thessaloniki showed a high level of mobility between that city and Bulgaria or Romania. They cited as the reason for the move to Greece problems with the economic situation in their countries of origin and the inability of their parents or older family members to get a job, partly due to discrimination against those that were Roma. Most children expressed the feeling that their life was better in Greece than in their countries of origin. Albanian children begging in Thessaloniki come from the middle and southeastern part of Albania (Elbasan, Tirana, Korca). Also, in Thessaloniki, there are children begging from Xanthi and Northern Greece who are members of the Roma Muslim community. However, the largest group of children begging in Thessaloniki are Bulgarians.

Different ethnic and national groups were found to beg in different areas of the cities of Athens and Thessaloniki during the local-level research for this Study. Furthermore, the area and type of begging activity depended on whether the groups lived permanently in Greece (mostly Greek and Albanian Roma)

342 For more information on the types of child begging situations identified through this research see the Chapter on Typology.

343 ARSIS editorials, 2004-7; Panagos, K. *Begging as a Form of Child Trafficking in Contemporary Greece: A Criminological Approach* (Conference Paper 2010); Altanis P and Goddard J (2004) "Street Children in Contemporary Greece" in *Children and Society* Vol 18; Antislavery International (2009) *Begging for Change*; Soulele D and Panagos K *Children Begging as a form of exploitation in child trafficking* (Conference Paper 2011); UNICEF (2009) *Progress for children: A Report Card on Child Protection*.

344 There are no coherent data on separated African and Asian children in Greece begging, though most of them are homeless (UN 2008).

or were temporary migrants (mostly Romanian and Bulgarian). In Thessaloniki, Romanians tended to have less specified sites to beg and moved around a lot, while Bulgarians had recently settled on certain spots and Albanians always begged in the same places. Albanian children were observed to be watched from afar by women, to whom they gave the money after each session of begging. Romanian and Bulgarian children were observed to work as groups in "begging shifts" in the company of adults of the same nationality, particularly babies and toddlers carried by adults. Disabled Romanian and Bulgarian children begging were observed in Thessaloniki.

Observations conducted for this Study in Athens also showed that Romanian and Bulgarian children often arrive to the city to beg in groups with other children, adults and disabled people. Most of these children observed also begged in the company of adults or older children. Testimonies from Romanian Roma children indicate that they move periodically between Romania and Greece. Media reports (see References) showed the living conditions of some of these groups, who lived together in small run-down flats with large groups of begging children and adults.

Sources consulted indicate a slightly higher number of girls than boys begging in Athens, while in Thessaloniki the opposite is the case. Boys are generally more represented among those playing music or washing car windscreens, while girls engage more in classic begging or selling small items. In terms of migration status, the majority of begging children are Albanians who may have permanent status and/or have been born in Greece, or are undocumented. Some of these children are undocumented migrants who do not have any identity documents, lacking birth and/or name registration. The economic background of children begging is considered by stakeholders in Greece to be very deprived, based on their home situation and appearance.

Geographical distribution of the phenomenon (national and local)

According to research conducted by the NGO ARSIS, most begging children are to be found in cities such as the cities of Thessaloniki, Ioannina and Xanthi, near international borders, Athens as the capital city and Igoumenitsa as a seaport. During the summer period, children can also be found begging on the most touristic Greek islands. In rural areas, a smaller number of Greek children can be found begging door-to-door, most of whom belong to the Roma community, though this is quite rare. In urban areas, children beg outside churches, hospitals, supermarkets and shops, cafés and restaurants or at intersections or traffic lights. Different nationalities of children tend to beg in different parts of cities, with Albanian children observed in central zones of cities, and Bulgarians and Romanians at traffic lights and peripheries of cities. In an interview conducted for this Study, a representative of the Department of Organised Crime of the Hellenic Police mentioned boys begging in the cities of Patras and Igoumenitsa, which are major seaports to Italy, and was aware that they also did so in Italian cities.

Any trends and changes in the groups involved or geographical distribution over the past 10 years

A rising number of children have been observed begging in Greece since the 1990s (Shuteriqi 2005). According to police data, the number of children begging in Greece doubled during the decade 1999-2009.[345] Research conducted by the ARSIS NGO showed a lower incidence of child trafficking for the purposes of exploitation through begging by third parties among Albanian children after 2004, with a higher proportion after that year of children accompanied and/or exploited by their own parents, who were usually unemployed (ARSIS; Interview with Expert Advisor at the National Coordinating Mechanism to Monitor and Combat Trafficking in Human Beings).

After the accession of Romania and Bulgaria to the EU in 2007, an increased number of children of these nationalities were observed begging in Greece (ARSIS, MARIO Project, Soulele D and Panagos K 2010,

345 Greek Parliament.2011. Records of the Greek Parliament on 26-09-2011. Discussion of timely question, Parliamentary Records, Discussion on timely question 18.12.2009.

stakeholder interviews). The MARIO project showed that a significant number of Romanian children were moved from Thessaloniki to Athens during 2010, accompanied by an increase in the number of Bulgarian children begging in Thessaloniki. Local stakeholders interviewed for this Study in Athens commented that while the numbers of Greek and Albanian children begging in the city has remained the same in recent years, during the past two to three years there have been less Romanians and Bulgarians, particularly in the central zones of Athens. This is because of increased danger and lower profits to be made in these districts, and the subsequent movement of Romanians and Bulgarians who beg to the peripheries and the port of Piraeus. According to children begging who were interviewed for this Study, the amount of money that can be obtained has indeed decreased due to the crisis in Greece.

A. Legal Framework

Child begging

254)There is no specific definition of begging in Greek legislation. However, the approach of this Study, defining child begging as children directly asking for money and auxiliary begging activities, is in line with Greek legislation and with the phenomenology of begging in Greece. Begging falls under legislation on forced child labour in terms of child protection. However, there is a paradox in Greek law that children who beg are regarded both as victims of exploitation and perpetrators of criminal acts according to criminal law (Soulele & Panagos 2010). On the one hand, child begging is defined as a prohibited form of child labour (Law regulating the employment of children)[346] and a form of exploitation related to trafficking (Penal Code Art. 323A), both of which consider children as victims in need of legal protection. On the other hand, begging is criminalised by Penal Code Art. 407 and is punishable with imprisonment of up to 6 months or a fine, addressing both adults and children begging. Parents who do not prevent their children from begging can be imprisoned or fined (Penal Code Arts. 360 and 409). The action of forcing someone to beg is criminalised in Arts. 409 and 323A of the Penal Code.

Article 407 of the Greek Penal Code titled "Begging"[347] states that "*Whoever begs due to laziness or habit or greed*[348] *shall be punished by detention up to six (6) months or by a fine of up to three thousand (3,000) euros. The fine may be imposed along with the penalty of detention*". The article was amended according to para. 3(f) Article 24 of Law 4055/12, and its enactment, in line with the amendment, applies as of 2 April 2012 (Official Gazette 51 A/12-3-12). Accordingly, begging is now considered a petty offence, though the punishment that it is provided for is more severe.[349] Children begging are not excluded from punishment and the provisions of the article are imposed uniformly on adults and children.
According to Article 409 of the Penal Code those who are responsible for the child (parents and/or guardians), if they fail to prevent the child from begging, are punished by imprisonment up to six months. Furthermore, those who deliver or provide to others children younger than 18 years with the intention of gaining financial profit are punished by up to six months imprisonment. The paradox is that despite the fact that children are considered as victims of exploitation through begging under Article 409 and Article 323A (see below), at the same time they may be punished for begging under Article 407 of the Penal Code.

Children living or working in street situations

There is no specific law in Greece covering children in street situations, though working on the streets

346 Ministry of Labour Decision No OIK 130 621/03 (Official Gazette 875/2-7-03 B), Law 1837/89 (Official Gazette A'85 – Correction Official Gazette A'98 / 18/04/89).

347 Literal translation of the article by the researcher.

348 The word used in the original text is "φιλοχρήματος" literally meaning "a person who loves money exceedingly".

349 The text of the article before the amendment: "Whoever begs due to laziness or habit or greed shall be punished by imprisonment of up to three months" (misdemeanor crime).

is listed as a prohibited form of child labour (M.D. 130621/03). Due to the broad definition of begging activity, children on the streets are usually considered under begging legislation (see above).

Child trafficking

On foot of the ratification in 2010 of the UN Convention against Transnational Organized Crime and its three Protocols, Art. 323A of the Penal Code was amended, *inter alia*, to include begging in the types of exploitation related to trafficking. In addition, the provisions of P.D. 233/2003 were amended to stipulate that trafficking victims cannot be deported, but rather, if possible, that they may travel safely back to their countries of origin. If there is any doubt as to the age of a victim of trafficking, they are to be considered a child until their real age is determined. In 2008, the 2004 Agreement between Greece and Albania was ratified for the protection and assistance of child trafficking victims (Law 3962/08). Victim assistance was introduced in 2002 as an obligation of the State.

In relation to begging in the context of trafficking, Article 323A of the Greek Penal Code titled "Trafficking in human beings"[350] states that

"*1. Whoever, by using force, threat or other coercive means or by the imposition or abuse of power, hires, transfers, promotes inside or outside the territory, retains, fosters, delivers to another person with or without exchange or receives an individual with the aim of removing "cells", tissues or organs of his/her body or with the aim to exploit by himself or through another person the work or the begging activity of this individual, is punished by incarceration up to ten years and a pecuniary penalty from 10,000 to 50,000 euro.*
2. If the perpetrator, in order to achieve the same aim, extorts the consent of a person or uses fraudulent means or lures the concerned person by exploiting his/her vulnerable position, with promises, gifts, payments or other benefits, they will be punished with the same penalty mentioned in the above paragraph.
3. Whoever, being aware of the conditions prescribed in paragraphs 1 and 2, accepts work or earnings coming from the begging activity of a person, is punished by imprisonment of six months at least.
4. The perpetrator according to the previous paragraphs is punished by incarceration up to ten years and pecuniary penalty from 50.000 to 100.000 euro, if the offence:
a) is against a minor or a physically or mentally disabled person,
b) is perpetrated on professional basis,
c) is perpetrated by an officer, who in the context of his work or by taking advantage of his/her work status, commits or participates in any way in the offence or
d) has caused grievous bodily injury to the victim [...]."

In 2002, the first anti-trafficking law was enacted in Greece, Law 3064/2002 "On combating trafficking, crimes against sexual freedom and general economic exploitation of sexual life and assistance to the victims of such acts" (Official Gazette A 248, 15 October 2002). Accordingly, the crime of trafficking was introduced into the Greek Penal Code (Article 323A). Greece has ratified the 2000 Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography by Law 3625/2007 "Ratification, implementation of the Optional Protocol to the Convention on the Rights of the Child on child trafficking, child prostitution and child pornography and other provisions" (Official Gazette A 290, 24 October 2007). Pursuant to the ratification, paragraph 6 was added to Article 323A, according to which the perpetrator of human trafficking is punishable by life imprisonment, if his/her act resulted in death. The provision is in accordance with Article 8 para. 1a and 3 of the Optional Protocol. Greece ratified the UN Convention against Transnational and Organized Crime and the three Protocols thereto by Law 3875/2010 (Official Gazette 158 A/20-9-10). Pursuant to the ratification, paragraphs 1 and 3 of Article 323A were amended and begging was also included in the types of exploitation related to trafficking. Therefore, the term

350 Literal translation of the article by the researcher.

begging is featured in the Article and exploitation through begging is explicitly prohibited.
The Greek Penal Code covers in Art. 113 para. 6 the suspension of the legal limitation in trafficking, among other crimes, until the adulthood of child victims. The legal category of trafficking victims is separated from those of unaccompanied minors and smuggled migrants (Art. 1 of Law 3386/2005). It should be noted that a problem is posed in describing children's involvement in criminal gangs by the Greek Penal Code (Arts. 187 and 187a) in that the legal definition of the term "criminal gang" is broad and vague. In addition, there are unreported crimes in relation to this issue (Kastanidou 2006, Krithara 2005).

Child protection framework

In relation to child labour, ILO Convention 182 on the Worst Forms of Child Labour has been ratified in Greece. The Greek Civil Code, in Art. 136, states that children over 15 can work with the consent of their parents/guardians, or if decided by the court at the request of the child. Law 1837/1989 further regulates the employment of children, with special protection for children under 15 and special arrangements for children aged 15-18. Art. 2 of the law regulates a general prohibition on certain types of work for all children, while Art. 3 provides for, subject to certain conditions, the employment of children in artistic and similar activities. Law 3144/2003 prohibits in Art. 4 children's work on activities that are likely to harm their health, safety or morals. In addition, ministerial and presidential decrees provide extensive lists of prohibited forms of child labour, listing begging as one of the worst forms of child labour. Parental custody can be withdrawn by court decision or by order of the Prosecutor of Minors, if parents improperly exercise or violate their duties (Greek Civil Code, Art. 1532). Parents can also be subject to criminal or other penalties in cases of labour law violation (Art. 4 of Law 3144/2003) or neglect (Penal Code Arts. 360 and 409; Civil Code Art. 932).

Furthermore, as most children begging in Greece are foreigners, it is also relevant for the Greek context that under the latest amendment of the Immigration Law (Law 3907/11), the conditions for granting humanitarian status to child victims were expanded, though relatively few children have access to this.

B. Policy responses and implementation of the legal framework with regard to child begging

The Greek State's efforts to tackle child begging have been mainly focused on amending the legal framework rather than on social policies, in which civil society and NGOs are principally involved. All stakeholders interviewed for this Study generally spoke of a lack of policy implementation, and child begging situations not generally triggering intervention. Greek Government Ministers who were asked parliamentary questions on child begging in 2008, 2010 and 2011 also pointed to the lack of implementation of existing policies. A Member of Parliament therefore addressed questions to the Minister for Health in December 2010 and April 2011 on the urgency of tackling child begging (Parliamentary Records, Discussion on timely question no 8332/28-12-10 and 15069/15-04-11). Both prevention of child begging and protection of the children involved are provided for in Greece under the general childcare system.

Prevention of child begging

There is no specific policy response to child begging in Greece. However, the Deputy Ombudsman for Children's Rights in Greece is currently preparing an action plan to coordinate the efforts of the police, local authorities, social services and NGOs in tackling child begging. There are programmes for the integration of foreigners and Roma, as well as equal access to services programmes and equality programmes for migrants, refugees and Roma run by EKKA (the National Centre for Social Solidarity), and intercultural education programmes run by the Ministry of Education. Furthermore, the Ministry of Regional Development and Competitiveness initiated a process in 2011 to ask the state regional departments to assist in recording the needs of the Roma population in order to launch programmes under the Regional

Programmes of the National Strategic Reference Framework. The National Programme on Combating Poverty for 2010 addressed child poverty and the need for better statistical and administrative data on vulnerable groups including Roma.

The Municipal Police in Athens and Thessaloniki, the two cities subject to case studies for this Study, do not have direct competence for preventing child begging, but rather for keeping the peace, noise levels, street trading and so on, sharing competence with the Hellenic Police. The Police Departments for the Protection of Minors in both cities are responsible for protecting at-risk, neglected or abused children, as well as arresting children who have committed crimes.

In relation to trafficking in particular, two special anti-trafficking Prosecutors were appointed in Athens in 2004, on foot of the new 2002 trafficking law. Moreover, manuals and pamphlets have been designed in order to inform competent agencies on trafficking issues.

Protection of children involved

The protection system comes into play if the child is considered a victim, potential victim or at risk, involving the National System for Social Care and public childcare centres and private shelters run by social organisations or NGOs. Under EKKA, there are hostels and protected shelters in Attica and Salonica for child victims. The Institute of Child Health at the Department of Mental Health and Social Welfare also set up the National Network for the Prevention of Child Abuse and Neglect in 2010, which signed a cooperation memorandum with EKKA. In addition, the Department of Children's Rights is one of the five departments of the Independent Authority of the Greek Ombudsperson. Through this Department, since 2003, the Ombudsperson has the mission of defending and promoting children's rights in Greece.

The police authorities and NGOs (currently ARSIS through street work in Athens and Thessaloniki) are the agencies involved in street outreach to identify children begging. There are no drop-in centres for children. NGOs run shelters under the supervision of EKKA (currently ARSIS, Smile of the Child) providing temporary shelter for children subject to a Prosecutor's Order. Smile of the Child operates a child helpline which has received, among others, calls relating to child begging. ARSIS has also received many calls and enquiries on cases of children begging. The helplines report difficulties in referral due to complications in the legal procedures and insufficient protection structures. Data was not available to determine whether any of the calls to EKKA's social assistance helpline related to child begging (during the first semester of 2010, 299 calls related to domestic violence and trafficking, while 278 related to childcare).

Once a child has been identified as begging, protection and shelter can be provided by Children's Camps and Children's Care Centres (in accordance with Law 2646/98), as well as by social organisations and NGOs. There are also a few child shelters in Athens and Thessaloniki (for victims of domestic violence, abuse, neglect, abandonment, exploitation or trafficking). EKKA is the main competent public agency for coordinating the shelter services. If parental custody has been withdrawn or the child is unaccompanied, these shelters are appointed as (provisional) guardians by a prosecutor's order. However, in practice, the existing shelters do not have sufficient capacity for children in need of protection in Greece, as the staff is limited and works under insecure working status.

Therefore, according to NGO stakeholders interviewed for this Study, there is a serious protection gap, which is more obvious from the time the child is located to the time of the official legal identification as victim and the transfer to a shelter. During this time there is a lack of sufficient support and social care. This, along with the obstructive judicial procedures, has quite a negative impact on children's treatment, and in many cases children disappear without having been offered adequate support. The aforementioned situation is confirmed by most stakeholders interviewed for this Study. In addition, the drastic cuts that have been imposed on social welfare services, in the context of economic crisis, have an impact on the

availability of protection services for children.

This situation is also in line with data derived from the Department of Minors and the Department of Organised Crime of the Hellenic Police and the Prosecutor of Minors in Thessaloniki. According to their statements, even when child begging cases are identified, it is not easy or it is impossible to find an appropriate shelter and children return to their begging activity. Furthermore, even when children are transferred, by Prosecutor's order, to a hospital in order to undergo the typical medical exams and/or treatment, they are often taken away/kidnapped by their exploiters or they run away and usually return to begging.

Taking into consideration all of the above, in practice the police's role in identifying child begging cases is restricted, since they are deterred by the lack of a coherent referral system for the protection of the child. In the context of the observations for this Study, it was observed that the police's reactions vary from just watching the children begging, or asking/ordering the children to leave their begging spots, or "arresting" and transferring them to the local police department for an identity check. In addition, according to many children's testimonies in interviews for this Study, children, especially those of foreign origin, are afraid of the police and the authorities. Local stakeholders in Thessaloniki also mentioned that is quite difficult to determine whether a woman accompanying a child begging is actually his/her mother.

Prosecution of offenders

If children are not treated as victims, they can be arrested and prosecuted for begging. Nevertheless, in an interview for this Study, the Prosecutor of Minors in Athens stated that he had instructed the police authorities in the region of Attiki (including Athens) not to press charges against children for begging as this is "very cruel". The Prosecution of Minors in Thessaloniki further indicated that in cases of children begging, criminal prosecution generally applies to the parents of the children, in the cases dealt with by that office. Indeed, Art. 45A of the Code of Criminal Procedure encourages Prosecutors of Minors to avoid pressing charges against children for misdemeanours or petty crimes, which include begging. During the last few years, few such charges have been pressed, and none at all were recorded in 2011.

If the Prosecutors of Minors refrain from criminal prosecution, they may impose rehabilitation measures. If there is a decision to prosecute, on the other hand, the child is released in advance of this and usually absconds without appearing in court. If the child is undocumented, they are sent to a Foreigners Detention Centre. In the case of younger children, the Prosecutor may order that they are sheltered at a childcare centre or minors' shelter and in some cases parental custody is withdrawn.

The provisions for the imprisonment of parents of children begging in the Penal Code (Arts. 409 and 360, see Section A on legal framework above) are generally suspended and repeat offences are not taken into account, therefore the penalties imposed are usually financial (around 300 euros – the average amount a child can earn in around 3-4 days of begging (Pipidou D and Antonopoulou A 2006)). More severe penalties are in place for traffickers of children for the purposes of exploitation through begging. Criminal and administrative penalties are also applied to offenders violating the law against child labour. Parental custody can be withdrawn by court decision or by order of the Prosecutor of Minors (depending on each case). Custody is withdrawn if parents improperly exercise or violate their duties or they are unable to meet their parental duties (Art. 1532 Civil Code). In some cases, parents also face criminal or other penalties, for example in the case of labour law violation (Art. 4, Law 3144/03) or in case of neglect (Penal Code Arts. 360 and 409, Civil Code article 932). No coherent data was available on the numbers of such arrests, prosecutions or convictions.

As mentioned above, the Greek trafficking law was amended in September 2010 to include begging, which, according to the Hellenic Police and the Prosecutors of Minors interviewed for this Study, is

very useful in combating trafficking for the purposes of exploitation through begging. However, they also mention that this is still difficult to prove as it is mainly family members who are involved in the exploitation. Interviewees for this Study from the Department of Organised Crime of the Hellenic Police also mentioned the usefulness of a Transnational Agreement between Greece and Bulgaria to track organised crime.

The reporting authorities for cases of child labour in Greece are the Ministry of Labour (the Labour Inspectorate, SEPE), the Police and the Prosecutors of Minors. The SEPE reports cases to the local Prosecutors of Minors or local police, and the Prosecutors continue the child protection process. According to Presidential Decree no. 141/1991 (Arts. 94, 97 and 98), the police are responsible for supervising people who beg, protecting children from related risks, identifying cases of child exploitation, neglect or abuse and informing the competent authorities of these cases. They must also cooperate with the SEPE in identifying cases of child labour and are responsible for arresting begging children. Police authorities interviewed at a local level in Athens for this Study cite difficulties in staffing and high workloads as preventing them from adequately addressing child begging.

For cases of children begging, the Ministry of Health (Departments of Social Welfare and EKKA) and the Ombudsperson are also reporting authorities, though often cases are reported only to NGOs. All of these organisations work independently, rather than in a network, meaning that there is no coherent and effective referral system. The NGO network on children's rights, created at the initiative of the Ombudsperson in 2009, does not yet operate as a referral system, and the Central Scientific Council to Address Victimisation and Juvenile Delinquency has proposed a network but it is not yet clear if it will include a referral system.

Case Law

Decision 917/2008 of the Supreme Court (Poiniki Dikaiosyni 2008) refers to six Albanian children who, in 2004, were trafficked to Greece for the purposes of exploitation through begging. The children had been trafficked ostensibly with their parents' consent, subject to a monthly payment from the begging profits. The trafficker was prosecuted while the parents were not, as they were considered to have been deceived into granting their consent.

Other cases were identified in which the NGO ARSIS was involved as a shelter and/or official guardian of child victims, including five Albanian children in January 2008 who were forced by their father to beg, on foot of which a Prosecutor's Order was issued granting guardianship to ARSIS; also, ARSIS was involved in a procedure to grant a residence permit to a boy who had been arrested in 1999 at the age of nine and on a Prosecutor's Order was sheltered at a public childcare centre near Athens, having been forced to beg by an adult.

C. Public perception of the phenomenon and of national responses

Public Campaigns

In June 2007, two public campaigns were launched by the NGO ARSIS for the World Day Against Child Labour, entitled "*Childhood can't be bought – No children on the street*" and "*One school for every child.*" In 2008, a campaign to inform the public about child trafficking was organised by the Greek National Committee of UNICEF and the Ministry of Foreign Affairs. The Department of Children's Rights of the Greek Ombudsperson runs campaigns on education in defense of children's rights, as well as visiting schools and receiving reports of any violations of children's rights.

Relevant public debates

Though it is infrequent in Greek media, when begging children are mentioned they are usually referred to under the topics of child exploitation, child trafficking, child begging, traffic-light children or street children, with articles highlighting the need for a strong social welfare system. There have been no high-profile public debates on child begging in Greece, though it has been covered in the print, electronic and television news.

Media "Events" during the last five years

At the end of 2010, during a television programme (*Protagonistes*), the newly elected mayors of Athens and Thessaloniki were both asked if they gave money to children begging on the street, to which both of them replied that they did. Greek news on child exploitation and abuse in general has been criticised for not always protecting the child's identity and not always approaching the issue from a child protection perspective.[351] Some television programmes have interviewed begging children to raise awareness around the issue, including presentations by the ARSIS NGO on the profiles of the children, indicators and the dimensions of child begging. ARSIS regularly collects information and statistics on child begging and publishes them in their online newsletter. Most newspaper articles on child begging in Athens refer to the trafficking and exploitation of children for begging, also noting the physical abuse, torture and mutilation suffered by some children who beg. Research conducted by Ira Emke-Poulopoulou, economist/journalist, and reported on in the *Epikaira* magazine highlighted the phenomenon of Greek people "buying" babies in Bulgaria and selling them for use for begging in Greece.

D. Good Practices

The Centre for Young Children in Athens (NGO "Support Centre for Children and Family"). The services and activities that are provided by this Centre aim to support both children and their families. The educational support includes school enrolment, help with homework, material support, participation in various programmes (such as programmes to combat illiteracy, for learning skills through activities etc). In addition, lunch is offered daily to children. Children are also provided with health and hygiene services through a specific programme. The Centre mainly focuses on improving children's and their families' living conditions and on offering coherent educational support, so as to develop their skills and help them find alternatives that would gradually deter them from begging.

Action on the Street has been organised by the ARSIS NGO on a stable weekly basis over the last six years. The Action takes place in a central square in Athens, near to the most common begging spots. The main aim is to establish a trusting relationship with children and to operate as a stable referral point for the children, especially in case they want to ask for help and support. Various creative and educational activities take place, through which children are entertained, share their views and concerns and are supported to gradually develop their skills. In this context, cooperation is established with local schools and many children have been enrolled and supported in their studies. In addition, many children's families have been approached and provided with social, legal and health services. As a result, there have been cases where children have either reduced or stopped their begging activity.

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Relevant Legislation

A) Legislation against trafficking

Presidential Decree 283/1985 - Greek Penal Code

Law no. 3064/ 2002 (Official Gazette A' 248/11.10.2002)

Presidential Decree no. 233/ 2003 (Official Gazette A' 204/28.8.2003)

Law no. 3386/2005 (Official Gazette A' 212/23.08.2005): Entry, residence and the social integration of the third countries nationals in the Greek territory

Law no. 3625/2007(Official Gazette A' 290/24.12.2007):Ratification and implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and other provisions.

Law no. 3692/2008 (Official Gazette A' 173/25.08.2008): Afficher en écriture latine "Ratification of the Agreement between the Government of the Greek Republic and the Council of Ministers of the Republic of Albania to protect and assist victims of trafficking in minors.

Law no. 3875/2010– Governmental Gazette A 158/20.9.2010 Ratification and implementation of the UN Convention against Transnational Organized Crime and the three Protocols thereto, and relevant provisions.

B) Legislation on child labour

Law 2901/1992 (Official Gazette192/2.12.92) Ratification of International Convention on Children Rights

Law 2079/1952 Ratification of International Labour Conventions Convention 029 concerning Forced or Compulsory Labour

Law 4221/1961 Ratification of International Labour Conventions Convention 105 concerning the Abolition

of Forced Labour

Law 1182/1981 Ratification of International Labour Conventions Convention 138 concerning Minimum Age for Admission to Employment

Law 2918/2001 Ratification of International Labour Conventions Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

Presidential Decree no. 164a/1984 - Greek Civil Code

Presidential Decree no. 329/1983 Jobs that pose risks to the safety, health and development of minors

Law 1837/1989 For the protection of minors in employment and other provisions

Ministerial Decree no.130627/1990

Presidential Decree no. 62/1998 Measures to protect young people at work, in compliance with Directive 94/33/EC

Law 3144/ 2003 Social Discussion for the promotion of employment and social protection and other provisions.

Ministerial Decree no.130621/03, Tasks, projects and activities that are prohibited for minors.

Law no. 2639/1998 (Government Gazette A 205) "Regulation of labour relations, establishment of Labour Inspectorate and other provisions as supplemented by Article 9 of Law 3762/2009 (Government Gazette A 75) "Reorganization of Labour Inspectorate (SEPE), issues concerning organization of the Ministry of Labour and Social Protection and other provisions

Law no. 2063/D1 632/11 (Official Gazette 266 V/18-2-2011): Classification and determination of infringement fines imposed by them are inspected by Labour Inspectorate

Presidential Decree no. 141/1991 Jurisdictions of official institutions and actions of the staff of the Ministry of Public Order and the organisation of Services.

C) Legislation on other related issues

Ministerial Decree no 8291/ 7-12-84

Law 3329/05 National Health and Social Solidarity

Law 2646/98 Development of the National Social Care System

Law 3106/03 Reorganisation of the National Social Care System

Law 3402/05 Blood donation system reorganisation and other provisions.

Law 3895/2010 Removal and merging of services, agencies and public sector bodies.

Presidential Decree no. 258/86 Code of Criminal Procedure

Law no. 3386/2005 (Official Gazette A' 212/23.08.2005): Entry, residence and the social integration of

the third country nationals in the Greek territory.

Law no. 3907/11 Establishment of the Asylum Service and Service First Host adaptation of Greek legislation with the provisions of Directive 2008/115/EC "concerning common rules and procedures in Member States - States for returning illegally staying third-country nationals and other provisions.

Law 3094/03 Ombudsperson and other provisions.

4.8 Country Section - Hungary

Introduction

This Country Chapter on Hungary is based on research conducted at a national level into child begging in the country; the main results were taken from desk research and interviews conducted with policy-makers, NGO and government staff working with children, inter-governmental agencies and the judiciary, law enforcement agencies (working on child begging/exploitation/trafficking) at the national level, as well as from desk research, observation sessions and stakeholder interviews at the local level. The local research was conducted in **Budapest** and in **Szeged**. The selection of the cities in Hungary was conducted on the basis of the following conditions: Firstly, there was specific interest in examining the situation of child begging in the capital, so Budapest was a given. Secondly, the selection of the other city was based upon previous research. The reports of the interviewees and articles on the topic of child begging demonstrated that children are to be found begging at busy locations frequented by many people.

According to the interviewees, the number of begging children is less than 1,000 per year nationwide. Research on the topic made it possible to identify certain factors thought to have an important influence and therefore to contribute to the phenomenon of child begging in Hungary:

- Poverty: Generally, begging children come from large families, with many children. In these families, begging is the source of food.
- Complex background problems, unemployed status of parents, low emotional satisfaction within the family, and total defencelessness are among the factors listed by interviewees as reasons for trafficking.
- Low advocacy skills: Children are often unaware of their rights, and their distinction between good and bad is based upon the knowledge of their parents.
- Mental health problems.
- Low socio-economic status.
- Recent lifestyle changes.

Although child protection services try to stay in touch with begging children, they often escape from the system, frequently as a result of 'over-care'. By the time these children actually get to the child welfare services, they have little trust in the system and do not cooperate. When that happens, the childcare system can offer little help and the children often escape. Follow-up is difficult and mostly works on an ad-hoc basis. It is also a question of competence between the different institutions/organisations working in this field.

Some of the interviewees for this Study stated that if children are found begging alone on the streets, they can often be connected with organised crime, including trafficking. Child trafficking, and trafficking itself, is difficult to prove in a court situation. If someone begs alone then he/she can be victim of trafficking or exploited by an organised crime group. Furthermore, freedom of movement rights within the EU and the necessity for less official documentation creates difficulties in monitoring the lives of children moving or moved across borders.

Statistics

In terms of begging, Hungary is not a target country but a transit country. Apart from this, the latency of this crime is very high, thus collecting data on it is problematic. There is no official specific data on **child begging**, **child trafficking** and **children living and working on the streets**. According to the database of the Coordination and Statistics Department of the Ministry of the Interior (Unified System of Criminal Statistics of the Investigative Authorities and of Public Prosecution - ENYÜBS), crimes concerning begging have been registered since 2009 and since then there have been only 11 official cases. This number refers to the legal procedures and from these, only four cases referred to restricting personal safety or endangering a child.

The Police only collect data on offences and crimes in cases when legal procedure starts, but very often Police do not initiate legal proceedings against begging people, but merely send them away from the scene. Therefore, in ENYÜBS only a small number of cases exist in which the subjects have been arrested by the police and whose legal procedures have been concluded.[352] Conversely, the childcare system reports on every case within respective districts. Yet people who beg are often highly mobile, and although citizen's reports are made, begging people have often moved on by the time a social worker can arrive on the scene. 24 cases were observed during 2011 in the Custody Office, i.e. two per month. Seventeen of these 24 cases involved Romanians begging. Two of the 24 cases involved crime, and the police therefore initiated the legal procedure against child endangerment.

Regarding the documentation of child begging at the local level, data and statistics could be provided for Budapest and for Szeged. It is important to mention that in the 5th District of **Budapest**, the presence of police is more concentrated, because of the location and the EU presidency of Hungary in 2011. Ministries, Parliament, and other governmental institutions are located within this district. Therefore, the quota of arrested persons involved in child begging may be higher than in other districts of the capital. Information on statistics in **Szeged** was provided by the Self-Government General Administration Office. Since 2007, they have dealt with a total of 35 cases of child begging. Twenty-one of 35 cases involved children who were under 14 years old. In 14 cases they were between 14 and 18 years old.

The Police have no appropriate information on the phenomenon of organised begging, 'beggar mafias" or on 'forced begging'. The current national statistical system does not recognise the concepts of 'forced to beg' or 'begging for somebody.' There is no provision in *Act LXIX of 1999* on administrative offences, nor in the parliamentary resolutions on the national crime prevention strategy, nor the governmental decree on being forced to beg or begging for another, though, as set out below, begging with a child is included in the Act on administrative offences and aggressive begging is covered in another Act.

Referral systems do not work in this special case and the interviewee institutions for this Study do not usually have statistics on child begging. If they do, the next institution of the referral system (or at least the connected institutions) does not provide the same data. This also demonstrates the difference in representations of the phenomenon and the lack of referral systems. It is also observable that service providers have different data to law enforcement agencies, and that they also have fewer case numbers, namely between two and six yearly (e.g. Kék Vonal Child Crisis Foundation reported two cases, Child Protection Agencies in Budapest reported three to six cases yearly).

Overview description of children involved in begging

Based on the categorisations of some of the interviewees for this Study, four different types of begging could be identified. The activities of the children depend on the type:

352 Even the official statistics depict a very unrealistic picture: certain cases are deemed offences, while others are crimes (due to child endangerment). However, most of them do not appear in the statistics as begging or, more importantly, under the heading of 'child begging'.

1) **Children begging alone:** Aged between nine and 14 years old and of either gender;[353] they are mostly Romanians, coming from either ethnic Romanian or Hungarian parts of the country. They are not Hungarian citizens, and do not speak Hungarian. Some experts maintain that Roma children are involved, while others argue that ethnicity has little importance regarding the issue of child begging. Others reported that it was a rare thing to see a Hungarian child begging on the streets; however it was mentioned that child begging in Hungary is a very latent phenomenon and that authorities often turn a blind eye to cases. The incidence of child trafficking is very high among this group; they often come from situations of extreme poverty; sometimes their parents sell them. The infliction of disabilities to evoke more compassion also takes place among this group. This type presumably belongs to the so-called 'beggar mafia'[354] and they are compelled to collect a certain amount of money daily.
2) **Children with adult women** For this type of begging, age seems to be a factor of higher importance as adult women beg with children from infancy to 6 or 7 years of age. Observations on the streets for this Study showed that these children almost never solicited funds actively. Children in this group are usually both Hungarian and Romanian. These children come from situations of extreme poverty, yet are very often begging independently and not part of any organised groups of beggars. The psychological state of the mother or other female adult is an important factor; they are often struggling with neurosis, receiving little if any help. They are "out of the system." The children themselves are sometimes sedated by medication.
3) **Families who beg periodically:** This phenomenon is largely dependent upon the season.
4) **Adults begging:** These are also independently begging, compelled by poverty.

Some of the Study's respondents expressed their doubts about children begging of their own free will, - unlike adult Hungarians begging, they are not on the streets to serve their individual economic need, but in the majority of cases have been coerced into doing so.

Regarding the types of child begging situations encountered in Hungary in the course of this research, the most prevalent are types T1 (children between 0 and 6 years old involved in classic begging, woman with child, service provision, collecting, selling small items) and T5 (children of various ages involved in classic begging, woman with child, services provided by older children).[355] These are the most recurrent types of begging situations encountered, which does not mean that other types are not present at all, but rather to a much lesser extent.

Geographical distribution of the phenomenon (national and local)

The phenomenon of child begging in Hungary is found mostly in the capital, Budapest, and in Szeged, in the southeast of the country.

In downtown **Szeged**, begging is forbidden and, thus, rarely occurs. When it does, it is found mostly in squares or parking areas at squares. Within **Budapest**, child begging is most prominent in areas such as Nagyvárad Square, Üllői Street, and Teleki and Boráros Square. These are busy intersections of the city. Previously, metro stations were popular places for begging, but since 2010 the metro stations are

353 Respondents to this Study stated that gender does not have any importance in terms of child begging.

354 Although there is no official information on the so-called 'Beggar Mafia,' some of the respondents could give some details: The Beggar Mafia is a heterogeneous group, composed mostly of Romanians. Within the Beggar Mafia there exists a 'position' called the 'warden'. This man/woman stays with begging people all the time and watches them from a distance. It makes the victim's situation more difficult, because if the police or another authority apprehends them, they cannot say anything because they are under the surveillance and control of the warden.

355 For more information on the types of child begging situations identified through this research see the Chapter on Typology.

equipped with cameras, resulting in a decrease in the begging phenomenon.[356] Larger groups of children can also be found next to railway stations and busy junctions, as motorists are assumed to be better off than pedestrians, hence the popularity of these sites for begging. The downtown pedestrian streets (e.g. Budapest's main tourist shopping thoroughfare - Váci Street) are also among the more prominent sites for child begging.

Some begging people are aware of the restrictions against begging, and thus do so in district border areas (e.g. in Budapest), where jurisdictions are sometimes unclear even to authorities. Thus if they are caught by police they can move to adjacent districts where the police do not recognise them. Also, in border areas, police are inconsistent in their enforcement.

Any trends and changes in the groups involved or the geographical distribution over the past ten years

The 2007 accession of Romania and Bulgaria to the EU saw an increase in the number of Romanian adults begging in Hungary, but in the perception of some of the interviewees for the Study, the transition also made many children turn to begging. Some were able to leave begging behind, others went lower in the social hierarchy and are now at the lowest level of homelessness.

Conversely, some interviewees for this Study stated that fewer children beg in the streets in Hungary than in previous years. Several reasons could account for this, for example: Street life in Budapest is well observed by surveillance cameras; the country has adopted an increasing anti-poverty orientation; people do less charitable work; and, finally, begging seems to evoke less pity than it did before.

A. Legal Framework

Child begging

The regulations currently in force regarding begging are contained in Act LXIX of 1999 on administrative offences (hereinafter: Act) and Government Decree N° 218/1999 (XII.28.) on certain Offences (hereinafter: Decree), while at a lower level decrees by local governments set the rules.

Begging involving a child is addressed by the Act in the section dealing with human dignity, personal freedom and offence against public order. According to section (1) of article (Art.) 146: *"Anyone who begs in the company of a child, or street vendors, may be fined with up to one hundred thousand HUF"*[357] *(around 376 Euro)".* Section (3) of Art. 146 of the Act emphasises that *"The authority shall report the offence, the personal data of the concerned child and that of the offender without fail to the child welfare service within the jurisdiction of the child's place of residence".*

Similarly, according to Act XXXI of 1997 on the protection of children and trusteeship governance, the acting authorities are obliged to report to the child welfare service responsible if the child is endangered. In the case of begging with a child this endangerment is rightfully presumed, therefore the Act spells out this obligation of the authority. If a child is endangered, it is considered that a crime may have been committed.[358]

356 If people begging do appear in these locations, they are aware of the existence of these cameras and act accordingly, hiding behind them or otherwise positioning themselves in a manner to avoid being photographed.

357 http://www.nhh.hu/dokumentum.php?cid=8279

358 The Criminal College of the Supreme Court explained in its resolution that abuse of a minor has taken place if the child is restricted from attending primary school for a long period of time, provided that it endangers the physical, intellectual or moral development of the minor. Endangering the child's intellectual development not only exists if, as a consequence, the child remains illiterate, but even if as a result of the long-term absence from school, the child does not acquire the basic knowledge in order to acquire further knowledge for his/her way of life.

Art. 5 of the Government Decree N° 218/1999 (XII.28.) on certain Offences[359] defines the actual offence of 'begging' as follows: *"(1) One who begs in public areas or public places in a manner that disturbs others may be fined up to thirty thousand HUF (EUR 120). (2) The police may impose a fine on the spot for the offence described in section (1). (3) In accordance with the application of section (1) begging in a manner disturbing others is when someone calls on passers-by or those present in a public place to hand him money or goes from house to house or flat to flat asking for money."* Thus, the Act has multiple legal objects. In addition to the interest of the healthy moral development of the child, there is also the peace of passers-by in public areas.

Taking the above into consideration, forcing a child to beg regularly is not considered an offence, but a crime of endangering a child (Act IV of 1978 on the Criminal Code). However, it is considered an offence, and not a criminal act, when an adult begs with a child (or the offender instigates a child to beg or commits the offence with the child) on a regular basis, as a *modus vivendi*.

The national legal system regarding child begging is regionalised. Based on the authorisation of the Constitution and the Local Government Act, several cities (i.e. Szeged, Kaposvár, Pécs, and some districts of Budapest) in the country have introduced local decrees to regulate begging, including the declaration that 'silent begging' is considered illegal. This stands in contrast with the national legal framework stating that since March 2000 'silent begging' in itself is not illegal as the abovementioned regulations only penalise begging with a child and 'aggressive begging'. Apart from this, the local government regulations use their own definitions to ban begging in public areas and other public places, as well as similar behaviour, for the purpose of protecting public safety and tourism reasons.

In Szeged, for example, silent begging is forbidden on the main pedestrian street, as well as at the city's largest market. While the above-mentioned town of Kaposvár has its own local decree (local decree on offences: 33/2005 (VI. 27)) on begging, Szeged refers to 146 § of Act LXIX of 1999 on administrative offences (begging in the company of a child[360]), and the Government Decree N° 218/1999 (XII.28.) on certain offenses.

According to the Hungarian Civil Liberties Union (TASZ), these local government regulations are unconstitutional; the indeterminate state of affairs and the uncertainty of the wording violates the requirement for legal security determined in section (1) of Art. 2 of the Constitution, as well as that of human dignity and freedom of movement.

In towns where local acts were introduced to ban begging, the implementation of sanctions is the task of public area superintendents, or public area superintendents and police together. Public area superintendents may apply measures such as official control, checking of personal documents, on-the-spot fines, reporting, detention and the retention of goods legally allowed to be confiscated. The means applicable by the superintendents has been extended from their right to request information to the possibility to intercept.

Children living or working in street situations

According to Act 31 of 1997 on Child Protection and Guardianship, "endangerment" is a state of the child that derives from (among others) circumstances which obstruct the physical, mental, moral or emotional development of the child. In line with practice, homelessness is regarded as such a state.

359 http://www.nhh.hu/dokumentum.php?cid=8288

360 *'One who begs in the company of a child, or street vendors, may be fined with up to one hundred thousand HUF.'* (http://www.nhh.hu/dokumentum.php?cid=8279)

Child trafficking

Since 1999, Trafficking of Human Beings is an independent article (175/B) of the Criminal Code (Act IV of 1978) of Hungary.[361] Forced labour connected to Trafficking in Human Beings is also regulated in this article. Begging can be considered as trafficking if it occurs as forced labour.

In 2009, the government amended Paragraph 175/B of the Criminal Code to increase penalties for cases involving child victims of human trafficking under the age of 12, as well as in order to increase the number of traffickers convicted and sentenced to time in prison, though it did not include trafficking in human beings for labour exploitation. Penalties prescribed in Paragraph 175/B now range from one year to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Authorities note that because of a ruling by the Hungarian Supreme Court, prosecutors must meet strict evidentiary requirements for proving the crime of human trafficking under Paragraph 175/B, specifically the prosecutor must prove that a victim of human trafficking is either bought or sold by another person; because of this standard, prosecutors generally use other statutes to prosecute trafficking offenders. At the time of writing, an update is being drafted of the Hungarian Criminal Code (it has not yet been approved) with a slightly different definition of trafficking in human beings, however this still does not include begging. Based on case law, a case of begging can be defined as trafficking in human beings if it is proven to be 'forced labour'. The text where this question was included actually states that proving trafficking in human beings in court is very difficult for prosecutors in Hungary, so they often choose to press different charges to make sure that the perpetrators are punished.

The framework for combating Trafficking in Human Beings was laid down by Government Decision (1018/2008. (III. 26) on the National Strategy for 2008-2012. It establishes a national coordination mechanism and appoints a national coordinator and identifies the most important objectives and activities. The national coordinator is the Deputy Secretary of State of the Ministry of the Interior responsible for EU and International Affairs. At present, 12 governmental, civil and international organisations participate in the national coordination mechanism. The government demonstrated progress in improving victim assistance; it allocated funding for a new NGO-run shelter that opened in March 2010 and guaranteed funding through June 2011.

Most of the international and European Union legal norms have been transposed into Hungarian law concerning prohibition, prevention, prosecution and assistance to victims. The most important conventions

361 Trafficking in Human Beings, *Section 175/B:* (1) Any person who sells, purchases, conveys or receives another person or exchanges a person for another person, also the person who recruits, transports, houses, hides or appropriates people for such purposes for another party, is guilty of a felony punishable by imprisonment for up to three years.
(2) The punishment shall be imprisonment between one to five years if the criminal act is committed:
a) to the detriment of a person under eighteen years of age; b) to the detriment of a person kept in captivity; c) to subject the victim to forced labor; d) for the purpose of sodomy or sexual intercourse; e) for the unlawful use of the human body; f) in criminal conspiracy; or g) in a pattern of business operation.
(3) The punishment shall be imprisonment between two to eight years, if the act of crime is committed:
a) to the detriment of a person who is in the care, custody, supervision or treatment of the perpetrator; or b) for the purposes specified in Paragraphs c)-e) of Subsection (2): 1) by force or by threat of force; 2) by deception; 3) by tormenting the injured person.
(4) The punishment shall be imprisonment between five to ten years if the criminal act is committed:
a) to the detriment of a person referred to in Paragraphs a)-b) of Subsection (2) and in Paragraph a) of Subsection (3), for any of the purposes defined under Paragraphs c)-e) of Subsection (2), and/or in the manner defined under Points 1-3 of Paragraph b) of Subsection (3); or b) for the purpose of making illegal pornographic material.
(5) The punishment shall be imprisonment between five to twenty years or life imprisonment if the criminal act is committed to the detriment of a person under twelve years of age:
a) for any of the purposes defined under Paragraphs c)-e) of Subsection (2); b) in the manner defined under Points 1-3 of Paragraph b) of Subsection (3); or c) for the purpose of making illegal pornographic material.
(6) Any person who engages in preparations for trafficking in human beings is guilty of misdemeanor punishable by imprisonment for up to two years.

implemented are the following:

- **Act CLXI of 2009** on the ratification and promulgation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- Hungary ratified by Acts CI, CII and CIII of 2006 the **United Nations Convention against transnational organized crime (2000) and its Protocols**, i.e. the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.
- The Council of Europe Convention on Action against Trafficking in Human Beings (**2005)** was signed by Hungary in 2007 and the preparation for ratification is under way.
- **Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals on the entry and stay of foreigners** implemented the 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.

In 2006, Act CXXXV of 2005 on Crime Victim Support and State Compensation entered into force, which defines the conditions of eligibility, the forms and amount of compensation for crime victims - including victims of trafficking. According to this Act, victim assistance covers victim support (facilitating the protection of victims' interests, granting instant monetary aid and providing legal aid) and state compensation. In order to prevent and fight children's exposure to the risks of victimisation, the victim support service shall provide child welfare agencies and the competent guardian authority with information from its records indicating the circumstances of victimisation and potential threats to juveniles. The Act founded the network of victim support services supervised by the Central Office of Justice.

Child protection framework

Child labour

During recent years Hungary adopted international standards and conventions in regard to children's rights and therefore also implemented major changes in regard to child labour. For example, Hungary passed the Act XXVII of 2001 on the promulgation of the ILO Worst Forms of Child Labour Convention. By ratifying this Convention, Hungary commits itself to taking immediate action to prohibit and eliminate the worst forms of child labour.

Secondly, Hungary passed Act LXIX of 2000 based on *ILO Convention No 138*, also known as 'Minimum Age Convention'. At present the minimum age of compulsory schooling in Hungary is 18 years. Pursuant to the action plan '*Széll Kálmán*', the government reduced the minimum age of compulsory schooling to 15 years in April 2012. Thirdly, Hungary adopted Act LXIV of 1991 based on the Convention on the Rights of the Child (UN-CRC).

The Hungarian Parliament stated in its Decision 88 of 2009 on the National Youth Strategy that one of the most important tasks of this strategy would be the significant reduction of child labour. This Parliamentary Decision confirmed that surveillance and the sanctioning of the unlawful employment of children needed to be intensified.

Reporting and intervention in child abuse cases

The Hungarian child welfare/protection system is based on the following legal provisions:

- Decree 25 of 2009 of Ministry of Social and Labour Affairs on the register of National Child Protection Experts and of the National Social Policy Experts.

- Decree 15 of 1998 on professional responsibilities and operating conditions of child welfare and child protection institutions and persons providing personal care.
- Child Protection Act (Act XXXI of 1997 on the protection of children and guardianship administration).

According to the Child Protection Act, the Hungarian child protection system has to fulfil a dual function: On the one hand, through the primary child welfare services to be arranged for by local governments, it assists the development of children in families, and prevention and treatment of at-risk situations, whereas on the other hand, it provides a foster family service for children who cannot be raised in their own families. This foster family **s**ervice guarantees the education of the child in accordance with her/his age, and creates a basis for the social integration of the child. In compliance with this Act, the child protection care system must provide a home for temporarily placed children subject to temporary or long-term nursing, care, education, follow-up care of young adults, and fully comprehensive services for children availing of specialist care. The objective of services in children's homes is to provide the full range of services, family care and follow-up care for children and young adults in children's homes.

The special child protection service is responsible for testing the personality of the child, appointment of foster parents or children's homes, operation of a foster parent network, or technical preparations for adoption during temporary and long-term nursing, care education as well as after temporary placements. The child protection service also operates as the guardian of children subject to temporary and long-term education, preparing an individual care and education plan, providing family and follow-up care for the child in order to help him/her to return to his/her family and live her/his own life.

One of the most effective forms of child protection is foster care. The development of a special children's home network at county and national level is also a very important task - especially for children with special needs, serious behavioural problems, anti-social symptoms, physiological disturbances or use of psycho-active substances.

According to the Child Protection Act, the Parliamentary Commissioner for Civil Rights has a constitutional duty to protect the rights of the child. Accordingly, the Commissioner is to investigate and remedy the abuse of the constitutional rights of children, and it can initiate general or specific necessary measures.

Parental custody

Parental custody is a complex legal concept in Hungarian law, comprised of the parent's rights and obligations with respect to his/her minor child and based on the following legal provisions:

- *Act IV of 1952 on* Marriage, Family and Guardianship (Family Law Act, hereinafter: FLA).
- Act CXL of 2005 on the Convention on jurisdiction, applicable law, recognition, enforcement and co-operation in respect of parental responsibility and measures for the protection of children.
- Child Protection Act, Act XXXI of 1997 on the protection of children and guardianship administration.

Parental custody means that it is the parent's right and obligation to make decisions on, and proceed in, fundamental matters concerning the minor child. Nevertheless the parents must ensure that their child, having reached a certain degree of maturity, can express his/her opinion before any decisions are made concerning him/her, and the parents must take the child's opinion into account.

Article 71 (2) of the Hungarian FLA identifies the following key elements of parental custody:

- Right and obligation with respect to caring for and raising the child;
- Right and obligation with respect to managing the child's assets;

- Right and obligation with respect to the child's legal representation;
- Right and obligation with respect to appointing a guardian, and excluding any particular persons from guardianship.

Substitution of parental custody with guardianship

Pursuant to Article 93 of the FLA, if a minor child is not under parental custody, he/she shall be taken into *guardianship.* In Hungarian law, guardianship is the legal concept replacing parental custody, which is resorted to in cases when neither of a child's parents are suitable or entitled to exercise parental custody. Parental custody is suspended (becomes dormant) by law:

- If both of the minor child's parents are temporarily or permanently prevented from exercising parental custody for whatever reason (e.g. if the parent is fully or partially incapacitated; if they die; if the parent's residence is unknown etc.)*;*
- If *a judicial decision has terminated the parental custody* of both of the minor child's parents.

According to Hungarian family law, the termination of parental custody by judicial decision is a sanction subject to strict legal conditions. It can only be applied in certain cases as defined by the law (Article 88 of the FLA) (for example, if the parent's behaviour is seriously harming or endangering the child, particularly its physical well-being, intellectual or moral development; if the parent is sentenced to imprisonment for having committed a wilful offence against the person of the child etc.). The legal consequences of terminating parental custody are that such a parent is not entitled even to partial custody in respect of the child, and he/she is not allowed to have any contact with the child (except for cases where such contact is exceptionally allowed by the court or the Guardianship Authority in the interest of the child). If the reason for suspending parental custody no longer exists, parental custody revives *ipso iure*, and the guardianship is terminated. In the cases outlined above, the Guardianship Authority shall *ex officio* appoint a guardian. Except for certain exceptions set out in the Act, the legal meaning of guardianship is identical to that of parental custody (Article 102 of the FLA).

B. Policy Responses and Implementation of the legal Framework with Regard to Child Begging

Prevention of child begging

Hungary's EU Presidency in 2011 gave priority to mapping the knowledge and attitudes of the Member States on new emerging forms of Trafficking in Human Beings (e.g. coercion to beg, slavery, trafficking in organs, etc) in order to adopt Council Conclusions. The Ministry of the Interior drew up a questionnaire which was submitted within the framework of the Working Group on Organised Crime (GENVAL) to the Member States. In April 2011 an expert seminar was held in Budapest to further discuss on the topic. At the end of the seminar the participants adopted the document entitled the 'Budapest Recommendations'.

In spring 2010, the Crime Prevention Department of Police Headquarters[362] in Vas County launched an information campaign regarding the prevention of child begging in Hungary. However, the campaign's target group was not specifically children, but instead it focused on regulations dealing with begging within the city of Szombathely.[363]

In the Hungarian capital, the Budapest Public Places Inspectorate (BPPI)[364] has installed a so-called 'service network' project, thereby intensifying control of begging activities in public spaces. This network

362 Moreover, the Crime Prevention Division of the National Police regularly delivers lectures on different topics including human trafficking and child begging. The target group of these campaigns is school children.

363 http://hvg.hu/itthon/20100423rendorsegi_szorolap_koldulas_szabalyairol

364 They are responsible for the implementation of rules regarding clarity and order of public spaces, the prevention, arrest, elimination of acts that conflict with legal norms. They have authority to identity check, to fine, to report.

covers highly frequented junctions, busy pedestrian underpasses, surface areas and tourist areas. The programme does not explicitly focus on child begging but mainly concentrates on homeless people on the streets of Budapest.

As far as other concrete results are concerned, the competent Ministry operates the National Crisis Management and Information Telephone Service, and the Ministry of the Interior drafted an Action Plan on Trafficking. In four cities, professional training was held in combating Trafficking in Human Beings for youth professionals and social workers. The seminars cover materials of the Hungarian and international legislation on Trafficking in Human Beings, the global and national mechanisms of trafficking (recruitment techniques and protection options) and the role of law enforcement and justice authorities.

Protection of children involved

Acting authorities are obliged to report to the concerned child welfare service, although the care and protection of begging children is not established within the Hungarian system. Access to protection services depends on the child's nationality. Hungarian children begging get the same child protection services as other endangered Hungarian children — if child protection authorities recognise and consider them as victims and if they access the referral system. However, some of the stakeholders interviewed for this Study stated that begging children are often not aware of their rights, do not consider themselves victims and therefore do not turn to services. They also point out that social services are not pro-active enough in reaching child victims of (forced) begging. They have to be pro-active because it cannot be expected that the victims protect themselves and also report to the authorities.

If children are alone when apprehended by police or childcare officials—as experts reported—they are theoretically sent to the Children's Temporary (Crisis) Home (CTH). 'Theoretically' because during the time of the research we have not come across any begging child at CTHs. In Hungary, every settlement with more than 20,000 residents must run these CTHs, which belong to the relevant self-governments. It works mostly in theory because in reality, only a few CTHs operate throughout the country. However, some of the foundations operate independent CTHs, or Mothers' Temporary Homes. Admittance to these temporary homes is voluntary, and granted upon request to parents and/or children themselves, unlike custodian offices. In the CTHs, children may stay for up to 72 hours before parents are reached. If their parents do not appear within 72 hours, the children can be sent to childcare, to receive the same services as other children in state care.

Regarding foreign children in Hungary, the child protection system's task is to guarantee their personal rights, but they only get the minimum basic service for survival. Foreign children begging are very mobile and thus it is difficult for authorities to track them. The only task of the Hungarian State is to protect them from life-threatening situations and take steps only in cases of unavoidable damage, or if she/he is dangerous to her/himself or others. The provision in their case is only temporary, and his/her personal right can be limited in extreme situations. The Head of Department at the Childcare Office of the 5th District in Budapest described the situation of foreign children as follows: *"The standard concerning foreign children is their personal rights and their country's rights. For Hungary, the right and duty is to save foreign citizens' lives from jeopardy and take action only in cases where damage is [unavoidable], or they are dangerous to themselves or others. If it is avoidable, temporary action can be taken in order not to [infringe upon] the other country's right, and the citizen's freedom can be [obstructed] as a last resort."*

At the local level, the primary custodian processes are divided into two separate spheres. There is the notary custodian authority that exists in every settlement, and there are the city custodian offices, which exist only in larger cities, e.g. custodian offices exist in every district of Budapest. Custodian offices guarantee personal and property advocacy for children and can take decisions regarding "place in protection" cases. The custody service sends all of its cases to the relevant district child protection

service, which visits the scene immediately. According to reports, the child protection services in Budapest cooperate well among districts.

Child protection services may decide to 'place in protection' a child, if the endangerment of the child cannot be ended by voluntary primary care. If child protection services determine that the child can remain safely in the home, they draw up a family-specific "educational plan" to address issues of the child's (or children's) welfare. If the family does not adhere to the plan, and habits or practices that contribute to child endangerment persist, the child is "placed in protection" and removed from the family.

The child protection service, however, is not an authority *per se* and they cannot prevent children from begging. Also the tools at their disposal are limited (for example, they cannot oblige beggars to leave the scene as the police can, etc.). Listed below are the many institutions and organisations working in the field of child begging, though almost no information was obtained as to at which level of the child protection/care system they get involved.

- *Kek Vonal ('Blue Line')* has a nationally available child helpline that deals with both counselling and emergencies. 'Kék Vonal Child Crisis Foundation' also operates as an emergency line for missing children, and on a separate telephone number there is a helpline for professionals dealing with children. "Kek Vonal" was established in 1993 and became a CHI-member in 2003.
- *Childcare Homes:* Services for children and adolescents in the form of home care. They provide overall support, family care and aftercare. Capacity for minimum 12, maximum 40 children (Types of Child Care Homes: Out of Homes/Special Childcare/Aftercare Homes).
- *Child Protection Methodological Services of Budapest (the so-called TEGYESZ)*: Nationwide methodological centre which provides child protection, aftercare and home providing services.
- *Children's Temporary Homes:* For children between six and 18 who are temporarily residing without shelter and support from their family or who are endangered because the lifestyle of their families. It operates under the Self-Government Institutions and there are 22 Homes countrywide.
- *Child Welfare Institutions:* They provide child protection services to facilitate children's upbringing in the family, the prevention of the children's endangerment, the abolishment of endangerment, and the relocation of exiled children.
- *Families' Temporary Homes:* They support families who have lost their home and because of that, their children would have been taken by the childcare system. 59 Homes operate countrywide.

Prosecution of offenders

Police obtain information while on patrol, by citizen's report, or by report of service providers. They appear on the scene and first perform identification checks of the begging children. If the person begging is a child, or an adult with child/children, they call the child protection agency/custodian office. Police inform begging people of the offence/crime committed. At the police station, they take further action based on the condition of the child. They also take into consideration her/his mental and physical condition. It emerges from the interviews for this Study that provision of psychological services is ad-hoc and depends on the person and institution taking care of the child.

If a child is found distraught - injured, dirty, unhealthy, feverish, or hungry - upon decision of the police patrol, police can call for an ambulance and start the legal procedure against the accompanying adult on child endangerment charges. Police can also take the adult into custody for 72 hours. In the case of child endangerment, police report to the relevant Crime Department of the Police, which starts the investigation in the case. If a specific case is considered to be 'accentuated', then police files are forwarded to the highest level (see also the case of Nicoletta below).

In 2011, the Budapest Metropolitan Court began the enforcement of child endangerment laws. If the circumstances require (in every case of child endangerment), the police informs the child welfare/ custodian office and the self-government's child and youth protection departments

- If the child is not well (see above, 'distraught'), the case procedure for child endangerment begins.
- If the child is unaware of what happened to her/him, the case procedure for child endangerment also begins.
- If she/he is well (clean, looks healthy, etc) and aware of what happened to him/her, then the police inform the adult concerned of the offence and begin legal procedures. The police also send the begging people away from the scene. The police then report the case to the relevant Police Offence Department.[365]

Often no child protection action is taken in the interests of the child, and no legal action is taken against the adults; however they have to wait for hours in the corridors of the police station. In these cases police try to deter people from continuing to beg.

Case Law

Child Labour at the Motorway Construction – the Ombudsman on the Rights of Children and the Duties of the Authorities

A related case on child labour provides an insight into how the system works in practice. There is no regulation according to which child protection authorities need to be informed if the Labour Inspectorate spots child labour during an investigation. According to the Ombudsman for Children, such a lack of legal norms endangers the right of children to protection and care and their right to legal safety. He made this statement after press news mentioned that child labourers had been found at the construction of the M7 motorway.

In his investigation launched after the press reports on the construction of the M7, the Parliamentary Commissioner for Civil Rights found that currently there are no special rules of procedure to be applied expressly in the case of children, therefore if the employment of a child is detected during on-the-spot investigations, the inspectors act in the 'usual' way, that is in the manner they proceed in the case of adult employees. The Labour Inspectorates are uncertain because of the lack of legal regulations on whether they have to report child labour. They decide upon reporting according to the 'gravity of the case', namely on the basis of the child's age. In this specific case, they did not inform the public notary or the child welfare service competent for the current residence of the child and they did not do so even when the county guardianship office requested it more than a month after the inspection. One more month passed before the Labour Inspectorate informed the guardianship office competent on the basis of the registered residence and so no steps whatsoever were taken that would have been necessary for the protection of the child.

The investigation also pointed to the omission of the local notary as well as of the child welfare service. Though in fact he did not receive an official report, the notary was aware of the case of child labour, for he and the mayor made statements to several national press organs that children living in the village did undertake jobs at the motorway construction. They also said that families moved to the place from Borsod County to work on the motorway construction. Thus the notary, as a first instance guardianship authority responsible for the protection of children, should have noticed that the child involved in the case was endangered and he should have taken the necessary steps to take the child affected by the labour inspection into protection. In fact the illegal employment of a 13-year-old child during the academic year qualifies as endangering a minor and in that case the notary has to take the necessary measures.

365 In Budapest: the relevant district police unit.

All in all, the Ombudsman found that despite the fact that the employment of children below the age of 15 is strictly prohibited by law, neither the labour inspection authority nor the authorities in charge of child protection are prepared and do not know what to do when they find a child working. In this respect the Commissioner has recalled that in the spirit of Article 3 of the Accord on Children's Rights, state organs have to consider in every case the interests of the child above all.

C. Public Perception of the Phenomenon and of the national Responses

Public campaigns

In recent years there has been no public campaign on child begging at the Hungarian national level. There was an initiative by the Major of Pécs in 2007, who wanted to set up 'beggar vending machines' in downtown Pécs. The main idea was that instead of giving money to people begging, people should put their money into the vending machine. From the machine an NGO would collect the money and redistribute it in the form of food and necessary supplies. In the end the idea of this initiative was not realised.

Public debates

There are no relevant public debates on child begging in Hungary.

Media "Events" during the last five years

In January 2011, a young Romanian begging was detected by Budapest police at a crowded junction. A one-and-a-half-year-old girl was with her and the police took the baby to hospital because she was cold and coughing. At the hospital doctors discovered the girl was malnourished, her body was bruised, and she had several broken bones. Doctors suspected that the wounds were not accidental. The mother was arrested and charged with child endangerment, not begging with a child. The woman's husband appeared with their son, who was malnourished as well but uninjured. The man was not arrested.

This case was widely publicised in the media, drawing the attention of the Ombudsman,[366] who launched an investigation and proposed modified legislation for the protection of children begging including cases of forced begging and begging for third parties. Apart from this, he wanted to propose a more accurate description of the phenomenon of harassment and recommended the initiation of a 'green number' for public notifications of begging.

The much-publicised case of Nicoletta was discussed in the news media in 2011 for nearly a month, causing a brief scandal and drawing attention to the topic of child endangerment:

In February 2011, the Child Care Service (CCS) of the 9th District in Budapest received information on a mother and her child begging at a very busy junction. The social worker on duty went to the scene to check on the situation, in addition to this the CCS called the police who also started investigation on the case. The young woman was found with an infant tucked next to her body, and both were taken into custody. The following week the CCS received another call that the woman was again standing at the same location. Thereafter, the infant was examined in hospital revealing that she was suffering from a high fever, malnourishment and broken ankles. The mother later denied any abuse and said she had not noticed the infant's poor health. The police took the 20-year-old mother into custody, via preliminary arrest and provided her with a lawyer from the custody service. This lawyer arranged the case but abruptly the case was transferred to another lawyer's responsibility. The case received "special" status

366 A koldulásról és a koldultatásról In: http://obh.hu/allam/aktualis/ htm/kozlemeny20110209_2.htm (09.05.2011) (About begging and 'begging for somebody')

and was taken from the 9th District police to the Budapest Police. According to the judge, the prosecution focused on child endangerment.[367] Begging was not mentioned.

Child begging is not a well-known, accurately described phenomenon in the Hungarian language. Generally, there is rather limited coverage in the media, demonstrating the latency of child begging in Hungarian society. A review of print and electronic media pieces on the topic reveals that news coverage often focuses on the topic of foreign children begging, thereby avoiding naming child begging as a Hungarian phenomenon. Mass media coverage tends not to deal with the topic of child begging itself but focuses on the culpability of young offenders, often within a sensationalist framework. The Hungarian media landscape does not analyse the phenomenon or deal with solutions; therefore, media coverage often remains limited to the provision of descriptive information on specific cases of prosecution. In comparison to child begging, the media deals more often with the phenomenon of adult begging with the description of the begging person's situation mostly focusing on their homeless status.

D. Good practices

No good practices were identified in Hungary in relation to child begging.

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Gazsi Adrienn: A koldulás korlátozása jogi és szociális szempontú megközelítésben http://www.esely.org/kiadvanyok/2005_3/gazsi.pdf (09.05.2011) (*Limitation of begging by legal and social aspect of approach*)

Kapronczay Stefánia: A kérés szabadsága In: http://varosfigyelo.hu/#!/koldulas/_cikkek/44-a-keres-szabadsaga (09.05.2011) (*The request of freedom*)

367 Child endangerment means committing a crime (Act IV of 1978 on the Criminal Code) that can be punished by one to five years of imprisonment.

A koldulásról és a koldultatásról In: http://obh.hu/allam/aktualis/_htm/kozlemeny20110209_2.htm (09.05.2011.) (*About begging and "begging for somebody")*

Az állampolgári jogok országgyűlési biztosának jelentése az AJB-2301/2010. számú ügyben, 2010. In: www.earkh.hu/dokumentumtar/doc_download/306? phpMyAdmin *(Report of Parliamentary Commissioner for Civil Rights in case no.* AJB-2301/2010)

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4.9 Country Section – Italy

Introduction

In Italy, the phenomenon of child begging can be found mainly in the northern and central regions of the country and in large cities such as Rome, Milan or Naples. Also towns near large cities, which are easy to commute to, have a strong presence of children who beg, for instance Latina near Rome or Caserta near Naples. As a result of a higher level of poverty, the South of Italy has a larger number of working children and some of them may be involved in child begging.[368] Against this background, the research undertaken at a local level in Italy was conducted in **Rome, Milan, Turin** and **Naples**.[369]
268)

No official comprehensive figures are available on child begging[370] or children living or working in street situations in Italy. There is only partial data, relative to specific cities, to cases reported to helplines for children or to offences related to begging. Currently there are no estimates available, and in the absence of official figures any general estimates are quite difficult.

Telefono Azzurro, the main national helpline against child abuse, in 2009 dealt with 1,730 cases involving children, 4% in relation to child begging.[371] The data relative to another national helpline, *Telefono Arcobaleno*, for 2008, indicates that a lower percentage of all cases tackled (1.95%) were related to child begging, although this percentage increased to 3.5% considering the data relative only to Lazio, the

368 Ires/Save the Children. *Minori al lavoro Il caso dei minori migranti* Ediesse 2007; see also Megale A., Teselli A. *Lavori minorili in Italia. I casi di Milano, Roma e Napoli.* Ediesse 2005. By the end of the local level research, the national press brought to public attention cases of child begging in Sicily. It was however too late to add a further city to the Study.

369 The analysis of the child begging phenomenon offered in the present report cannot provide a comprehensive overview of the situation across Italy for various reasons – most stakeholders consulted for the study tend to have an understanding of the phenomenon relative to specific regions or cities; in some regions there is no information available on child begging and mapping the phenomenon across Italy has only started with the present Study; child begging has a rapidly changing nature, so existing studies do not provide up-to-date information on the phenomenon.

370 Looking at child poverty more generally, research by Unicef points out that 25% of children in Italy are at risk of poverty (according to the economic indicator EU-SILC). Moreover, Italy is among the three countries with the highest level of child inequality, out of 24 OSCE countries in which inequality among children has been compared by Unicef. In other words, the most disadvantaged children have much less than the other children and run stronger risks of social exclusion. Unicef, *Contro la povertà, per i diritti dei bambini e degli adolescenti, Contributo ad una strategia italiana per contrastare la povertà minorile*. 2010 at www.unicef.it/doc/2584/contro-la-povert-per-i-diritti-dei-bambini-e-degli-adolescenti.htm

371 Telefono Azzurro, 114 Emergenza infanzia *Annual report* 114 www.114.it/joom114/images//annual_report_114_-_2009.pdf

region comprising Italy's capital city, Rome.[372] The Centre against Child Begging (*Centro di contrasto alla mendicità infantile*), addressing child begging and exploitation of children on the streets in Rome, during its 4 years of activity (from 2003 to 2006) had 591 contacts with children within the centre, and a larger number of contacts on the streets, 1,859.[373]

Considering the research undertaken in Milan, Naples, Rome and Turin, and based on informal observer assessment and interviews, it is possible to say that most of the children observed begging in these cities belonged to Roma groups and are originally from Eastern Europe, especially Romania and countries of former Yugoslavia, although some children have obtained Italian citizenship. Interviewees for this Study have also suggested that some children from Morocco, Bangladesh and from Sub-Saharan Africa and a small minority of Italian children from Southern Italy may be involved in begging; however, children from these countries were not encountered during observation sessions.

The following statistics are provided in relation to the *overall* Roma population in settlements in Italian cities, and this should not be taken to mean that all of these Roma adults and children are involved in begging. Estimates and information on the number of Roma and Sinti living in **Milan** are scarce, but due to the recurrent evictions carried out in the last two years, it is now even harder to obtain precise data. The best estimate can be obtained using statistics from 2008 from two different sources. According to research by the *Osservatorio Regionale per l'Integrazione e la Multietnicità* (ORIM), there are 1,272 Roma people living in irregular settlements in the province of Milan, and 1,990 in Milan city. The total number is therefore approximately 3,000. A lower estimate, only regarding regular settlements in Milan, is provided by the census coordinated by the *Commissario straordinario per l'emergenza nomadi* in Lombardy and summarised below.

Census of authorised camps			
	Total	Adults	Children
City of Milan	1,331	730	661
Province of Milan	363	229	134
Total	1,694	959	735

Regarding nationality, most Roma people living in authorised camps in **Milan** are Italian,[374] predominantly *Roma harvati*, *Roma abruzzesi* and *Sinti piemontesi*. There are also many third-country nationals (Kosovo Roma, Bosnian Roma and Roma from Macedonia) and Romanian Roma.

Data on the nationality of Roma people staying in authorised settlements in **Rome** in 2008 indicate that almost 70% were citizens of former Yugoslavian countries, although 2/3 of them were born in Italy. 23% were Romanian and nearly all of them were born in Romania. Only 4.5% were Italians. According to data from the Province of **Turin**, the number of Roma from former Yugoslavia in Turin is around 1,400-1,500. There are about 700 Romanian Roma.[375] Although no official data are available, Roma living in **Naples** are mostly Romanian and from former Yugoslavia.

372 Avara M. P., Di Liberto A., Mulè G., *Il fenomeno dell'accattonaggio minorile a Palermo*, Social Books (Unione degli Assessorati) 2007

373 Save the Children Italy, Codici Agenzia di Ricerca Sociale, University of Turin Department of Social Science *The Road to Rights - Practices and models of intervention for the reception and social inclusion of street children exploited and/or involved in illegal activities,* Concluding report for Action 3 of the European Year of Equal Opportunities for All, Practices and models of interventions. 2007

374 According to the official data from the census and to the ORIM estimate on Roma in the whole Lombardy Region.

375 Data available on the website of the Province of Turin: http://www.provincia.torino.it/xatlante/mediaecomunita/rom_sinti.htm

It emerges from the interviews with stakeholders and observation sessions in the cities under study that child begging mostly concerns Roma and there are a few particularities of the phenomenon that are worth mentioning. First, there are slightly more girls than boys among the children involved in begging – with a division of tasks – boys over 14 years of age are likely to collect copper, while girls over 14 continue to beg. It has been reported that some of the female Roma adolescents involved in begging are also mothers and beg with their infants, though this has not been ascertained, as some interviewees declared that Roma women begging with an infant are not always their mothers.[376]

Second, begging seems more common among children who have migrated with their families, but it may also involve separated children. While some cases of child trafficking from Eastern Europe (especially disabled children) for exploitation in begging were reported a few years ago, more recently there have been suspicions that criminal organisations are involved in the arrival of African men frequently seen begging in Naples.[377] It is possible that some of the latter are children.

Overall, the link between exploitation and begging within Roma groups is not straightforward and must be analysed on a case-by-case basis. Studies and expert opinions[378] support the fact that there is a distinction between the forms of child begging that can be considered exploitative in a strict sense and those which are not. The latter are undertaken within the context of a family economy without violence, mistreatment or serious neglect on the part of the parents, nor the requirement to make a minimum income per day. Out of 10 interviews conducted at national level in this Study, the sources were: 6 NGOs, 2 representatives from social services, 1 stakeholder from academia and 1 law enforcement agency, details of which are included in the Annex on Italy. Some of these interviewees mentioned indicators of trafficking. Also, indications from Operation Golf and other sources report the existence of trafficking, but it was not possible in Italy to definitively confirm child trafficking for the purposes of exploitation through begging.

Regarding places where children beg, there is a significant presence of Roma in **Rome**, begging on the streets, outside supermarkets and on public transport (at train stations, on buses or the metro). Windscreen washing by children at traffic lights is common. In **Naples**, unaccompanied children and accompanied Roma children beg in the same scenario as above. Among the consistent number of male adults from Sub-Saharan Africa there may also be children, holding out a hat to ask for money. In **Milan** the phenomenon is less pervasive. Nevertheless, Romanian Roma and to a lesser extent Roma from the former Yugoslavia are positioned in and around the train station, and some of them may offer to assist passengers in using the ticket machines. Some beg on the streets and outside supermarkets, as in Rome and Naples.

376 This kind of information, as well as other indicators of trafficking in children, has been collected during the local level research. For further explanations, see the Methodology Chapter of this report.

377 Main nationalities mentioned: Nigerian, Ghanaian and Burkinabe. (Interview with representative from Cooperativa Dedalus, Naples).

378 See Save the Children Italy, August 2009 *Dossier: Tratta dei bambini in Italia*. This distinction did not have the purpose of justifying begging nor to express a view on the possibility of combining begging activities with a proper upbringing. See also *Progetto Orizzonti a Colori- Colorful Horizons Project* Annual Report 2006/2007 www.images.savethechildren.it/IT/f/img_pubblicazioni/img35_b.pdf
As pointed out by one of the interviewees, and well summarised in the research on Roma and Sinti in Rome by Geordie Association onlus, 2009 *Un' altra città è possibile Percorsi di integrazione delle famiglie rom e sinte a Roma: problemi, limiti e prospettive delle politiche di inclusione sociale*:
"In the case of minors involved in micro criminality, it is possible to find different situations: from the minor exploited by the family, or worse by a professed relative and forced to spend many hours on the streets to ask for money with the mandate to bring money home at the end of the day, to the situation of minors accompanied by their parents and involved in a "family" activity aiming to make an income. [...] In all cases the use of minors and adolescents in begging is the result of a condition of social and economic vulnerability that cannot be necessarily linked with the idea of exploitation but on the other hand cannot be considered a "normal" activity."

According to interviewees for this Study, in **Rome** and **Naples** the presence of children begging on the streets has strongly decreased in the last ten years. Roma children commute from Naples to beg in the nearby town of Caserta or in nearby villages. Children from North Africa (such as Morocco) selling small items in large cities in the north of Italy was an important phenomenon a few years ago, but is now almost non-existent.

In addition to the sub-standard living conditions of Roma settlements, common to all the cities under study, in **Naples** in particular, an aggravating factor is the "interference" of local criminality with Roma living conditions and activities. For instance, a newspaper article refers to payment of protection money in order to live in settlements in the area of Ponticelli, while one stakeholder mentioned the issue of waste illegally unloaded in front of settlements. In the last five years, while the number of Roma living in Scampia has remained quite stable, the number of children registered at school in Scampia has increased dramatically. However, the associations working in the field of education point out that almost all children aged between 6 and 10 are enrolled in school, but the level of attendance is significantly low, with most children attending only 50% of their lessons.

For the representative of the municipal police from **Naples** interviewed for this Study, 10 years ago child begging was common among Roma from former Yugoslavia; then after the arrival of Romanian Roma, most children involved in begging were Romanian Roma and only a minority from former Yugoslavia. In the past, children were brought to Italy by adults who may or may not have been related to them, and exploited through begging activities in order to send money back to Romania. Recently, children involved in begging come to Italy with relatives and close members of the family. They spend 4-5 months in Italy and the rest of the year in Romania, and begging is mostly done to contribute to the economy of the family.

Regarding the types of child begging situations encountered in Italy in the course of this research, the most prevalent are types T1 (children between 0 and 6 years old involved in classic begging, woman with child, service provision, collecting, selling small items) and T5 (children of various ages involved in classic begging, woman with child, services provided by older children).[379] These are the most recurrent types of begging situations encountered, which does not mean that other types are not present at all, but rather to a much lesser extent.

A. Legal Framework

Child begging

Begging, understood as asking for money as charity, is not a criminal offence in the Italian Criminal Code.[380] Child begging is instead regulated and sanctioned by different laws. Law 94/2009, included in the Italian "Security Package", made some changes to the existing offence of "begging with a minor or with a non-imputable person". This offence of begging with children was previously regulated by laws on public order, but it is now a crime[381] (art. 600-octies Criminal Code). The law penalises anyone begging with a child under 14 or allowing a child under 14 and under one's guardianship to beg or to be "used" in begging activities. The penalty is imprisonment from one to three years.

379 For more information on the types of child begging situations identified through this research see the Chapter on Typology.

380 While begging was originally sanctioned with imprisonment by art. 670 Criminal Code, since the 1960s it has been declared legitimate (Corte Costituzionale n. 51 del 1959). A subsequent sentence (n. 519 of 28 December 1995), revoked article 670, stating that asking for charity is legal as long as it is *"a legitimate request of human solidarity [...] playing at one's feeling of charity [...] It does not undermine public order nor public peace."*

381 Delitti contra la personalità individuale Sez I, capo III, titolo XII, libro II Criminal Code.

281)Child begging is also regulated by another article of the Criminal Code addressing exploitation, that is Art. 600 "Placing or holding a person in conditions of slavery or servitude". The article states that:

> "*Whoever exerts on any other person powers and rights corresponding to ownership; places or holds any other person in conditions of continuing enslavement, sexually exploiting such person, imposing coerced labour or forcing said person into begging, or exploiting him/her in any other way, shall be punished with imprisonment from eight to twenty years*"[382].

The penalty is increased by up to 50% when it involves a child. Read together with Art. 601 (below), begging can also be considered to be within the realm of trafficking as Art. 601 defines trafficking with reference to the situation of slavery or servitude defined in Art. 600:

> "*Whoever carries out trafficking in persons who are in the conditions referred to in article 600, that is, with a view to perpetrating the crimes referred to in the first paragraph of said article; or whoever leads any of the aforesaid persons through deceit or obliges such person by making use of violence, threats, or abuse of power; by taking advantage of a situation of physical or mental inferiority, and poverty; or by promising money or making payments or granting other kinds of benefits to those who are responsible for the person in question, to enter the national territory, stay, leave it or migrate to said territory, shall be punished with imprisonment from eight to twenty years.*"[383]

In cases of serious offences involving children (such as begging with children), the Juvenile Court is informed and parallel proceedings to protect the child may be implemented.[384] Although Art. 572 against abuse within the family or towards children[385] does not address child begging directly, it is also used in reference to mistreatment when in certain circumstances children are not allowed to pursue typical childhood activities (including school and play). If this mistreatment is prolonged in time it can constitute slavery.

The line between the three offences described above is quite fine as the offences are not defined clearly and include terms which lack a clear definition,[386] which has led to incoherent application of the law with sentences that are not always in the best interests of the child. In particular, some commentators have highlighted that in some instances of the law's application, the motivation seems to be related to the so-called "cultural" habits of some groups rather than to preventing crime. Moreover, the removal of Roma

382 The condition of slavery or servitude includes the use "*of violence, threat, deceit, or abuse of power; or when anyone takes advantage of a situation of physical or mental inferiority and poverty; or when money is promised, payments are made or other kinds of benefits are promised to those who are responsible for the person in question*".

383 Translation from UNODC *Model Law against Trafficking in Persons*, V.09-81990 (E), pp 24-25 http://www.unodc.org/documents/human-trafficking/UNODC_Model_Law_on_Trafficking_in_Persons.pdf

384 Viganò, "*La giurisprudenza sui reati commessi dai Rom nei confronti dei minori*" Transcript of presentation at *Convegno internazionale - La condizione giuridica di Rom e Sinti in Italia 2010* (International Conference on the legal status of Roma and Sinti in Italy.) Available at http://www.asgi.it/home_asgi.php?n=918

385 Any conduct, either active or passive, causing the victim a physical or psychological state of suffering is considered abuse. When the condition of abuse (mistreatment) is prolonged in time, the offence is regulated by the norms against slavery or servitude.

386 For instance, the difference between the offence of begging with a child and that of mistreatment seem to lay in the "prolonged suffering" inflicted on the child. Both the state of suffering and the persistence of the activity of begging over time, leave margin for different interpretations. Furthermore, the definition of slavery which refers to *"whoever exerts on any other person powers and rights corresponding to ownership"* is ambiguous as guardianship/being a parent implies some power of the adult over a child, and being a parent working with a child may always be taken to imply servitude. See Viganò 2010.

children from parental custody is worthy of special analysis in the Italian case.[387]

A valuable research report by the ERRC (European Roma Rights Centre) on the system of protection of Roma and Sinti children in different European countries, including Italy, provides useful inputs on the protection policy towards Roma children and provides further information on institutional responses to child begging.[388] Apart from the existence of a discriminatory attitude and of prejudice towards Roma among child protection actors, the main critical aspects of the protection system for Roma children in the Lazio Region concern the procedure of opening and management of cases of custody. The limitations underlined by the researchers in the procedures of custody are:

- difficulties in communication and understanding between the institutional actors and the Roma people involved;[389]
- incoherent motivations leading to the opening of a proceeding for withdrawal of parental custody, including lack of school attendance of the children, poor personal hygiene, as well as offences committed by the parents;
- limited access to alternative measures for child custody in shelters or homes. Access to alternative measures may be hampered by prejudice towards Roma, as well as by Roma parents' legal status or their fear of participating in meetings with authorities and/or institutional representatives.

Children living or working in street situations

In Italy, no legal definition exists of children living or working on the street.[390] Sociological studies[391] indicate that children living on the street can be considered as belonging to various categories, such as:

1) Foreign unaccompanied minors
2) Asylum-seeking children[392]
3) Child victims of trafficking or exploitation
4) Children belonging to socially disadvantaged groups, such as Roma. Roma children[393] are worthy

387 See: Carlotta Saletti Salza, *Dalla tutela al genocidio? Le adozioni dei minori rom e sinti (1985-2005*), Cisu 2008

388 *ERRC OsservAzione: Tavola RotondaIl Sistema di protezione dei minori rom e Sinti nel Lazio.* The research has been conducted by the European Roma Rights Centre in collaboration with Bulgarian Helsinki Commiteee, the Foundation Milan Simecka and OsservAzione. The study stemmed from existing information of concern with regard to the discriminatory procedures between 1985 and 2005 for the adoption of Roma children and withdrawal of parental custody from Roma families involved in begging or illegal activities ("Dalla tutela al genocidio? Le adozioni dei minori Rom e Sinti in Italia 1985-2005", Saletti Salza C., CISU, 2010) The research explored and assessed the system of protection of Roma children in different regions of Italy, also Lazio whose capital is Rome.

389 The missing dialogue with social workers leads to a lack of essential information which in turn affects the procedures and often the rights of Roma. In other words Roma families have no chance to have their voice heard in these proceedings and are left with the impression of being unjustly robbed of their children.

390 A definition pertinent to children living in the street may be inferred by article 403 of the Criminal Code: *"When a child is abandoned, emotionally or materially, or raised in a dangerous or unhealthy environment, or by people unable to provide for his/her education, due to negligence, immorality or other reasons, the public authority, through the bodies responsible for child protection, will place him/her in a safe place [...]"*. This article could be used in different instances, also for begging, but in practice it is not. (Viganò 2010)

391 For a socio-psychological case study concerning street children "working" in Milan and Rome train stations, see "Case study: street children exploited and/or involved in illegal activities" by M. Conte, A. Rampini and O. Marcu (Catholic University of Milan) at *Cash cash: young Roma and strategies for social prestige in Romani mobilities in Europe*: *Multidisciplinary perspectives*, International Conference, 14-15 January 2010, University of Oxford.

392 The definition of asylum seeker is included in the Geneva Convention of 1951 (the Directive of the Ministry of Interior of 7/03/2007 has some parts specific to asylum-seeking children). As they wait for their request of asylum to be accepted or rejected, asylum seekers who do not enter assistance schemes, and even refugees, often experience vulnerability living in the street and derelict buildings.

393 The situation of Roma children is worth a particular mention as they have a peculiar legal status, in relation to their nationality: mostly Italian, EU citizens or from countries from the former Yugoslavia. For a discussion on the legal status of Roma and Sinti in Italy see Perin G. *L'applicazione ai Rom e ai Sinti non cittadini delle norme sull' apolidia, sulla protezione internazionale*

of special mention because of the social disadvantage and discrimination experienced by this group in Italy. The poor housing situation of Roma may be equated with living on the street; frequent forced evictions of unauthorised Roma settlements/camps by local law enforcement agencies actually end with Roma families and children on the street.

5) Children involved in child labour or in illegal activities on the streets.

Child trafficking

In Italy, trafficking in human beings is a criminal offence carrying penalties for all forms of the crime. A wide definition is used and crossing of national borders is not a prerequisite for the offence of trafficking. Child trafficking is addressed by Article 601 of the Criminal Code on trafficking in human beings and article 602 on the slave trade, making reference to article 600 for the definition of slavery and hence the forms of exploitation involved.[394] The Law makes no specific reference to the non-requirement for abusive means of recruitment where children are involved, as provided for by international law,[395] however penalties are more severe for aggravating circumstances such as where children are involved.

Trafficking for the purposes of labour exploitation is therefore addressed in the same way as sexual exploitation, and is governed by the same articles. For victims of the offences regulated by the above-mentioned articles of the Criminal Code, there is a fairly well-developed system of protection and integration in place working equally for men, women and children,[396] however constant cuts to funding and the lack of National Action Plans and National Referral Mechanisms have weakened the system over the years.

Since the Palermo Protocol does not define the scope of the "purpose of exploitation" in an exhaustive manner, States were given the discretion to include in their national legislation any other illegal act of exploitive purpose in the trafficking in human beings offence. Italy is the single country from the 47 countries reporting that included in its domestic legislation the expression *"or in any case subjects the victim to performances that do not imply exploitation"*, in this context ensuring the delineation of the offence of trafficking in persons in a broader context.[397] As in Greece (see Country Section above), in Italy trafficking involving children is considered as an aggravating circumstance to the general offence of trafficking in human beings.[398] The age of a child is that from the Palermo Protocol. Italy is also bound by the transposition obligation under Directive 2001/36/EU and must adjust its national legislation in accordance with the provisions of the Directive by April 2013.

Child protection framework

Under the Italian legal framework, any child who is unaccompanied or separated from his/her parents and without appropriate care can receive protection, regardless of their nationality and legal status. Civil law establishes that when a child is in a situation of danger to his/her physical and psychological wellbeing, public authorities will place him/her in a safe place until a long-term solution is found (Art 403 of the Civil Code). Parental custody can be withdrawn as a form of additional punishment when a parent has committed offences related to the abuse of parental powers and of means of correction and discipline, mistreatments within the family and sexual offences (Art 34 of the Criminal Code).

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e sulla condizione degli stranieri comunitari ed extracomunitari available a*t http://rom.asgi.it/index.php?p=relazioni*

394 In the Italian Criminal Code: Art. 600 of the Criminal Code "*Riduzione o mantenimento in schiavitù o in servitù*", 601 "*Tratta di persone*" and 602 "*Acquisto e alienazione di schiavi*"

395 Art. 3(c) of the Palermo Protocol.

396 With law 228, art 13, a programme of assistance for victims and protection has been created for the victims of trafficking (art 600, 601, 602 Criminal Code).

397 Report on Palermo Protocol Review, p.09

398 Idem, p.11

Regarding parental custody, the Juvenile Court is in charge of evaluating and eventually protecting children in a situation of neglect/abandonment or risk, limiting the parental custody of one or both parents, putting the child in the custody of another relative, foster family or children's home. According to Articles 330 and 333 of the Civil Code (family law), parental custody can be withdrawn or limited by the Judge when a parent neglects their parental duties for example: rights of the child to economic support,[399] schooling/education[400] or abandonment.[401] Another instance is when parents take advantage of their position of authority over their children[402] causing them physical, emotional or financial harm.

As a matter of fact, the case law shows that every situation is analysed with its peculiarities, and the separation of children from their parents should be considered as a last resort. On the other hand, the literature provides a critical insight into the cases of withdrawal of parental custody from Roma parents, showing that these are over-represented.[403]

In practice, if law enforcement authorities and the institutional bodies providing assistance to children - social service providers - identify a child victim of abandonment (Art. 403 Civil Code), they have the obligation to place the child in a safe place and report the case to the Office of the State's Attorney with the Juvenile Court or Judge deciding on guardianship cases and in urgent cases directly to the Juvenile Court. In the case of abandonment, the social services are considered the main reference point for a child. Other actors may contact law enforcement authorities to start the procedure, including social services, voluntary organisations, acquaintances, or a national helpline. The services available to children vary at the local level.

eaving aside the definition of child abuse and exploitation related to sexual violence, which is beyond the scope of this study, the offences of child abuse which may be related to begging (causing physical, moral or financial harm to children) are found in articles 571 and 572[404] of the Criminal Code.

Protection of children in relation to child labour is guaranteed by the Italian Constitution.[405] Furthermore, Law no. 977 of 17 October 1967 on the "Protection of Children and Adolescents at Work" laid down a first regulation on child labour in Italy, followed by Legislative Decree no. 345 of 4 August 1999. The current legal system states that children under 15 years of age and/or children who have not completed mandatory schooling[406] cannot be employed, nor can they perform a work activity. A derogation of this law (Art. 4, comma 2) permits children to be employed in cultural, artistic, sport or advertisement-related activities, subject to prior authorisation by the Provincial Labour Offices.

On child protection, a regional law[407] has established the role of Child Ombudsperson for the Lazio

399 Article 570 of the Criminal code.

400 Article 147 of the Civil code.

401 Article 591 of the Criminal code.

402 Articles 320, 324 of the Civil code; Arts. 571 and 572 of the Criminal code.

403 Carletti Salza 2008 analyses 200 cases of Roma children given in adoption to Italian families, after their custody had been withdrawn from the natural parents, raising questions on the role of stereotypes and discrimination of Roma in these proceedings. Research by the *Osservatorio sul razzismo e la diversità* (M. G Favara and Osservazione) funded by ERRC raises similar doubts. Only extracts from the latter research are currently available. http://roma.corriere.it/roma/notizie/cronaca/11_febbraio_9/lutto-cittadino-bambini-181432387487.shtml

404 Art 571 of the Criminal Code.

405 Art 37 states that "The Republic protects the work of minors by means of special provisions and guarantees them the right to equal pay for equal work".

406 Article 1, comma 622, of Financial Act 2007 (Law 296/2006) establishes that "schooling is compulsory for at least 10 years, with the purpose of allowing either the continuation of study for an upper secondary school diploma, or the attainment of a vocational qualification, the result of at least three years study, within one's 18th year of age".

407 Regional Law of 28.10.2002, no. 38.

Region ("*Garante per l'infanzia",* for the region where **Rome** is located) with the aim of guaranteeing the full implementation in the Region of the rights of the child in consideration of the best interests of the child. The reporting authorities for child protection issues are law enforcement officials (Police[408], *Carabinieri*, Customs Police) and Social Services. The last "Security Pact" presented in July 2011 by the Mayor of Rome delegates actions against child begging to the Municipal Police, with the declared aim of allocating more officers of other policing bodies (i.e. General Police, *Carabinieri*) the task of countering other forms of criminality in the city. It is still too early to see the effect of this change on the policy or policing approach to child begging in Rome.

In 2008, the central government of Italy issued a legal provision known as "Urgent measures on public security" (Law 24 July 2008 no. 125). In November 2008, in accordance with the above-mentioned law, the Municipality of **Milan** introduced six measures against "urban decay".[409] These measures tackled various issues ranging from prostitution to drug abuse and aggressive begging. Against windscreen washing, Milan applies Article 80 of the regulation of the urban police forbidding the washing of cars in a public space.

At the local level, for **Milan**, it is worth mentioning the following provisions concerning Roma people:

- A regional law of 1989 on the protection of populations belonging to ethnic groups that are usually nomadic or semi-nomadic,[410] which mentions situations of need of children and social interventions tailored to their needs
- A series of provisions and pacts regulating Roma and Sinti settlements.[411]

Since 2006, Roma families who ask to settle in the Municipality of **Milan** have to sign a "Pact of Socialisation and Legality". The pact requires the Roma families living in authorised settlements to respect the following obligations: to respect the law, ensure the education and schooling of their children, work towards positive integration and refuse all forms of illegality and exploitation. Eviction from the settlement is punishment for the transgressors of the rules established in the pact, which have been criticised for various reasons by national and international organisations, such as the EU's Fundamental Rights Agency (FRA).[412] Such pacts, which have been amended more than once, are considered controversial by the social organisations working with Roma in Milan and some of them even refused to work in the settlements if they were forced to demand Roma people to sign the pacts. According to one

408 The Municipal Police declined to be interviewed for this Study. The reason they gave for declining their participation is that the department is under reorganisation, also in relation to the mandate on child begging. The Municipal Police also declined to provide data on arrests or charges related to child begging.

409 "Disposition to combat urban decay. Measures against begging" PG n 865390/2008.

410 Regional Law Lombardia n. 77/1989 art. 7

411 The pacts and provisions, with their original names, include: "Protocollo d'Intesa per la realizzazione del piano strategico emergenza Rom nella città di Milano", 21 September 2006; "Patto per la sicurezza tra Ministero dell'Interno e l'ANCI", del 20 Marzo 2007; "Patto per Milano sicura", del 18 maggio 2007; Decreto del Presidente del Consiglio dei Ministri, ovvero la "Dichiarazione dello stato di emergenza in relazione agli insediamenti di comunità nomadi nel territorio delle regioni Campania, Lazio e Lombardia", 21 May 2008; Ordinanza n. 3677 del Presidente del Consiglio dei Ministri nella quale il Prefetto di Milano è nominato Commissario straordinario, 30 May 2008; Regolamento per le aree transitorie di sosta dei nomadi nel territorio del Comune di Milano pubblicato nel Bollettino Uff. della Regione Lombardia, 23 February 2009 .

412 According to the FRA report, Di Pasquale L, Enwerezeur U., Raxen, *Housing conditions of Roma and Travellers in Italy,* (2009): "The 'Rule of Law and Social Relations Pact' is, for a number of reasons, a weak and ambiguous document in terms of both its symbolic meaning and practical effects. Firstly, the signing of a pact on the rule of law (which is not a purely symbolic act, given that failure to respect it authorises the management of the camp to evict transgressors) implies a presumption of guilt, something that does not exist in the Italian legal system. Secondly, the pact is not aimed at an individual on the basis of the principle of personal responsibility. Rather, it is aimed at a group of people – Romanian Roma - recognised as such on grounds of their ethnicity, thereby violating constitutional principles. In the third place, "it runs the risk of being ineffective and serving only the crowd because those who are criminals will sign it and continue with their ways and honest people will sign and continue to behave the way they have always done, with the only difference that the latter have been humiliated".

of the stakeholders, six or seven versions of the pact have been drafted.[413]

As in Milan and Naples, following national provisions to address the so-called "Nomad Emergency", various provisions on Roma settlements[414] have been issued in **Rome**. Some of the provisions include: security guards; identification of everybody entering the camp including residents and children; non-EU citizens shall have a legal permit to stay in Italy or should demonstrate over 10 years' residence in Italy. Moreover, the right to stay in the camp can be revoked to those rejecting more than one job offer or violating the rules of the camp. In Rome, the housing situation of Roma and Sinti is highly critical with most families and children from settlements housed in containers, barracks, campervans or other vehicles. Recent legislative provisions and policy, which are encompassed in the so-called "Nomad Plan"[415] launched by the Municipality of Rome in July 2009, do not provide for any solution beyond the logic of camps. The plan is to close 80 unauthorised settlements, to restructure 8 settlements, move two existing settlements to different sites and create two more settlements and one reception facility for people "in transit". With the implementation of the plan, in Rome there will be 12 authorised settlements housing a maximum of 6,000 Roma, who will have special identity documents. No alternative solutions to the authorised settlements will be tolerated.

International organisations have expressed concern regarding the "Nomad Plan", such as Amnesty International, in its report *The Wrong Answer*. Although the report highlights the Plan's merits, that is to improve the housing conditions for some Roma families who have been living until now without any access to drinking water and electricity and to grant a residence permit to some Roma people, Amnesty International also highlights concerns that the plan violates the right to housing of Roma people as it is based on forced evictions, the destruction of settlements and the transfer of its inhabitants into settlements far from the city centre and infrastructure. Finally, discrimination against Roma people and the obstacles to entering the labour market appear to be heightened by the Plan.

In **Turin**, on the other hand, a regional law was issued in 1993 acknowledging the right of Roma and Sinti people to nomadism and to a sedentary life style (Regional Law of 10/06/1993 no. 26). The law foresees interventions promoting the safeguarding of the cultural and ethnic identity of Roma and their "social integration". Unfortunately, as stated by one of the stakeholders interviewed, the Region currently has no resources to finance the interventions envisaged in this Regional Law.

B. Policy responses and implementation of the legal framework with regard to child begging

Prevention of child begging

In the education sector there are national policies on related issues addressing the prevention of child begging, especially among Roma and Sinti people. Policies against school dropout are a priority of the Ministry of Education. In particular, the Italian Government has addressed the poor school attendance of Roma children through a Memorandum of Understanding (MoU) with the Opera Nomadi Association.[416]

A representative of the Municipality of Rome, when consulted for this Study, explained that although the Municipality does not have a specific policy on child begging, other administrative departments, such as

413 One version of the pacts can be found in 'Rule of law and Social relations Pact' http://www.casadellacarita.org/index_files/userfiles/Patto%20di%20socialita%20viaTriboniano.pd.

414 For a detailed analysis of the provisions on Roma and Sinti settlements in Roma until 2010 see *Associazione 21 Luglio, 2010, Esclusi e ammassati Rapporto di ricerca sulla condizione dei minori rom nel villaggio attrezzato di via di Salone a Roma*.

415 www.comune.roma.it/was/repository/ContentManagement/information/N869782002/piano%20nomadi%20schede.pdf

416 A Memorandum of Understanding (MoU) signed in 2009 to support the integration and reception of Roma and Sinti students of Italian and non-Italian nationalities included training courses for teachers and principals of schools with a high percentage of Roma students.

the Immigration Office dealing with Roma, try to tackle critical issues for Roma children, such as school attendance.

The last "Security Pact" presented in July 2011 by the Mayor of Rome delegates actions against child begging to the Municipal Police, with the declared aim of allocating more officers of other policing bodies (i.e. *Polizia*, *Carabinieri*) the task of countering other forms of criminality in the city. It is still too early to see the effect of this change on the policy or policing approach to child begging in Rome.

As mentioned above in the introduction to this chapter, in the past, the Municipality of Rome created the Centre against Child Begging (*Centro di contrasto alla mendicità infantile*), addressing child begging and exploitation of children working on the streets in Rome. During its four years of activity (from 2003 to 2006), the centre had 1,859 contacts with children.[417] The centre was considered a best practice by the 2006 UN report by the Committee on the implementation of the Convention of the Rights of Child. Stakeholders interviewed had contrasting views on the aim of the centre but all agreed on the fact that good work was done by its staff in monitoring and trying to understand the phenomenon. The representative of the Municipality of Rome interviewed for this Study mentioned the significant work done by the centre with Roma families to promote a better approach to the protection and care of children.

As some stakeholders have highlighted, the efforts of the local administration of Rome in favour of Roma children are exclusively and consistently geared towards the education sector. The Municipality of Rome for the last twenty years has funded schooling services for Roma children living in authorised settlements provided by local associations.[418] Yet, as it emerges from consultations with stakeholders for this Study, as well as publicly available reports, despite such a long intervention with substantial use of public money, no significant results have been produced.

An assessment of the education services available to Roma children living in authorised settlements is presented in the research *Linea 40* by the Association *21 Luglio*.[419] The research underlines strong differences between Roma and non-Roma children, including the fact that Roma children arrive late to school and leave early because of the inadequate transport service provided by the Municipality. They also have a lower level of learning, and suffer marginalisation and social segregation in different ways, including participating in classes only for Roma children. Finally, also the indicators of school attendance of Roma and non-Roma students are different: an adequate level of attendance for Roma children is set to 50% of the lessons, while non-Roma children have to participate in 75% of their lessons to pass the school year.

Although the information has not been confirmed by institutional actors in **Milan**, who declined to be interviewed on the issue, there seems to be no specific policy directly on child begging. Media reports and official data from the Municipality of Milan indicate that significant efforts have been made in the city to combat begging, and to implement the municipal provisions against urban decay approved at the end of 2008. Data given by the Deputy Mayor of the Moratti administration to local media[420] indicate that in 2010, 1,500 people washing car windscreens at traffic lights were stopped. From 2008 to 2010 the municipal police issued 2,046 fines of 450€ for aggressive begging, insistent windscreen washers, and

417 Save the Children Italy, Codici Agenzia di Ricerca Sociale, University of Turin Department of Social Science *The Road to Rights - Practices and models of intervention for the reception and social inclusion of street children exploited and/or involved in illegal activities*, 2007.

418 As noted in *Rapporto conclusivo dell'indagine sulla condizione di Rom, Sinti e Caminanti in* Italia by the Senate the implementing associations of this service are the associations Casa dei diritti sociali, Ermes and Arci Solidarietà Lazio. Representatives of the first two associations have been interviewed for this Study.

419 Associazione 21 Luglio Linea 40 Lo scuolabus per soli bambini rom, 2011.

420 http://www.assmarcopolo.it/portale/aree.asp?c=3&id=881&idc=1&ids=

abusive flower sellers. A special section of the law enforcement authorities, called Charlie Delta, has been created to increase controls against illegal sellers, beggars, and people washing windscreens at traffic lights.[421] **It is hard, however, to estimate the efficacy and the number of the repressive actions specifically against child begging enforced in Milan.**

Among the cities under study, the municipality of **Turin** seems to be one of the most active in Italy in implementing social welfare policies aimed at improving the situation of Roma. The long-term goal of the municipality's policy is the abolition of settlements, but in the meantime unauthorised Roma settlements are tolerated. Furthermore, the approach to Roma issues is based on collaboration among the municipality, municipal police and associations. Besides the Municipality, also the Province of Turin and the Region of Piedmont have supported the inclusion of Roma. The regional law of 1993 on Roma and Sinti in Piedmont has resulted in an important commitment by the Region to the social inclusion of Roma and Sinti in Piedmont. In the first ten years of the Law's application, significant interventions have been made in the area of education and work insertion. Fewer actions have been funded in the area of housing and promotion of cultural heritage.[422] As underlined by one of the stakeholders interviewed for this Study, due to the lack of funding at regional level, in recent years, no projects have been funded by the Region as envisaged by the Regional Law.[423]
318)

Protection of children involved

It is important to note that unaccompanied children (EU and non-EU nationals) detected in Italy cannot be expelled and have the right to receive protection first and foremost because they are children, thus independently from their status as victims of trafficking or exploitation. Upon detection, they should be accommodated in a secure shelter and relevant authorities informed of their presence (the Office of the State's Attorney with the Juvenile Court). In Italy there is a well-developed system of protection for victims of trafficking and there are national campaigns on this issue, though in practice there are very few specialised shelters for children who have suffered exploitation, and none for children involved in begging.[424]

Under Law 286/98, Art. 18, a person who has suffered violence or exploitation and a person whose life is in danger can receive special protection, entering the assistance and social integration programme. Any victim has the right to receive protection and assistance, including psychological support, health assistance, vocational training and social integration. Any victim has the right to receive interim care at a first reception centre and then be transferred to a shelter where long-term protection is provided. Furthermore, under this programme, any victim, be they adult or child, shall be given a permit to stay in Italy on humanitarian grounds for an initial period of 6 months that can be further extended for 1 year. The permit can be eventually converted into a study or work permit. However, according to interviewees,[425] often in cases of child begging, law enforcement officers do not refer to this system. When law enforcement officers find children begging and/or on the streets, most times belonging to Roma groups, and ask for their parents, children often point to the adults who are nearby. Otherwise if

421 http://archiviostorico.corriere.it/2011/marzo/04/Comune_vigili_strada_per_scoraggiare_co_7_110304031.shtml

422 Ires Piemonte Sergio Franzese e Manuela Spadaro(2005) *Rom e Sinti in Piemonte: A dodici anni dalla Legge Regionale 10 giugno 1993, n. 26 "Interventi a favore della popolazione zingara"*

423 Regional Law of 10/06/1993 no. 26 on the right of Roma and Sinti people to nomadism and to a sedentary lifestyle. The law foresees interventions promoting the safeguarding of the cultural and ethnic identity of Roma and their "social integration".

424 The Centre against Child Begging (created in Rome in 2003 by the Municipality) offered a possible response to child begging other than repression. Children found by the municipal police were taken to the centre where they usually spent from a few days to a week. This time was used to better understand the situation of the child, offer him/her information and assistance and give them the chance to consider alternatives to begging. Longer term placement in the centre's shelter was also offered as an option. Due to lack of funding, the centre was closed in 2006. See also Save the Children Italy, Codici Agenzia di Ricerca Sociale, University of Turin Department of Social Science 2007.

425 Interview for this Study with Police Commissioner, Central Anti-Crime Directorate, State Police.

law enforcement officers take the children to their headquarters (*questura*, *caserma*), parents appear almost immediately to declare that they take care of the children. Parents found on the street may be reported but in any case children are returned to their families, unless the judge decides otherwise.[426]

Regarding migration policies, it is worth mentioning that since 2009 they have been characterised by the introduction of restrictive and criminalising provisions, as part of the so-called Security Package. Law 94/2009 included a provision which made irregular migration a crime and made provisions on the conversion of unaccompanied children's permits of stay on turning 18 and family reunification more restrictive, making integration and social inclusion harder also for migrant children. Some recent amendments mark a slight change in this trend, at least for the integration of unaccompanied minors.[427]

Until August 2011, a special unit of the Municipal Police in **Naples** – the Minors Unit – had the task of combat child begging. Police officers went out almost daily to check on the presence of begging children. The procedure implemented by the Minors Unit of the Municipal Police in Naples was described by the municipal police officer[428] interviewed in the course of this research. When children were found begging they were taken to the police station and their parents or the adults found begging with the child were charged with the offence of begging with minors (article 600 octies of Criminal Code, as described above in Section A). Besides verifications on the actual parental ties between the child and adult/s,[429] the informal procedure set up by the Juvenile Court Public Prosecutor was the following:

With the authorisation of the Juvenile Court Public Prosecutor, the child was placed temporarily at a reception centre for children but was placed back in his/her family's custody if:

a) The family could demonstrate being able to offer the child appropriate housing conditions. Living in a settlement was not considered an appropriate housing condition.

b) The family could demonstrate an actual intention to return to the country of origin, by producing a travel ticket. The child in this case would be accompanied by the municipal police to the departure point for the means of transport indicated by the ticket.

If such conditions were not respected, or if no relatives of a child found begging were identified, the child would stay in a children's home. According to the representative of the Municipal Police in Naples there are currently around five cases of children found begging who are still in a children's home.

The use of repressive and judiciary measures, as well as a high level of removal of parental custody, is confirmed by a study coordinated by the ERRC and carried out in different countries, including Italy.[430] A

426 The interviewee from the State Police for this Study pointed out that it is 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.

427 The provision on the permit of stay was amended in 2011 (Law n. 129/2011), making the conversion of the permit of stay for unaccompanied foreign children upon turning 18 ostensibly easier but its application is still unclear.

428 Since August, officers who were formerly members of the Minors Unit, have been sent to other units.

429 Stakeholders interviewed indicated that in response to cases of child begging, the Juvenile Court and the Police initiate the procedure for the placement of the child in a children's home and the withdrawal of parental custody without an actual assessment on the situation of the child, whereas when cases of child begging are identified by social services, (rather than by law enforcement authorities) they tend to assess the situation of the family through consultations with associations, before placing the child in a children's home.

430 ERRC, 2011 *Life Sentence: Romani Children in Institutional Care*, 2011 available at http://www.errc.orpg/cikk.php?cikk=3923. This study, conducted in Italy by the association OsservAzione attempts to determine whether or not Roma children and youth are overrepresented in the State-run child protection system, through mapping the placement and status of Roma minors, exploring the reasons why they are removed from their families, and assessing whether or not they are treated differently. Furthermore, it also investigates the success of the measures and policies undertaken in order to guarantee the primary right of minors to live with their families, as well as the right of parents to choose the kind of education their children will receive.

judge working in Naples during the ERRC study highlights the lack of any social or political measures to respond to the socio-economic disadvantage of Roma people in the following terms:

> *A number of issues should not arrive here but are instead shifted onto judges since obviously, if there is no social, economic and political intervention even on behalf of Italians, much less exists for Roma* [...]. *This issue represents a huge political and administrative problem that is shifted onto us. The lack of intervention affects aspects of the lives of minors that should be modified and it results in* [judicial] *measures that, although taking into consideration the interest of the minor, are then adopted without those previous actions* [which would be necessary] *since the concepts of care and protection of minors are not absolute but should be adapted to the individual realities.*[431]

Prosecution of offenders

The Italian Government considers paramount the repression of offenders involved in exploitation and has increased law enforcement activities against begging, also by adults.[432] Measures to support the economic situation of families in need are an essential complement to this approach, such as the Good Practices below. On the contrary, as some interviewees have pointed out, the repressive approach to child begging might have led children to get involved in illegal activities such as theft and prostitution, being less visible and more dangerous.[433]

Case Law

Examples of relevant case law of the last 10 years are presented below

Facts	Sentence
Two defendants from Serbia, accused of "buying" a child in Serbia. They forced him to beg on the streets of various Italian cities, without any trousers, to make apparent a defect in one leg and elicit the pity of the passers-by.	Sentence handed down in 2002. Defendant found guilty of enslavement (Art. 600).[1]
A man from North Africa allowed a boy under 14 years of age who was living with him to spend the all day around the city of Turin selling gadgets.	In 2006. Defendant found guilty of child abuse (Art. 571),[2] even though he was not found guilty of exploiting the child.

In Naples, a lawyer interviewed for the ERRC study refers to numerous cases of suspension of parental custody because of begging, even as a preventative measure, as soon as children were born. See quote from a lawyer from Naples included in the OsservAzione report, *Protecting the Rights of Romani Children in the Italian Child Protection System* 2011: "*Over the years, there have been tens of decisions of suspension of parental authority due to begging and afterwards due to living in the camps. There have been even preventative suspensions, as soon as the children were born: the Court judged that, once the children went to live in the camps, they would have started to beg, so parental authority was pre-emptively suspended, a human rights violation. Over the years, I personally witnessed tens and tens of cases of suspension and termination of parental authority. At the moment, there are more than ten proceedings for suspension*".

431 OsservAzione *Protecting the Rights of Romani Children in the Italian Child Protection System.* 2011 The publication was produced within the project "Protecting the Rights of Romani Children in the Child Protection System in Bulgaria, Czech Republic, Hungary, Italy, Romania and Slovakia", implemented in partnership by the European Roma Rights Centre, the Bulgarian Helsinki Committee, OsservAzione and the Milan Simecka Foundation.

432 As underlined by the Ministry of the Interior during a question time in Parliament in 2008, the legal provisions introduced in the Security Package increase the penalty for those using a child for begging and add the suspension of parental custody for this offence.

433 As indicated by a representative of the Association Geordie in Rome.

Roma woman found by the police begging with her infant while her 4-year-old son was begging nearby, handing money to his mother from time to time.	In 2008. Initially found guilty of enslavement, (Art. 600) and child abuse (Art. 571). On appeal, penalty reduced from 6 to 5 years. Upon further appeal, defendant found guilty of child abuse, but not enslavement.[3]

1. Cass. 1 luglio 2002, n32363, in Viganò 2010.

2. Cass. 9/11/2006 - The man was accused of "not taking care of the minor, ignoring the states of suffering of the minor (malnutrition, exposition to cold climate with inappropriate clothing, state of isolation, non-attendance of school) and of seizing the earnings of the boy. In this case the child had manifested his state of suffering from the condition of isolation to the social service workers.

3. Cass 17/09/2008 n 44516 - The mistreatment was caused by negligent behaviour toward the child, which could lead to serious harm for the minor and psychological suffering. The court did not consider the case as a "use of minor in begging", stating that such offence could be detected in cases of occasional episodes of begging rather than a continuous conduct, causing suffering to the minor. This case received a lot of attention in the public debates and media started to talk about part-time begging - see: http://www.sivola.net/dblog/articolo.asp?articolo=3355

It is clear from this selected case law that provisions on trafficking, exploitation and child labour are not applied in cases of adults using a child to beg, but cases are rather taken on the basis of enslavement and child abuse. It is also of note that the provisions against "using a minor to beg" were not applied.

C. Public perception of the phenomenon and of national responses

Public Campaigns

Examples of public campaigns undertaken include:

- "BEGGING" and "If it concerns a child, it concerns all of us" by Telefono Arcobaleno. There is no information available on this campaign run in 2007, except that it was run under the auspices of the Ministry for Families and the Ministry of Education, the Province of Milan and the Municipality of Milan. The NGO's website states that communication campaigns are used to raise awareness in the general public on different forms of child abuse and violations of their human rights.[434]
- "ChiamaLiberatutti" by Comune di Perugia, Arcisolidarietà, Orad'aria[435]. This campaign aims to encourage the general public to actively participate in the fight against sexual exploitation, labour exploitation and forced begging, by promoting the toll-free anti-trafficking number: 800 290 290.
- "A phone call is the best help you can give him - Report the children you meet alone on the streets in Rome, help them protect their rights" - by the Centre against Child Begging, Rome.[436] This campaign was designed by an agency to give publicity to the Centre against Child Begging in Rome by advertising its contact number and distributing brochures and flyers in key points around the city.
- "Relu Si Calin - Slave no more" (Maipiùschiavi) by Assessorato alle Politiche Sociali, Calabria Region.[437] Awareness-raising towards the general public on the begging phenomenon. This campaign was part of a wider project to address this issue with an intervention on the ground by way of a drop-in centre with outreach activities aimed at children involved in begging.

434 http://www.telefonoarcobaleno.org/?page_id=275

435 http://www.comodosociale.it/progetti/progetto.html?id=109

436 http://www.pubblicitaitalia.it/news/Creativita--Marketing/Campagne-e-Spot/pan-advertising-contro-la-mendicita-infantile_02100354.aspx

437 http://www.reggiocal.it/on-line/Home/documento106352.html

Relevant public debates

There have been local and national debates following violence and attacks on Roma settlements. In a suburb of Naples, Ponticelli, in 2008 a mob burned down a Roma settlement following rumours that a young Roma woman had tried to kidnap a baby.[438] The events in Ponticelli created a broad national debate. It appeared to be some proof of a typical threat perceived by local populations living near Roma settlements in Italy, thereby raising alarm at a national level with regard to Roma and other nomadic populations. However, for some, including the Prefect at the time, the attack was orchestrated by criminal organisations who were interested in acquiring the land on which the Ponticelli camp was located. Following the incident in Ponticelli, the head of the government, Silvio Berlusconi, issued a decree declaring a state of emergency in five Italian regions.[439] After the incident in Ponticelli in 2008, there have been other minor attacks on Roma settlements, the last being in July 2011 in the settlement of Poggioreale, another town near Naples.[440]

Media "Events" during the last five years

- 18/4/2011 - Presentation of research report on policy of integration of Roma in Rome[441]- by Geordie onlus.
- 18/11/2010 - Radio show on project of the Municipality of Palermo against child begging and exploitation of children in the labour market[442] - by Municipality of Palermo-Virtus Italia.
- 19-20/10/2010 - Seminar of experts on Child Poverty in Italy[443] - by Unicef.
- 9/2/2010 - Presentation of the Report on the System of Protection of Roma and Sinti Population in Lazio and Osservatorio sulla diversità Università degli Studi Roma 3 - by OsservAzione.[444]
- 13/12/2007 - International Conference on trafficking of human beings: Final event of the AGIS project (Save the Children), *Development of a Child Rights Methodology to Identify and Support Child Victims of Trafficking*. Presentation of two reports produced within the EQUAL 2 project "Osservatorio Tratta" (On the Road).[445]

D. Good practices

Naples
The Comunità di Sant'Egidio set up a project (**Diritto alla Scuola Diritto al Futuro**[1]) based on scholarships for Roma children living in some Roma settlements. The fundamental criteria for obtaining the scholarship are: missing school no more than three times per month and not being involved in child begging. This approach has been criticised by some other stakeholders for

438 Fundamental Rights Agency, 2008 *Incident Report – Violent Attacks Against Roma in the Ponticelli district of Naples, Italy*, Available at: http://fra.europa.eu/fraWebsite/research/publications/publications_per_y ear/2008/incident_report_en.htm.

439 Measures were taken by the Italian government in response to the violent attacks against Roma in Naples. These provisions were simultaneously packaged with measures affecting irregular immigrants.

440 A mob of armed men with covered faces "visited" the camp, threatening to come back if the families living in the camp did not leave the area. See the blog of the association Sucardrom http://sucardrom.blogspot.com/2011/07/napoli-torna-lincubo-dei-pogrom.html (accessed 25th October 2011).

441 http://www.youtube.com/watch?v=eX9lsM2QzUE

442 http://www.progettogiovanipalermo.it/index.php?option=com_content&view=article&id=2855:on-air-e-accattonaggio-minorile&catid=32:pg-on-air&Itemid=143

443 http://www.youtube.com/watch?v=eX9lsM2QzUE

444 http://www.osservazione.org/documenti/presentaz_ricerche.pdf

445 http://www.minoriefamiglia.it/download/conf_20071213_it.pdf

denying the value of education as a right and obstructing possibilities for Roma to proactively take responsibility for their integration. The project has been implemented in more than one city, including Rome and Naples. It seems that in Naples, apart from increasing school attendance, it has also had the effect of discouraging child begging. One of the children interviewed for this Study mentioned this project and the organisation Comunità di Sant'Egidio as working against child begging.

The Comunità di Sant'Egidio has also set up **"Scuola della Pace"** (School of Peace) based on afternoon social activities for children living in disadvantaged areas. The goal of the School is to empower children, often considered in need of assistance because of their social background, encouraging their participation in social projects in the community, such as in elderly people's homes, or with people living with HIV/AIDS. Stakeholders working in Naples have pointed to the School as an important tool for the social inclusion of Roma children in their local community. This practice provides an alternative use of time for children who may otherwise become involved in begging.

Rome

The Centre against Child Begging (Centro di contrasto alla mendicità infantile), addressing child begging and exploitation of children working on the streets in Rome, was active for four years (from 2003 to 2006) and had 1,859 contacts with children within the centre, and a larger number of contacts in the street.[2] The Centre against Child Begging was set up in 2003 by the Municipality of Rome to provide a possible response to child begging. Children found by the municipal police were taken to the centre where they usually spent from a few days to a week. This time was used to better understand the situation of the child, offer him/her information and assistance and give him/her the chance to consider alternatives to begging. Longer-term placement at the centre's shelter was also offered as an option. A campaign was also launched by the Centre during this time, with posters encouraging people to report cases of children begging on the streets, with the text: "A phone call is the best help you can give him: Report the children you meet alone on the streets and help them protect their rights."

The Centre was considered a best practice in the 2006 UN report by the Committee on the implementation of the Convention of the Rights of Child. Stakeholders interviewed for this Study had contrasting views on the aim of the Centre but all agreed on the fact that good work was done by its staff in monitoring and trying to understand the phenomenon. The representative of the municipality of Rome interviewed for this research mentioned the significant work done by the centre with Roma families to promote a better approach to the protection and care of children. Due to lack of funding from the Municipality, the centre was closed in 2006.

Over ten years ago, the Comunità di Sant'Egidio also opened the **School of Peace** ("Scuola della Pace"). The project is based on afternoon social activities for children living in disadvantaged areas. The goal of the Schools, located in various outer suburbs of Rome, mostly near Roma settlements, is to empower children who are often considered in need of assistance because their social background. The schools encourage the active participation of children in community projects such as in elderly people's homes, or homes for people living with HIV/AIDS. Although the project's aims do not include the reduction of child begging, it may improve the social integration and empowerment of Roma children.

Milan

The project **Valore Lavoro**[3] was created through an agreement between the Lombardy Region and the Ministry of Labour and Social Solidarity. The aim was the creation of interventions in the field of work placement for Roma, with funding from the European Social Fund. It ran from May 2009 to November 2010. The leading partner was the Lombardy Region, with five NGO implementing partners: Caritas, Casa della Carità, Comunità di Sant'Egidio, Opera Nomadi and Sucar Drom. The project tried to identify the job sectors best matching the existing demand for work, the qualifications and skills of the project

beneficiaries as well as the professional traditions of the different communities. The beneficiaries of the project were 60 Roma and Sinti people, involved either in training activities, support on the job, or creation of a small business. The following micro-projects were supported:

- Ironing and sewing workshops, with training;
- Production of handcrafts by Roma and Sinti women and youth, with the running of a workshop for the creation of dresses and accessories;
- Production of wooden pallets and support to autonomous workers and employed workers;
- Vocational training with scholarships;
- Awareness-raising and communication events.

This project is a good example of interaction between institution and associations. The aim of taking into consideration the skills and ambitions of participants seems essential for the sustainability of the occupational activities initiated.

The **Conservatory of Milan** funds a music course for Romanian Roma children. In collaboration with local associations such as Casa della Carità and their network of associations, about twenty-five Roma children aged from 5 to 18 years old have been selected to participate in the course. Most children cannot read music but are gifted musicians and play the violin, the accordion and the clarinet. Some children, through the course, will have the chance to participate in the official selection for the Music High School of the Conservatory. Two of the children interviewed for this Study participated in this course with enthusiasm, and will try out for the Music High School selection.

Some of the children attending the course, including those whom we interviewed, ask for money in exchange for their musical performances. In this respect, the project has failed in curbing the phenomenon of child begging in the short term. However, one of its main results is to give to children involved in begging the chance to improve their skills and become professional musicians in the long term, offering a valid alternative to begging.

One of the strengths of the project, relying on funds raised by the Conservatory, is the link with local associations working with Roma families, such as Nocetum. Associations raise awareness among the children's families about the importance of education, and support children psychologically and at times in economic terms through this demanding experience. Unfortunately this practice is not linked to any existing policy and its sustainability depends on the ability and will of the Conservatory Director to fund it. This project could be replicated in other cities through agreements with local public music schools.

Turin

AutoROMia - Nursery in a Roma settlement: The service was opened in 1995 with the aim of offering further support to Roma children in irregular settlements. As reported by Elena Rozzi in her interview for this Study and in her report,[4] the service implemented different small projects aiming to raise awareness and support Roma families on the issue of protection of their children. AutoROMia works in collaboration with a local association, Valdoco, including among its members Roma men and women, and provides different services such as: social assistance, presence in the settlement, projects on education and, as said above, the creation of a kindergarten and a nursery in a Roma settlement.

The nursery is worth special mention because of the aim of the service and of its staff, being managed by a Roma mother taking care of her child and four other children. In the settlement there is also a kindergarten employing educators taking care of older children of pre-school age. The location of the nursery, in the settlement, makes access very easy. The involvement of Roma living in the settlement and known to the Roma parents helps to overcome some of the reluctance that Roma mothers may

have to leave small babies in an unsafe place. For these reasons, the mini-nursery is a positive example which has proved effective in reducing child begging, when it was due to mothers taking infant children along with them. The nursery, also offering an opportunity to work for the Roma woman managing it, is transferrable and has the best interests of the child as primary objective. Supported on a yearly base by AutoROMia, that is the local borough, through public funding (Law 285/1997), the service is sustainable. (For more, see Identification of Good Practices Chapter of this Study).

Dado: The idea behind the project, in line with the approach of association *Terra del Fuoco* which runs it, is to work with Roma families but also in the local community. Dado was created to respond to an emergency in the housing situation of a group of Roma whose settlement had burnt down. The association Terra del Fuoco, following a long period of consultation and pressure on the local authority, managed to receive the authorisation to use a former school to host of a group of Roma in the town of Settimo Torinese, near Turin. Dado started as a project of self-renovation in the sense that it provided for the active participation of the Roma families in the renovation of the building and in its management. According to the association, this project also challenges existing stereotypes on Roma who, by living in the building of Dado, are more visible and have been seen as workers (rather than as nomadic thieves, as the dominant discourse represents them.)

People living in a former school were helped to find jobs; for this purpose a cooperative offering different services was created (printing of T-shirts, audio system for events, installation of solar panels….). Others found work in the local community. The Italian people living at Dado bring friends and have contacts with other Italian people, thus promoting interaction with the local community. Families are meant to live at Dado for a few years and then get their own private accommodation. Some of the people from Dado at the beginning did practice begging - also with their children - but in towns other than Settimo. Since all families have since found jobs, none of their children now beg. Although this project did not directly tackle child begging, it is worth mention for its holistic and sustainable approach, taking into consideration the wellbeing of children within their families. Thus this project should be considered as one of the possible solutions to the social segregation of Roma in other cities.

1. Since 2008 the project has also been implemented in Rome: http://www.santegidio.org/index.php?pageID=2343&idLng=1062
2. Save the Children Italy, Codici Agenzia di Ricerca Sociale, University of Turin Department of Social Science The Road to Rights - Practices and models of intervention for the reception and social inclusion of street children exploited and/or involved in illegal activities Concluding report for Action 3 of the European Year of Equal Opportunities for All, Practices and models of interventions. 2007.
3. For information on the project see: http://www.orimregionelombardia.it/index.php?c=490
4. Rozzi Elena- Social Sciences Dipartment of University of Turin (2011 still to be published) MINORanze - Bambini e adolescenti rom: dall'esclusione alla tutela dei diritti eall'inclusione sociale (section 4:4:3)

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4.10 Country Section - Kosovo[446]

Introduction

Since the 1999 conflict in Kosovo, socio-economic progress remains slow. In this current state of transition, the phenomenon of child begging is becoming a serious concern that affects residents on an almost daily basis. All stakeholders interviewed for this Study claimed that they had seen children begging in Kosovo. Some of them declared they see them every day. Based on what was said during the interviews, the main factor that leads to children begging is the economic situation, rendering children vulnerable to exploitation. Poverty is still very much present in Kosovo's society, at national as well as at local level. According to a social worker from a centre for social work in Prishtina, in the municipality of Prishtina, over 27% of people in Prishtina live in conditions of extreme poverty. Another motive that makes children beg and continue to beg is the possibility of high profit, as one official of the Municipality Office for Communities and Return in Fushe Kosovo puts it: *"For example one child who begs 20 Euros per day in a month will make a profit of around 600 Euros. Imagine if the family had 2 or 3 children? Together they would earn more than if the parents would work"*.

This country chapter on Kosovo is based on research conducted at a national level into child begging in the country; the main results were taken from desk research at a national level and interviews conducted with policy-makers, NGO or government staff working with children, law enforcement agencies (working on child begging/exploitation/trafficking), representatives of the police and social workers, as well as from desk research, observation sessions and interviews with begging children at the local level. A total of 13 observation sessions were conducted in different locations in Kosovo. The sample includes the biggest cities of Kosovo: **Prishtina**, **Gjilan**, **Ferizaj**, **Peja**, **Gjakova** and **Prizren**. In **Mitrovica** the planned observations were not conducted due to the tense political situation there at the time of the Study. The sample of children to be interviewed was selected together with Terre des hommes staff, and in cooperation with the Centres for Social Work from the different municipalities.
Statistics

446 This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

In Kosovo, it is difficult to find uniform overall statistics on child begging, child trafficking and children living/working in the streets. Figures available from the various sources mentioned below only reflect the operation/streetwork performed at a given time.

Statistics from 2010 (more precisely: January-December 2010) provided by the Community Police Unit in **Prishtina** reveal a number of 21 begging children identified[447] but do not offer any specification regarding the profile of these children. Statistics provided by Terre des hommes Kosovo show that from the beginning of 2007 until the end of October 2010, 599 children begging were identified in the whole territory of Kosovo, comprising:

- **Ethnic group**: 317 Roma, 162 *Ashkali*, 72 Albanian, 48 for whom the ethnic group is undefined.
- **Age**: 0-6 yrs (152 children), 7-12 yrs (227 children), 13-18 yrs (173 children) and for 47 of the children it was not possible to obtain detailed information.
- **Gender**: 323 boys and 276 girls.
- **Nationality**: 196 from Albania and 403 from Kosovo.

On the other hand, statistics provided by a street observation process that was conducted in Kosovo by partners[448] of the project 'MARIO' (2010) coming from Kosovo and Albania, mention 71 Albanian children in street situations in Kosovo,[449] but this observation was focused on the identification of Albanian children only. According to these observations the following distinctions can be made:[450]

- **Ethnic group**: these children come mainly from the Roma community, the *Egyptian* community and then the non-Roma community.
- **Age**: 0-3 yrs (15 children), 4-7 yrs (14 children), 8-10 yrs (14 children), 11-14 yrs (13 children), 15-17 yrs (5 children). For 10 children identifying the age was difficult due to lack of documents.
- **Gender**: 35 girls and 36 boys.

Statistics offered by the Department of Investigations of Trafficking in Human Beings of the Kosovo Police (December 2010) provide an estimate of 89 begging children identified in the whole territory of Kosovo[451] and present an excellent overview on the nationalities and the ages of these children (see *Overview description of children involved in begging* below).

Relating to the apprehension of begging people in violation of the law on Public Order and Peace, the latest available statistics on deportations come from the MARIO Observation Report,[452] which states that the courts do have lists with names of all deportees but the information is not reliable because often the deportees do not have proper identification. Based on the report and according to the Kosovo Border Police, data from 2010 show that 114 Albanians were deported between January and July 2010. In the presented data no distinction is made according to age. Note that this information does not specify the

447 Interview with the Coordinator for Projects in Community Police of the Regional Directorate of the Kosovo Police in Prishtina.

448 Mario project – supported by the Oak Foundation – is a joint effort of influential NGO players in the field of child protection who formed a joint advocacy platform to enforce better protection of migrant children in Europe and put pressure on European and national decision-makers to better protect children from exploitation, abuse and trafficking.

449 *Observation Report: Exploitation of Albanian children in Street Situation in Kosovo*. Mario Project, December 2010.

450 Based on the findings of the MARIO study, none of the Albanian families have applied for a residence permit in Kosovo because they are either engaged in illegal/informal activities or they fail to fulfil the basic criteria for legal residence such as a regular job, a permanent place of residence, etc. Most of them are short-term migrants and go back and forth between Kosovo and Albania.

451 Interview with the Director of Department of Investigations of Trafficking in Human Beings of Kosovo Police in Prishtina.

452 Observation Report: *Exploitation of Albanian children in Street Situation in Kosovo*. Mario Project, December 2010, p. 14.

reason for deportation (Illegal stay; begging in a nagging way; other illegal acts).

Overview description of children involved in begging

Children begging in Kosovo can be divided into two categories: local children and children from neighbouring states. The available statistical information on the socio-economic characteristics of child begging at national/local level is limited and not homogeneous. Some interviewed institutions for this Study differentiate by age and gender, while others just provide the ethnic background and origin of the begging child.

Statistics provided by the Department of Investigations of Trafficking in Human Beings of Kosovo Police and dating from December 2010 show the following composition of the group of children identified by the authorities and known for begging: Four are Albanians from Kosovo, 38 Roma from Kosovo, seven *Ashkali* from Kosovo, five *Egyptians* from Kosovo, one Bosnian from Kosovo, eleven non-Roma Albanians and 21 Roma from Albania. Their ages are as follows: 0-2 yrs (12 children), 3-6 yrs (23 children), 7-10 yrs (31 children), 11-13 (14 children), 14-17 (9 children). Furthermore, it should be noted that observation-based estimates about social characteristics such as gender representation can differ depending on the location. For instance in **Fushe Kosovo** the estimate is that most of the children begging are male and that they belong to the *Ashkali* and Roma community. The age of the children who beg there varies from 12 to 15 years old. In **Prizren** on the other hand, according to the Project Manager of NGO 'Iniciativa 6', there are more girls begging, and their age varies from 7-14 years old. In Prizren 80% are from the RAE community[453] and 20% are non-Roma Albanians.

When it comes to the gender of children involved in begging, according to the estimates of the stakeholders interviewed in the municipalities of **Prishtina**, **Gjilan** and **Ferizaj**, there is a greater presence of girls begging. In the municipalities of **Fushe Kosovo** and **Prizren**, stakeholders estimate that there are more boys begging in the streets. The estimates among the interviewed stakeholders in the municipality of **Peja** contradict each other. The head of the NGO '7 Shtatori' claims that there is a larger number of boys begging, while the Assistant for Child Rights of the OSCE estimates a dominance of girls begging in Peja. The Social Worker at the Centre for Social Work says that the number of boys and girls begging is approximately the same. A similar situation of contradiction of estimates was witnessed during the interviews with the stakeholders in **Gjakova**. It must be taken into consideration that these are estimates based on personal experience or opinion, not on reliable data.

In terms of attending school, there is a discrepancy between the answers of the interviewees for this Study. Some of them said that none of the begging children they dealt with go to school (specifically those who beg from the RAE community). Others said that begging children go to school but not regularly. According to Terre des hommes observation and social work, it was noted that most of the Albanian children from Kosovo involved in begging activities go to school in the morning and beg or sell items in the afternoon and during the night. Some used to attend school but they do not anymore because of begging. There are occasions where parents of begging children are not well prepared for their children to attend school because they themselves (parents) did not go to school.

Based on the interviews conducted, there is a stereotype which dominates when referring to child begging. This stereotype is associated with the Roma community, where there is a tendency to say that begging is part of the Roma tradition and that begging children are only from this community. But the statistics mentioned above show that children from the non-Roma Albanian ethnic group are also involved in begging, although in lesser proportions.

The most common begging scenarios involving children include a static and dynamic form of begging:

453 RAE – Roma, *Ashkali* and *Egyptian* communities in Kosovo.

- **Static begging children** always lie or sit on the ground near the footpath and have something in front of them, where money can be thrown in. Sometimes static begging children simulate disability in order to elicit more pity from the person passing by, but this does not mean that there are no children with real disabilities.
- **Dynamic begging children** always change their tactics of begging and their location. The most useful strategy used is words that induce pity like: *"I am an orphan"*, *"I don't have anything to eat"* etc.

Regarding the types of child begging situations encountered in Kosovo in the course of this research, the most prevalent are types T1 (children between 0 and 6 years old involved in classic begging, woman with child, service provision, collecting, selling small items) and T6 (children between 3 and 15 years old involved in classic begging, services, collecting small items).[454] These are the most recurrent types of begging situations encountered, which does not mean that other types are not present at all, but rather to a much lesser extent.

Geographical distribution of the phenomenon (national and local)

Children who beg are active in the urban centres of Kosovo, whereas child begging in rural areas is not common. Based on the interviews conducted, the phenomenon of begging is mostly present in the seven biggest cities of Kosovo: Prishtina, Fushe Kosovo, Mitrovica, Gjilan, Peja, Gjakova and Prizren. Some local begging people also move from one city to another in order to earn more money. For instance, some of them go from Lipjan and Fushe Kosovo to Prishtina. Others go from Gjakova to beg in Prizren. In both cases, it is not a long distance between these cities and this makes the move worthwhile. In contrast with cities, none of the interviewees for this Study mentioned any cases of begging in rural places.

In these seven biggest cities of Kosovo, the geographical focal points of begging are almost the same everywhere: The most frequented places by children begging are for example near markets (on market days), restaurant and shopping areas, town centre, entrances of mosques and churches (usually on Fridays), near traffic lights and busy intersections, near the buildings of the University, the hospitals and at bus stations. However, the phenomenon of begging is dynamic, which means that there could be other places of begging and that the places keep changing. The Chief of the Community Department of the Kosovo Police describes it this way: *"Child beggars know the routine and the type of people and they go where they expect to get more money. For example they don't go near the police station because they know they won't earn money in that area."*

Any trends and changes in the groups involved or the geographical distribution over the past ten years

Recently, due to the relatively small geographical territory of Kosovo, a more dynamic movement of begging children coming from Albania has been noticed. These children enter Kosovo with their parents or relatives or other adults via legal or illegal channels.

In **Prishtina**, due to police operations, the geographical location of begging has changed. Children are now scared to beg at traffic lights. Some children said that the police have beaten them. As a result children had to modify their daily activity by collecting cans during the day and beg again late in the night when the police are not around.

The children interviewed for this Study report that the summer months and public holidays are the most lucrative times for begging as this period sees an increase in the number of Kosovo emigrants returning home for the holidays. During summer, children beg almost every day, while in winter the begging days

454 For more information on the types of child begging situations identified through this research see the Chapter on Typology.

are reduced due to the cold weather.[455]

A. Legal Framework

The national legal system regarding child begging is centralised and uniformly applicable in all of Kosovo. Interviewed authorities for this Study explained that there is no specific law which bans begging in general either at local or national level. Nevertheless there are exceptions, such as in cases when begging disturbs other people in the street and is 'aggressive'. For example a person begging who follows another person and harasses him/her or speaks loudly etc. is penalised. Begging in itself is not criminalised. The Kosovo Police has undertaken Operative Plans to remove aggressive begging people from the streets. If a Police Officer identifies a begging person in the street whose activity is against the law, he/she should report it to the Police Station, which initiates the case. The Court will take into account this case with urgency and besides serious warnings and issuing of fines, the only other action taken by the national legal system is deportation from the national territory.

Child begging

Begging as a phenomenon falls under the responsibility of the Minor Offence Courts and its jurisdiction is legally established in the Law on Public Peace and Order.[456] There, Art. 10 para. 1 states the following: *"Whoever in a public place asks for alms in an intrusive manner shall be punished for a minor offence."* Paragraph 2 continues to set the penalty for committing the minor offence foreseen in paragraph 1 with a fine ranging from thirty (30) € to five hundred (500) €.[457] The courts can order warnings, fees and/or deportation.

Child begging in itself is not separately defined as such in the law. A child cannot be penalised the same way an adult can by this specific law on Public Peace and Order. But the child can be given a warning if he/she is older than 14 (e.g. through the Juvenile Court). In practice, however, no distinction is made in the application of the law in the sense that a begging child is identified and removed if he/she is violating the Law on Public Peace and Order.

Children living or working in street situations

The phenomenon of children actually living (i.e. 24 hours) on the street in Kosovo has not been observed, yet one can definitively say that there are children in Kosovo who find themselves in a street situation. The activity of these children in a street situation varies from begging, car windscreen washing, collecting cans and simply hanging around, to selling small products such as peanuts, sweets, lighters and cigarettes.

Child trafficking

The Criminal Code of Kosovo primarily addresses Trafficking in Human Beings in Article 139. This article sets out the law and the punishment for trafficking in persons, including aggravated punishments when the victim is younger than 18 and makes reference to children in the following manner (paragraph 8, sub-paragraph 4): *"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 subparagraph (1) of this paragraph"*. In regard to these provisions, in line with the Palermo Protocol, *"[t]he term 'trafficking in persons' means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of*

455 Mario Project, *Observation Report: Exploitation of Albanian children in street situation in Kosovo*, Prishtina, 2010.

456 Law on Public Peace and Order (Nr.03/L-142, 17 September 2009).

457 Law on Public Peace and Order (Nr.03/L-142, 17 September 2009).

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". However, Article 139 does not explicitly include begging in the definition.

The term "exploitation" as used in subparagraph 1 shall include, but not be limited to, 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.

Other than this, there is no exclusive law on THB or child trafficking in Kosovo. The Kosovo Government has, however, addressed the issue of trafficking since 2005 through its National Strategy and Action Plans.[458] The new elements in the draft Strategy and Action Plan for 2011-2014 are the following:

- There is a special chapter on child trafficking and the action plan foresees a revision of the Criminal Code.
- In response to the new EU Directive on Anti-trafficking,[459] the draft Kosovar Strategy on Trafficking 2011-2014 included begging as a form of exploitation in the trafficking definition.

A final draft of the Strategy and Action Plan 2011-2014 was presented to the Government for endorsement in 2011. Even though the National Strategy and Action Plan 2011-2014 is not primary legislation, it is a binding legal document. In the chapter dedicated to child protection, the definitions of certain terms used for children are provided, including begging as part of child exploitation. Thus, according to the Strategy and Action Plan, **"Child trafficking**" is the act of recruitment, sale, transportation, harbouring or receipt of a child for the purpose of exploitation either within or outside a country. **"Child exploitation"** includes exploitation for the purpose of prostitution or other forms of sexual exploitation, forced labour services, begging, slavery, or practices similar to slavery, servitude, use for criminal activities, the removal of organs, illicit adoption, forced early marriage and for use in doing housework. The consent of the child to the intended exploitation is irrelevant even if none of the following means have been used: force, coercion, abduction, deception, abuse of power or actions taken while a person is in a state of vulnerability or while a person is in the control of another person. **"Vulnerable children"** are those children that are exploited by their family (including brothers or sisters of victims of trafficking or children identified before the act of trafficking).

At the moment of writing, and in accordance with the official data from the treaty supervising bodies, Kosovo is not bound by any of the international instruments examined in the Legal Analysis of this Study. However, in general, the Criminal Code operates with adequate criminal definitions of trafficking and exploitation. Nevertheless, exploitation is often recognised as a smaller crime than it actually is, which leads to different approaches and data that is not reliable.[460] In addition, it seems that due to the insufficient number of necessary staff, the authorities do not designate people to work solely on the issues of child trafficking and exploitation.[461] Furthermore, a lack of cooperation and coordination within the country has been observed.

458 Action plan: 2005-2008, Strategy and Action Plan: 2008-2011, draft Strategy and Action Plan: 2011-2014.

459 EU Directive on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, Brussels, 9 March 2011, p. 6.

460 OSCE Working Document from the First Regional Workshop on Trafficking and Exploitation of Children in the Balkan Region held in Skopje (FYR of Macedonia) on 24-25 January 2012. A series of three regional workshops are planned to be organised in the region by the OSCE, at the end of which a common report will be issued.

461 OSCE Working Document op. cit. *supra.*

Child protection framework

The legislative framework for child protection in regard to begging in Kosovo is distributed among several legal documents.

The framework protecting children against exploitation of their labour finds its base in the Labour Law[462] and the Administrative Instruction on Prevention and Immediate Prohibition of Hazardous Child Labour.[463] The Labour Law sets the minimum age for employment at 15 and prohibits children younger than 18 from engaging in work that may be harmful to them. In Art. 4 of the Administrative Instruction on the Prevention and Immediate Prohibition of Hazardous Child Labour it is stated that forced labour or services required from any child under threat of punishment and against his/her will are prohibited. Art. 5 of the same administrative instruction prohibits night work for children between 20:00 and 06:00. Both the Labour Law and the above-mentioned Administrative Instruction can be applied to cases of children working in street situations. The Administrative Instruction bans all street work for children under 15, and begging is included as a specific form of street work that is banned for children aged 15-18.

Reporting and intervention in child abuse cases

The Law on Social and Family Services[464] regulates the provision of services to persons and families in need in Kosovo. The law also regulates that the Centre for Social Work (CSW) is the responsible body for providing the appropriate protection to children in Kosovo. There are 35 CSWs in Kosovo. When it comes to the attention of a Centre for Social Work that there are grounds to suspect that a child is being abused, neglected or exploited, then a comprehensive professional assessment is made, a social worker is assigned and a plan of action is set up to meet the needs of the child.

Child abuse and exploitation are mentioned but not defined by the Law on Social and Family Services. However, according to the Criminal Code of Kosovo in its Art. 211 on the mistreatment of children, *"[...] a parent, adoptive parent, guardian or another person exercising parental authority over a child who mistreats such child using physical or mental measures or breaches his or her obligation to care for and educate the child by gross negligence shall be punished by imprisonment of three months to three years. [...] A parent, adoptive parent, guardian or another person exercising parental authority over a child who abandons such child in a manner which endangers his or her life or seriously impairs his or her health shall be punished by imprisonment of six months to five years. [...] A parent, adoptive parent, guardian or another person exercising parental authority over a child who compels such child to work excessively or to perform work that is not suitable for the age of the child or compels such child to beg for money or other material gain, or compels such child to engage in other activities damaging to his or her development shall be punished by imprisonment of three months to three years."*

Parental custody

Art. 10 of the Law on Social and Family Services stipulates the conditions under which parental custody can be withdrawn: "*10.2. Only in circumstances where there are grounds to suspect that a child is experiencing serious harm to his physical or mental health, or is at risk of such within his family can consideration be given to removing her or him from the care of his parents or parent or other care giver. 10.3. Except in the case of short term emergency measures, a child shall not be removed from the care of his parent or parents or care giver without their permission or an Order of the court."*

Another important factor to mention is the fact that in Kosovo, education is compulsory for children at

462 Labour Law No.3/L 212.

463 Administrative Instruction on Prevention and Immediate Prohibition of Hazardous Child Labour, 17/2008.

464 Law on Social and Family Services, No 02/L-17.

the age of 6-15 years.[465] It is considered an offence if parents fail to enrol a child in a school or fail to make alternative arrangements for the education of the child which are approved by the Ministry of Education, Sciences and Technology. In such cases, if a pupil is absent from school, his/her parent(s) may be liable to fines if the absence is a result of deliberate actions or negligence by the parent(s). Public prosecution may be instituted if so decided by the municipality. In such cases, the municipality shall inform the Ministry of Education, Sciences and Technology.

B. Policy Responses and Implementation of the legal Framework with Regard to Child Begging

The Readmission Agreements signed between Kosovo and some Western European countries[466] pose serious problems and could lead to a potential increase in the number of begging children in Kosovo. There are recorded cases where children are sent back to Kosovo without their identification documents.[467] On arrival in Kosovo, they are sometimes unable to register in schools, do not speak the language, end up in poor economic situations and as a result are at risk of engaging in begging, and/or of being exploited. This happens sporadically, in exceptional cases.

Prevention of child begging

By mainstreaming offences related to child labour into the legal and policy framework, the Government of Kosovo hopes to prevent and discourage child begging. A concrete example is the National Strategy and Action Plan for Prevention and Elimination of Child Labour in Kosovo 2010-1016 (June 2010). The ILO[468] and the Ministry of Labour and Social Welfare launched the International Programme on the Elimination of Child Labour (IPEC) in Kosovo in 2004. Since then ILO-IPEC has been active in providing technical as well as financial assistance to Kosovo, to work towards the implementation of the Kosovo Action Plan for the Prevention of Child Labour. The main pillars of intervention proposed by IPEC are:

- Mainstreaming child labour into legal and policy frameworks.[469]
- Increasing the knowledge base on the Worst Forms of Child Labour.
- Enhancing the capacity of the stakeholders.[470]
- Awareness-raising activities.
- Implementation of Child Labour Monitoring Systems.
- Providing direct services to working children and children at risk of working.

In practice, children in street situations in Kosovo remain in a vulnerable position. When it comes to activities in the field of prevention of child begging, responsibilities lie with the Police. The Police of Kosovo has an Operative Plan as mentioned above, which aims to remove begging people from the streets if they are disrupting public order (children and adults). They cooperate with the Centres for Social

465 Regulation No. 2002/19 on the Promulgation of a law adopted by the Assembly of Kosovo on Primary and Secondary Education in Kosovo, Section 7 Compulsory Education p.7.

466 Since 2009, the Kosovo government has signed readmission agreements with Germany, Belgium, France, Switzerland, and Norway, with further agreements being negotiated.
See: http://www.crin.org/resources/infodetail.asp?ID=23433

467 *Integration Subject to Conditions. A report on the situation of Kosovan Roma, Ashkali and Egyptian Children in Germany and after their repatriation to Kosovo*. (UNICEF Kosovo and the German Committee for UNICEF, 2010).

468 In accordance with the ILO Convention on the Worst Forms of Child Labour Convention in 1999, begging is considered to be a worst form of child labour as it is *"work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children"* (Art. 3).

469 The purpose of this is to establish a solid legal framework on the issue of child labour, for the purpose of preventing and combating the phenomenon and protecting the victims, as for example the National Strategy and Action Plan for the Prevention and Elimination of Child Labour in Kosovo 2010-2016.

470 Government officials, teachers, social workers, labour inspectors, agriculture inspectors, police, civil society organisations, representatives of trade unions and employers' organisations.

Work, the Municipalities and the Red Cross. The Kosovo Police has a project called "Removal of beggars" which authorises Police Officers (always in the company of a social worker) to identify and remove the begging people. Furthermore, with the order of the Court, they can deport begging people not originating from Kosovo (including children). Regular discussions are held with the Task Force about issues related to child begging. The Police claim that begging people who have been deported are at times seen again on the streets of Kosovo. This confirms the notion that deportation is not an effective sanction, due to the porous borders of Kosovo.

The involvement of the Centres for Social Work (CSWs) in response to the phenomenon of child begging is as follows: First of all, the CSW aims to identify children begging in the streets. After that, the CSW conducts family visits and interviews with both parents and children in order to assess the family situation and the living conditions. Then they engage in counselling sessions with the parents to raise awareness concerning the disadvantages related to their children being in the streets. If it is necessary they offer social assistance in order to improve the financial situation of the family. Most of the begging children do not attend school, so the CSW insists on registering and reintegrating them in school. This is done in cooperation with the schools. In addition, they cooperate continuously with other institutions (e.g. the Police). The Centres for Social Work undertake actions and provide workshops on preventing children from doing different types of dangerous work: i.e. working during the night, carrying heavy objects etc. There have been public campaigns on the subject and the Police have tried to talk and raise awareness among people about not giving money to begging children. Despite the actions and involvement of the CSWs in regard to child begging, the presence of begging children still remains a daily reality on the streets of Kosovo.

The stakeholders interviewed for this Study expressed their concern that there was no one institution that was taking full responsibility for issues related to child begging. A suggestion was to have a specialised department (preferably within the CSW), which could focus only on child begging. Furthermore, provisions on compulsory schooling are not being applied. From the interviews conducted for this Study, it can be concluded that most of the Roma children identified by the authorities as begging children do not attend school and also beg during school hours. However, in practice the sanctions foreseen by the above-mentioned law are not implemented. School drop-out and the non-registration of children in school remain major problems.

Protection of children involved

Currently, the Task Force coordinates the only working case-management system in the area of child protection including child begging. The Task Force, an initiative of Terre des hommes Kosovo, is a round table and a coordination tool between stakeholders in the field of child protection. The Task Force helps institutions at national and local level on the basis of a signed Memorandum of Understanding, to find better and faster solutions for children in need.

In the case of child begging, street work is conducted twice per month by social workers supported by Terre des hommes. Once the child or family in need is identified, the Task Force, through expert partners in the field, provides different kinds of support: i.e. in the areas of healthcare, birth registration and registration for social assistance when required conditions are met.

None of the above-mentioned organisations provide shelters for people involved in begging to sleep in and there are no drop-in centres in Kosovo. Additionally, to have access to social services, one has to be a legal resident of Kosovo. This is the main reason why it is impossible for begging people from Albania to have access to basic services because they do not have the necessary legal documents.

The Centres for Social Work have overall responsibility for child protection. In practice and according to

the experiences of the NGO Terre des hommes in this field, even if social workers claim their mandate is to protect all children present in Kosovo, it appears that children from Albania remain outside of the protection system. Children and their families are very suspicious towards institutions because of the fear of being deported and have little information regarding the places where they can ask for support.

A few times per year, the Anti-Trafficking Police, in the framework of the above-mentioned operative plans, identify children begging, and make observations. A first operative plan to identify begging children as victims of trafficking was conducted in December 2010 and the second one started in June 2011. In addition, Community Police accompanied by the Centres for Social Work (CSWs) and with the support of the OSCE run several activities in order to identify children and families begging in the streets and to initiate a procedure for deportation if they come from Albania.[471] In order to tackle organised crime and Trafficking in Human Beings involving children, there is always cooperation between the Centres for Social Work, the Kosovo Police, the Municipalities and Courts.

Prosecution of offenders

Article 139 Trafficking in Persons, Criminal Code of Kosovo (previous version, in force at the time of drafting this report) refers to:
- *Whoever engages in trafficking in persons shall be punished by imprisonment of two to twelve years.*
- *When the offence provided for in paragraph 1 of the present article is committed against a person under the age of 18 years, the perpetrator shall be punished by imprisonment of three to fifteen years.*
- *Whoever uses or procures the sexual services of a person with the knowledge that such person is a victim of trafficking shall be punished by imprisonment of three months to five years.*
- *When the offence provided for in paragraph 5 of the present article is committed against a person under the age of 18 years, the perpetrator shall be punished by imprisonment of two to ten years.*

The Court can issue a number of penalties to people who are caught in situations where they are begging and disturbing public order. The fines can vary from 30 to 500 Euros, but reality shows that offenders are seldom in a financial position to pay the fines and therefore, in most cases the Court will issue deportation orders back to the country of origin.

Some of the respondents for this Study stated that up to now, deportation used to be a common practice taken in terms of prosecution of foreign people begging. There have been cases when the offender was deported within a day.[472] This makes a proper verification process in the case of a begging child very short. From the interviews for this Study and according to the Mario *Observation Report*, representatives from institutions involved with enforcing the law consider deportation to be a failed process that offers no further solutions to affected people and families.[473]

Case Law

The Ombudsperson Institution in Kosovo (OIK) is an independent organisation, which has the mandate to address alleged human rights violations or abuses of authority by public institutions in Kosovo. Their work in the field of child rights usually starts from complaints that come from parents, children and different institutions. The only case they had relating to the child begging was in 2007 when they

471 Kosovar migration policy foresees that begging people from Albania can legally be deported based on the following assumptions: a.) They have overstayed their allowed 90 days limit in Kosovo (Article 33, Law on Foreigners Law No. 03/L-126); b.) They have disrupted public peace and order while begging. Because of the lack of coordinated institutional cooperation regarding the phenomenon of begging between Kosovo and Albania, the trend is that after about three days of having been deported for reasons related to begging, the families come back to Kosovo to continue begging.

472 *Observation Report: Exploitation of Albanian children in Street Situation in Kosovo*. Mario Project, December 2010, p.14.

473 *Observation Report: Exploitation of Albanian children in Street* Situation in Kosovo. Mario Project, December 2010, p.14.

received a complaint from Terre des hommes about maltreatment of begging children by Police Officers. OIK forwarded this case to the Kosovo Police Inspectorate (KPI). Disciplinary investigations by KPI started with the interviewing of the children in the presence of their parents and social workers from the Centre for Social Work and the Police Officer who was part of the incident. The KPI concluded that due to lack of proof the investigation had to be terminated. As a result no disciplinary actions were taken.

Other cases referring to child begging

- The cases of two women begging in the streets of Ferizaj (accompanied by the 3-year-old daughter of one of the women) were reported to the Court of Minor Offenses. According to the Court, the two women had violated Art. 10 para. 1[474] of the Law on Public Peace and Order by begging in an intrusive manner in a public place. Considering the poor economic situation of the accused, the Court of Minor Offenses (26-01-2011) proceeded to issue a warning to both in the hope that through positive sanctioning they would not repeat this offence.
- The same case construction and verdict refers to a 16-year-old girl who was observed to be begging in the streets of Ferizaj.

For both cases mentioned above, no protection measures were provided for the children.

Other cases where begging children were suspected of having been trafficked

One case occurred in Ferizaj in 2011. Detailed information on the procedure and the final verdict was provided by the Directorate of Investigation into Trafficking in Human Beings, showing the following:

- The case consisted of a thirteen-year-old girl begging, who came from the Roma community of Serbia. Her organiser was from Macedonia. The police identified this network consisting of the organiser and her supervisor, who was her uncle (also from Serbia). The child seemed to be in a difficult psychological and physical condition. The Macedonian suspect transported them by car to places where there were more Albanians. This suspected organiser has been arrested and is currently in jail, awaiting trial. In cooperation with relevant institutions the necessary assistance was given to the child.

Information on a second case was provided by the Community Police Unit in Pristhina.

- The Department received information about a woman from Fushe Kosovo who was suspected of trafficking two Albanian girls. On another occasion the same woman was again suspected of having trafficked her 13-year-old daughter. The suspicion of the Police was based on the appearance of the daughter - her dressing style, her make-up, her behaviour, and the way in which she communicated with others. The Police have also forwarded this case to the Anti-Trafficking in Human Beings Unit, but they have not yet heard the outcome.

In addition to above-mentioned examples, in 2010, the Anti-Trafficking Police arrested one adult from Kosovo, suspected of forcing two children from Kosovo to beg. In 2011, two people were arrested, one from Macedonia and the other from Serbia. They were suspected of forcing one Serbian child from the Roma community to beg. They have been sentenced and are still in jail.

474 Law on Public Peace and Order (Nr.03/L-142, 17 September 2009) Article 10: Begging in public space. p. 4.

C. Public Perception of the Phenomenon and of national Responses

Public campaigns

In August 2008, the OSCE Mission[475] in Kosovo, together with Terre des hommes, launched the first public campaign against child trafficking and child begging. The scope of this awareness campaign - running under the title of 'Begging Handicaps My Future' - was Kosovo-wide and the topics were spread by the public media, i.e. television, radio and print media (posters and leaflets). At the time of the first campaign in 2008, Terre des hommes estimated that there were some 400 children being exploited through begging in Kosovo. The campaign was repeated in October 2009 and November 2010[476] in collaboration with the Kosovo Police. During these campaigns against begging there was a police phone number to call, though currently there is no permanent child helpline installed (see D. Good Practices below).

Public debates

The most important public debate at the moment is the debate around the elements that define child begging and at what point intervention is necessary. On the one hand there is the view that child begging should be defined, treated and regulated within the framework of a Worst Form of Child Labour as established by the ILO, and on the other hand there is the view that child begging should be seen as exploitation of the child with a possible component of human trafficking involved.

From the interviews with stakeholders for this Study, it appears that some people tend to stereotype child begging as an inherent part of the cultural tradition of Roma, at the same time not taking into consideration that not all begging children in Kosovo are from the Roma community and only a minority of Roma in Kosovo beg. In addition to the above-mentioned information, there is a widespread belief that child begging is a form of survival for families in great financial need and without any other financial alternative.

Apart from this, the most important question is: When does begging become exploitation/"forced begging" or abuse and at what point is intervention needed? Whatever answer emerges, in the end the public agrees that when there is discussion on the topic, the best interests of the child should always be considered to come first. Secondly, sustainable solutions and strategies on the prevention of child begging in Kosovo should be designed to enable authorities and institutions to act in a more durable way. The same debate which is occurring at national level also impacts the debate at local level.

Media "Events" during the last five years

Some news items published in the media in recent years are as follows:

- Terre des hommes *(2011): Special focus on children in Kosovo anti-trafficking actions*. http://tdh-childprotection.org/news/special-focus-on-children-in-kosovo-anti-trafficking-actions
- KOSOVA SOT (2010): *Kosovo: the tragic destiny of little beggars. Lots of children who fill the streets of the capital begging or working are physically and psychologically abused.* http://tdh-childprotection.org/reviews/kosovo-the-tragic-destiny-of-little-beggars
- Shqip (Albania): *'Business' of beggars moves to Kosovo*. http://tdh-childprotection.org/reviews/business-of-beggars-moves-to-kosovo
- Koha Ditore, Prishtina *(2009): The capital city once again is overflowing with beggars.* http://tdh-childprotection.org/reviews/the-capital-city-once-again-is-overflowing-with-beggars

475 The OSCE Mission promotes human rights and the rule of law, and supports efforts to foster an effective, accountable and human-rights compliant police service.

476 Campaign to combat child begging. Press release OSCE. Kosovo, 12 November 2010. http://www.osce.org/kosovo/74261.

- *OSCE, press release (2009): Mission, police launch campaign against begging by children in Kosovo.* http://www.osce.org/kosovo/51414
- *OSCE, press release (2008): Mission supports campaign to curb child trafficking and begging in Kosovo.* http://www.osce.org/kosovo/49980
- *Le Courrier des Balkans France (2008): Roma from Kosovo: Children born in refugee camps can't go to school.* http://tdh-childprotection.org/reviews/roma-from-kosovo-children-born-in-refugees-camps-cant-go-to-school
- Lajm Eksklusive *(2006): They are forbidden to enter Kosovo for the next three years.* http://tdh-childprotection.org/reviews/they-are-forbidden-to-enter-kosovo-for-the-next-three-year

D. Good practices

The **Centres for Social Work** may be considered a good practice in some respects. They are present in all the municipalities in Kosovo. Many measures undertaken by the Police in cooperation with the CSWs primarily consist of identification and removal of begging people (including children), but these measures are only successful on a short-term basis. The CSWs' task is more focused on removing begging people from the street in connection with efforts to raise the awareness of parents regarding the possible negative effects for their children when they are out in the streets. The CSWs then try to reintegrate the children into schools.

Another good practice that has been identified is the **catch-up classes provided by the NGO 'Ideas Partnership'** in Fushe Kosovo. Ideas Partnership started the catch-up programme in Fushe Kosovo, in order to prepare children who were not enrolled in schools and who would have to pass an exam in order to register in September 2011. According to the Director of Ideas Partnership, begging children also participated in the catch-up classes. Children attended 10 classes per week and this NGO also organised additional classes during the afternoon. On average, a child (including those who beg) would benefit from around 13 hours a week of catch-up classes. Thanks to this initiative, out of 53 children in street situations participating in this programme, 32 have finally been enrolled in school. A liaison officer has been hired and is in charge of ensuring the link between schools and families.

The **NGO Terre des hommes** regularly conducts street work in Prishtina, Ferizaj, Fushe Kosovo, Peja, Gjakova and Mitrovica. This activity facilitates the monitoring of existing cases of child begging and identifying new cases. After identification, children are referred to the Task Force, where the case is managed and services are offered according to the needs of each child (e.g. birth registration, social assistance, heath support, registration in school etc). This activity allows the child to have an adult present in the streets to whom he/she can turn in case of difficulties. In order to ensure the sustainability of this practice, since 2010, social workers have been involved in street work activities.

In August 2008, the OSCE Mission[1] in Kosovo together with Terre des hommes launched the first public campaign against child trafficking and child begging. The scope of this awareness campaign - running under the title of **'Begging Handicaps My Future'** - was Kosovo-wide and the topics were spread by the public media, i.e. television, radio and print media (posters and leaflets). At the time of the first campaign in 2008, Terre des hommes estimated that there were some 400 children being exploited through begging in Kosovo. The campaign was repeated in October 2009 and November 2010[2] in collaboration with the Kosovo Police. During these campaigns against begging there was a police phone number to call but currently there is no permanent child helpline installed.

The main objective of all three campaigns was to inform the public that forced begging is a criminal offence and a serious violation of child rights. By giving children who are being forced to beg money,

one encourages the perpetrators to continue their practice of child abuse, exploitation and trafficking.

Prior to the launch of the first campaign, Terre des hommes did a Kosovo-wide survey[3] to get a better understanding of people's perception and giving habits in relation to child begging in Kosovo and to evaluate the impact of the campaign. Six hundred people were questioned before and after the campaign. The overall conclusion was that a large proportion of Kosovo society gives money to children begging in the streets. The most prominent reason for giving was 'out of pity'. Before the awareness campaign, 88.8% of the respondents said that they do give money to children begging and after the campaign there was a slight decrease to 86.5%. According to the report, the awareness campaign did have an impact on the people of Kosovo and the recommendation that followed was to increase awareness-raising. Even though people continued to give money and only a small percentage stopped giving money, they did become more conscious about the consequences of giving.

1. The OSCE Mission promotes human rights and the rule of law, and supports efforts to foster an effective, accountable and human-rights compliant police service.
2. Campaign to combat child begging. Press release OSCE. Kosovo, 12 November 2010. http://www.osce.org/kosovo/74261.
3. Survey on Anti-Child Exploitation/Trafficking June-September 2008; Begging Handicaps my Future, Terre des hommes Mission in Kosovo, 2008.

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Trafficking in Children in Kosovo, A Study on protection and assistance provided to children victims of trafficking, UNICEF Kosovo, June 2004.

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Law No.02/L-17 on Social and Family Services

Law No 2004/32 on Family Law of Kosovo

Code No. 03/L- 193 on Juvenile Justice Code

Code No 03/L002 on Criminal Code of Kosovo

Law No. 03/L-126 on Foreigners Law

Administrative Instruction on Prevention and Immediate Prohibition of Hazardous Child Labour, 17/2008.

Regulation No. 2002/19 on the Promulgation of a law adopted by the Assembly of Kosovo on Primary and Secondary Education in Kosovo, Section 7.

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Strategy and National Action Plan for Prevention and Elimination of child Labour in Kosovo 2010-2016.

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4.11 Country Section – Poland

Introduction

Begging - being a social problem - is allowed in Poland, provided that the person who is begging does not have "means of maintenance" nor "is able to work" (Art. 58, Petty Offences Code). Only fraudulent begging or forcing others to beg is banned. Forcing children to beg is only banned, but not criminalised. Although respondents usually think that the problem of child begging is important and significant, most of the interviewees could not estimate the number of begging children in Poland. One of the respondents mentioned that: *"Estimates, statistics, numbers – they are unreliable, [...] this problem is too complicated to be adequately described in numbers; nonetheless, it's worth the effort to find proper tools and approaches to this detrimental phenomenon."* Secondly there seems to be dissent on the definition of begging, showing that among professionals and experts there are various views on begging, some of them perceiving child begging as a form of work or enterprise.

Stakeholders interviewed in Poland for this Study confirmed that child begging and child trafficking can be connected as there are organised groups around Poland forcing Roma of various nationalities, Romanian, Ukrainian and Moldovan people to beg. People in such situations often do not have any knowledge of their rights, but on the other hand one should note that not every begging person is a victim of human trafficking.

This country section on Poland is based on research conducted at the national level into child begging in the country, together with interviews with stakeholders at a national level, as well as desk research and stakeholder interviews at the local level. For this, the cities of **Warsaw** and **Poznań** have been chosen

for case studies as those cities where child begging is most prevalent. Observations of begging children and interviews with them provided additional information about the problem of child begging in Poland.

Statistics

There is a lack of statistics or estimates at the national level in Poland with regard to child begging and limited robust data available on specific incidences of child begging.[477] According to older Police statistics between January 2007 and August 2008, Police issued an application to the court under article no. 58 (begging) or no. 104 (forcing other people to beg) of the Petty Offences Code in respect of 37 children.[478] For the second half of 2008, Police statistics show 41 police actions taken against people forcing children to beg.

The interpretation of data on child begging at the local level seems to be quite diversified: Stakeholders and respondents at the local level in **Poznań** referred back to a study conducted in 2007 by SIC! Foundation [Fundacja SIC!] and commissioned by municipal authorities when they were questioned for this Study about available research or statistics on child begging. According to one of the interviewees, the number of begging children in Poznań in 2007 was estimated to have reached 49. During the implementation of the programme *'Powrót z ulicy'* in 2009 ['Come back from the street'], 59 begging children were identified, aged between 1½ and 17. Another expert interviewed for this Study thought the problem to be slightly broader in scale. According to his data, in 2010 police officers and social workers patrolling the streets revealed as many as 80 cases of child begging. Nonetheless, the same expert estimates that the number is likely to have fallen in 2011. On the other hand, hardly any of the experts interviewed in **Warsaw** were able to quote statistics illustrating the scale of child begging in the city. Opinions in this area vary: Some respondents maintain that there is no child begging in Warsaw anymore - in their opinion this problem is no longer prominent and its incidence has decreased considerably over the last few years.[479] Street workers in **Cracow** estimate the number of children begging in the city to be about 100 (including only Polish children, between 7 and 18 years old).

There is no credible data about the number of children in a street situation. According to the knowledge of experts, there is no problem with homeless children in Poland. Children in a street situation in Poland are children who spend a lot of time on the street, however they go back home to sleep. They attend school and have parents, but their basic needs such as nutrition, clothes, toys and entertainment are provided on the street.

There are no official statistics about the socio-economic characteristics of the children involved in begging. In the opinion of a representative of one of the law enforcement agencies in an interview for this Study, the lack of this type of statistical information about victims and exploiters is a serious problem, since it is impossible to analyse the phenomenon in depth. This is because fraudulent begging or forcing others to beg is banned but not criminalised and therefore the Police (prevention unit) have not been obliged to present the statistical information.

The most reliable data about child trafficking is offered by the statistics of the Ministry of Administration and Internal Affairs. From 2002 onwards the data shows declining numbers of cases of children being trafficked to Poland but at the same time does not specify the purpose of the trafficking. In 2002 there were 18 victims of child trafficking identified, 2003 saw the numbers going up to 21 cases followed by a sharp decline to 2 cases in 2004. Statistics available for 2008 show 7 identified cases of child trafficking.

477 The only quantitative research on begging was carried out by Kazimiera Król in 2008 (Król 2008). The survey involved 186 beggars in different cities in Poland, including 28 children.

478 Including 35 minors under article no. 58 and 2 minors under article no. 104.

479 Other people talk about Roma children and Polish teenagers asking for money in Warsaw, however all respondents agreed that problem is less visible in Warsaw than few years ago.

One interviewee for this Study mentioned the regions where the largest number of children are trafficked: Warsaw, Cracow, Małopolskie Voivodship, Podkarpackie Voivodship, namely regions close to the border with Germany (e.g. Zachodniopomorskie Voivodship).

According to data collected by the Office for Foreigners in 2010 there were 202 foreign unaccompanied children in substitute care institutions, including the largest group of 99 Russian children. Of the children found begging 15 had Polish nationality, 10 were from Romania, 9 children had an unknown background and one child was of Roma ethnicity – but in this last case there was a lack of information on the country of origin of the child reported.

Overview description of children involved in begging

According to police documents, foreign people begging are usually Moldovan, Ukrainian and Romanian, whereas Polish people involved in begging are usually of younger age. Interviewees are aware of the fact that foreign children (especially Roma children) are also involved in begging. Respondents to this Study mention Roma children, without specifying a nationality. Some respondents note that begging children come from: Romania, Bulgaria, Russia, Russia (Chechnya) and Moldova. This view is supported by the study carried out by Król in 2008 (Król 2008), according to which 47% of beggars (adults as well as children) were Polish, 37% had Romanian nationality, 6% were from Bulgaria, 3% from Moldova, 5% came from former Yugoslavian countries and 2% had Ukrainian nationality. As regards age groups, 50% of children were between 5 and 10 years old, 29% - between 11-14 years old and 21% - between 15-18 years old[480].

However, respondents are of opinion that it is impossible to describe a single uniform profile of a begging child. One of the experts divided begging children into two groups: shy children coerced into begging and children asking for money of their own accord. Another respondent distinguished between two types of children's conduct and behaviour: children relying on careful observation to pick targets most likely to give them money, and those drawing attention to themselves using arrogant or aggressive behaviour. According to experts, the majority of begging children come from dysfunctional backgrounds. One of the respondents claims that they stem from two basic types of households: impoverished families struggling with social problems like alcohol abuse and unemployment, or families with hard-working parents unable to devote enough attention to their children.

The results of the interviews conducted on the local level for this Study reveal that the majority of children who beg are boys. Therefore, it is typically boys who are in the lead of street-working groups. Children begging for money vary in terms of age, but respondents claim most of them attend primary or lower secondary schools (ages 13 to 16), others claim begging involves much younger children (younger than 10). There are also cases of exploiting infants for the purpose of obtaining money. Respondents suggest that depending on their age, children become involved in different forms of begging.

Regarding the types of child begging situations encountered in Poland in the course of this research, the most prevalent is type T2 (children between 7 and 17 years old involved in classic begging, service provision, selling small items).[481] These are the most recurrent type of begging situations encountered, which does not mean that other types are not present at all, but rather to a much lesser extent.

Geographical distribution of the phenomenon (national and local)

480 Until now, the only local research project on child begging was carried out in Poznań in 2007. During this study 49 begging children were interviewed. Nearly all of them were Polish (only one Romanian girl participated in the research). 86% of them were boys and 14% were girls. 29% of children were up to 11 years old, 45% - between 12-14 years old and the remaining 26% were over 15 years old.

481 For more information on the types of child begging situations identified through this research see the chapter on Typology.

According to Police documents, foreign people begging - potential victims of forced begging - are the most visible in Warsaw, Cracow and Rzeszów. The study done by Król (Król 2008) shows that begging is a problem mostly located in the biggest cities in Poland. There, begging people usually operate in the city centre (27% of cases), close to railway stations and bus stations (25%), near churches (15%), close to main road intersections (15%), in fast-food restaurants and bars (9%) and close to hypermarkets (9%).

According to respondents, in urban areas, larger groups of begging children can be encountered in places crowded with people, such as the Old Town and city centres and the tourist routes. They can be found in front of shopping malls, supermarkets, market squares as well as in places with heavy traffic, such as major street intersections, large parking lots, petrol stations, the main railway station and bus station and at the main communication arteries leading out of the city.

Any trends and changes in the groups involved or the geographical distribution over the past ten years

Experts interviewed for this Study state that begging is most visible in summer time. Some respondents also said they had noticed changes in the number of Roma people begging. At the beginning of the 1990s, there were a lot of Roma people begging on the streets, and then their numbers decreased, but increased again after Poland joined the European Union and the Schengen zone. As regards Polish begging children, experts expressed their view that their number increased in major tourist cities after Poland joined the European Union.

A. Legal Framework

Child begging

Begging is one of the offences indicated in the Polish Petty Offences Code (1971). Pursuant to article 58, a person who begs in a public place, despite having means of maintenance or ability to work, can be sentenced to a penalty of restricted liberty,[482] a fine or a reprimand. The juridical doctrine has defined begging as "asking for alms by using the emotions of pity and compassion". The necessary conditions specified in art. 58 are: begging in a public place (which means a place that an unlimited number of people has access to) and having means of maintenance (i.e. savings or other sources of income) or having the ability to work. liability person is only liable for the above-mentioned offence if they beg repeatedly.

If begging is "aggressive" or fraudulent, the person can be sentenced to arrest or restricted liberty.[483] Aggressive begging in the juridical doctrine means that a begging person uses insistent demands, threats or vulgarisms to get alms, while fraudulent begging is using fraudulent means, such as: pretending to be disabled, claiming to have an illness or disease, or using a disabled or sick child to get alms.

In Art. 56 of the Petty Offences Code it is stated that organising or carrying out a public money collection without permission or in violation of conditions is banned subject to the penalty of a fine. While organising means planning and coordination of the collection, carrying out means almost any action connected with the collection. According to the Public Collections Act (1933) and the ordinance to it, public collection means collection of money for a specified purpose in forms such as: bank transfer, collection of money in a money-box and [(3)] sale of goods or services. Moreover, all public collections may be done only after gaining permission (from the city authorities, if the collection is done only in the city). People who sell goods in public places (such as postcards, flowers) or services without valid permission by claiming that the money will be dedicated to a specific purpose (such as support for sick children, etc.) are considered

482 Restricted liberty can mean: compulsory community service (work for the public) or salary deduction.

483 Arrest is different from imprisonment: In the Penal Code the penalty is imprisonment; in the Petty Offences Code it is arrest.

to commit such an offence.

Another form of begging may be offering services (such as washing windscreens) at the crossroads. According to Art. 90 of the Polish Petty Offences Code[322], blocking or obstructing traffic on a public road is an offence (punishment: fine or reprimand). Not all activities of begging people on public roads can be considered such an offence. If the behaviour does not affect traffic, it is not banned under Art. 90.

The above-mentioned liabilities (in arts. 56, 58 and 90) are included only for begging people who commit offences at the minimum age of 17. Some actions taken by an adult, involving a child in begging, are criminalised or banned. For instance, inciting a child to beg is a petty offence, defined in Art. 104 of the Petty Offences Code. The person who incites a child to beg can be sentenced to a penalty of arrest, restricted liberty or a fine. Inciting here means "taking any action to bring somebody to beg", for instance by using threat or the promise of some profits. Moreover, as stated before, a person organising a "false" money collection, which children carry out, can be sentenced to a fine (Art. 56 of the Petty Offences Code). In extreme cases, where involving a child threatens the child's health or life, the adult may be sentenced for committing a crime. Art. 160 of the Polish Criminal Code (1997) states that: those who pose an immediate threat to somebody's life or of causing serious injury, can be condemned to up to three years' imprisonment. The above-mentioned provision can be used only in those cases in which the child's health or life is in danger.

In Poland there is no centralised legal system regarding child begging. The local campaigns against begging in **Warsaw** and **Poznań** differ from the actions taken on the national level. The legal bases for actions on the local level are mostly provided by local government (i.e. city council) programmes against begging or social exclusion. Some regions (i.e. Poznań) set good practices in this field (see below), but still there is no centralised policy/legislation to solve the problem of child begging (or begging in general).

These fields are not regulated on the national level. It is apparent especially in the field of intervention, where municipal services such as the Police and social services sign an agreement on cooperation, exchange of information and experience, as well as on the scheme of actions to be taken in cases of begging (Poznań regulations). It is worth mentioning that regulations in Warsaw and Poznań do not create additional liability for begging adults or individuals who force a child to beg (it is stated only in Polish Petty Offences Code). They also do not give improved powers/rights to services such as social service, the Police or City Guards – but they create a basis for cooperation between them.

Children living or working in street situations

In Polish legal provisions, there is no legal definition of children living or working on the street. Nevertheless, in cases concerning children living or working on the street, the responsible services should intervene every time, as it poses a threat for the child's wellbeing. The Family Court can, in these cases, place a child urgently in foster care or institutional care. After that the family court shall proceed *ex officio* and take all necessary measures to ensure the wellbeing of the child (i.e. withdraw or restrict parental authority).

In cases of urgent need to secure a child (i.e. child working/living on the street), police officers are also entitled to place a child immediately in foster care. The Police are obliged to inform the Family Court about this kind of intervention. Then, the Family Court shall make a decision about the future of a child in foster care.

Child trafficking

Article 189a of the Polish Criminal Code (1997) criminalises trafficking in human beings. An amendment was passed on 20 May 2010, which was a result of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. Trafficking in human beings means in Polish law: recruitment, transportation, transfer, harbouring or receipt of persons, by means of: threat or use of force; abduction; fraudulent misrepresentation; deception; abuse of somebody's dependence or helplessness, abuse of a position of vulnerability; giving or receiving of payments or benefits (or promises to do such) to achieve the consent of a person having control over another person - for the purpose of exploitation.

Exploitation shall include, *inter alia*, the exploitation of prostitution, pornography or other forms of sexual exploitation, forced labour or services, begging, slavery (or practices similar to slavery), the removal of organs or tissues against Polish law. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is considered trafficking in human beings even if this does not involve any of the means mentioned in Art. 189a (art. 115 para. 22 of the Criminal Code).

Child trafficking is treated differently by the Polish law than trafficking in adults - there is no need to prove that a perpetrator used so-called "graded means", such as use of force, abuse of position of vulnerability etc. Human trafficking (also child trafficking) is banned on a penalty of imprisonment for a minimum of 3 years and maximum of 15 years. Preparation for this crime is also punishable (imprisonment from 3 months to 5 years).

As in the case of Hungary (see Country Section above), Poland adjusted its national legislation to the original provisions of the Palermo Protocol. Therefore, the minimum standards related to criminalisation of the offence of trafficking in human beings and the age limit for determining children as defined in the Protocol are applicable. The binding obligation of the transposition of Directive 2001/36/EU is also applicable in Poland.

Child protection framework

In the Polish Labour Act (1974) it is stated that generally child labour is prohibited when a child is under the age of 16. Employing a child being between 16 and 18 years old is legal, but must be preceded by fulfilment of requirements (i.e. the medical opinion that a job does not threaten the child's health). It is however allowed to employ a child under 16 years of age in specific situations, if: the child's employee is a person running a cultural, artistic or promotional activity, and the child's parents and the labour inspector give their consent.

In Poland there is no centralised system of reporting child victims' cases or a system of child protection. The activities in the field of child protection can be taken by institutions such as a Family Court, a prosecutor or Police, or social services. Anyone who has information about possible threats to the wellbeing of a child, have a so-called "social obligation" to inform a Family Court about it (Art. 572 of the Code of Civil Procedure, 1964). Institutions, organisations and facilities providing care for children have a "legal obligation" to do so. The Family Court is entitled to institute legal proceedings in the child's case, which should reveal whether the child's health, development, or psychological state is endangered. If the judge establishes the threat to the child's wellbeing, the decision concerning parental authority should be made. The judge can oblige parents to take specific actions, oblige parents to undergo family therapy, place parents under surveillance or place a child in foster care. These decisions are in an open catalogue of so-called restrictions of parental authority. The only condition for making such a decision, as stressed above, is a threat to child's wellbeing (Art. 109 of the Family and Guardianship Code, 1964).

In judicial doctrine it is clear that restrictions can be made even if the parents do not bear the blame

for endangerment, since the restriction of parental authority is not a penalty for parents, but a means to protect a child and to guarantee his/her wellbeing. In conclusion, a Family Court can restrict parental authority in those cases of child begging where begging brings a threat to child's wellbeing (in most or all of begging cases – it does), even if the threat is not caused by the child's parents, and where securing the child's safety requires changes in parental rights or obligations. The Family Court is also entitled to withdraw parental custody (Art. 111 of the Family and Guardianship Code, 1964). The basis for making this decision is e.g. abuse of parental power or gross neglect of a child. There is no legal and binding definition of child abuse, neglect or exploitation.

Nevertheless the jurisdiction of the Polish Supreme Court gives examples of abuse or neglect: abuse of alcohol, committing crimes and not paying maintenance (12.1.2000 r., no of judgement: III CKN 834/99). In practice, most cases of withdrawal of parental custody are based on parental violence against the child or continued neglect. The child's begging itself is not a basis for withdrawal of parental authority, but it can be – if the abuse of parental power or neglect of child is proven. For instance, the Family Court shall consider withdrawal of parental custody if parents force their child to beg on the street, when they have other sources of income, or if they force the child into criminal activity.

If a child is a victim of a crime (i.e. of child trafficking, domestic violence etc), anybody who knows about the fact should give notice to the Police/prosecutor (Art. 304 of the Code of Criminal Procedure, 1997). Institutions and organisations have a legal obligation to do so. Then, the Police or prosecutor shall institute proceedings. As stated above, this "legal path" can be used only in extreme cases, where child begging is connected with child trafficking (Art. 189a of Polish Criminal Code) or brings a threat to the child's life or a threat of serious damage to the child's health (Art. 160 of Polish Criminal Code). Social service may take action to support a neglected or abused child also. Anyone can inform social workers about the child in need. According to the Social Support Act (2004), social workers are entitled to grant social services, such as financial help or professional support for a family, but only if the family cooperates with them.

B. Policy Responses and Implementation of the legal Framework with Regard to Child Begging

Prevention of child begging

There is no institution in Poland that is dedicated to the problem of children begging, neither is there a national strategy on child begging. Programmes dedicated to child begging are established at the local level and organised by local governments together with Police, City Guards, Centres for Social Services and NGOs. In 2008, there was an idea of establishing a team of professionals working in the area of begging. The initiator was the Ministry of Administration and Internal Affairs. The team has been established; however there are no results available of the activity of this team.

In Resolution no. LXII/1789/2005 of the city council from 24 November 2005 concerning the strategy for **Warsaw** city development until 2020 in point 1.2.3.3. ('Increasing public order'), limiting 'social pathology' was stated as a goal. Although the begging problem was not directly specified in this point, solving it can contribute to increasing public order in Warsaw. In the next resolution - on the Warsaw strategy in social matters (no. XLVI/1427/2008, 18 December 2008), it was stated that one of the main goals of municipal social policy is activities on integration or re-integration of individuals who are threatened by social exclusion.

On these premises, at the local level in **Warsaw,** the pilot programme *'Stop Żebractwu'* ['Stop begging'] was designed to act as a preventative programme implemented by social workers, Warsaw Police,

City Guards and train security services in 18 Warsaw districts, launched in 2009. The Warsaw Police[484] implemented the programme on the basis of internal Police regulations, with the following main goals:

- Limiting the number of individuals begging on Warsaw streets, especially with the use of children;
- Determination of begging surroundings, i.e., connected with human trafficking or forcing children to beg;
- Increasing the knowledge of police officers about begging issues (i.e., legal regulations in this matter);
- Improving knowledge about ways of gaining help and support and about the consequences of begging as well as raising awareness among people who live in poverty about possible help from institutions of local government and NGOs;
- Increasing access to information about possible support for people who beg.

Patrols of Police and social workers looked for begging people and proposed them help. This programme was accompanied by the social campaign *'Pomagam, nie daję'* ['I help and I don't give money'].

Besides the above-mentioned programme, the Street Education Centre [*Ośrodek Pedagogiki Ulicy*[485]] on behalf of Warsaw city authorities coordinates street outreach services aiming at socially excluded children. Annexed provisions foresee continuation of the *'Powrót z ulicy' action'* ['Come back from the street', see below], in which the social service, City Guards and the Police took part. During this action, social workers, in close cooperation with the Police, concentrated on observing places where begging usually is done by children. After the patrol made a detailed identification of the child and his/her situation, the begging child was given a warning. A month after issuing the warning, the social worker contacted the family of the child to check his/her home situation.

In October 2003 and before the above-mentioned steps had been taken, the Police Headquarters promulgated the internal guidelines 'Police proceedings in cases of homeless and begging people'. In part II, point 3 concerning begging cases, it was stated that Police officers should engage in systematic inspections of places where begging is carried out (railway stations, shopping centres, main streets/ tourist routes, car parks etc). In the guidelines it was also stressed that in cases of forcing a child to beg, the Police officer should pass this information to a family court. The guidelines required appointing one police officer at each police station responsible for the issues of begging and homelessness. That officer shall, e.g., gather information about places where begging people 'work' and cooperate with social services in cases of those begging people who are in a difficult financial/family situation.

The main aims of the municipal social policy in **Poznań** are specified in Resolution No. XXXIII/262/IV/2003 of the city council from 18 November 2003. In the 2nd attachment to the above-mentioned resolution, in section VIII on "Security – Aberrations – Pathology' in point B the city council stated that the city authorities shall prevent social aberrations and pathology by launching and implementing programmes against addiction, homelessness, aberrations, poverty and crime in cooperation with the Police, NGOs, representatives of science and educational institutions. Moreover, in section I – 'Functioning of a family and a household', in points A-C the main aims in this field were specified as:

- Launching and implementing programmes concerning early intervention in cases of high social risk;
- Support for families and individuals at high social risk.

These goals should be attained by (*inter alia*): strengthening institutional infrastructure for assessing social problems and reinforcing their sources to find ways for solving them. It is also stressed that local authorities should inform potential "clients' about social support and conditions on which the social

484 The programme also includes training sessions for police officers about procedures and legal acts concerning begging. http://bip.krp4.policja.waw.pl/portal/230/4268/5166/STOP_ZEBRACTWU.html

485 *Ośrodek Pedagogiki Ulicy przy Zespole Ognisk Wychowawczych im. Kazimierza Lisieckiego 'Dziadka'*

services are provided to families/individuals. The role of the municipal institutions is specified as, among others, drafting integrated programmes aimed at each category of social risk. In **Poznań** it is precisely stated that one of the main goals of the city social strategy to 2030 is the fight against begging, whereas **Warsaw** social policy does not directly relate to this social problem. In both cities activities against begging were held in the field of:

- Information/education – on means of support for begging people, on the consequences of begging;
- Intervention – proceedings in cases of child begging (precisely stated only in Poznań regulations).

On this basis, in July 2008 the City of Poznań promulgated a legal act called Regulation No. 370/2008/P implementing the programme *'Przeciwdziałanie procederowi Żebractwa na terenie miasta Poznania na lata 2008-2010'* ['Programme to prevent begging in the city of Poznań in 2008-2010'].[486] According to the Resolution, the programme was to be implemented by public institutions and NGOs. Coordination of the programme was guaranteed by the specially formed group at the city office, Health and Social Affairs Department. In the Annex to the above-mentioned Regulation it is stated that preventative measures should be aimed at individuals (who beg) and the whole of society. The Regulation was amended in 2010 by Regulation No. 901/2010/P from 1 December 2010. In the Annex to the Regulation it was stressed that the strategic goals of municipal social policy are, e.g., activities for child and youth welfare. In the Annex, the proceedings in cases of begging can be found, according to which an intervention should be made if:

- The Police/City Guards come across the begging child (under 18 years old)/obtain information about this child.
- Social service or Border Guards obtain information about a begging child.
- A child does not understand the Polish language.
- A child does not reveal the parents' place of residence.
- A child needs to be consulted by the medical service.
- A child is providing services for money (for instance washing car windscreens).
- A child does not go to school because of begging.
- A child begs notoriously and does not obey the instructions of the Police/City Guards.
- A child is a member of a criminal group.
- A child is forced to beg by his/her parents/guardians or by another child.

The above-mentioned Amendment was made in accordance with the new municipal strategy of development for the years to 2030 (Resolution of the city council No. LXXII/990/V/2010 from 11 May 2010) – Programme no. 20 was put under the heading 'Healthy Poznań' and considered the fight against begging to be one of the main goals.

The Police have procedures of action for homeless and begging people ['*Procedury postępowania Policji wobec osób bezdomnych i żebrzących*']. Generally, the Police have an obligation to react in the case of begging with special attention to child begging or forcing children to beg. The Police are obliged to control places where begging is most popular, such as: railway stations, crossroads, shopping streets.

- Prevention of begging is also one of the responsibilities of the City Guards. They can patrol streets, admonish or fine begging people or take offenders to the police station.
- The Border Guards are obliged to react in every case when a child crosses the border without parent(s) or guardian(s) in order to identify child trafficking. In 2010, there were 21 children identified crossing the border without parents or guardians. Every year there are 20-30 such children (information

486 Names and titles in bracket were translated by the author of the national and local reports on Poland. Please note that there are no official names and titles in English.

from interview for this Study).

The 'Programme for preventing begging in the city of **Poznań** in 2008-2010' [*'Przeciwdziałanie procederowi Żebractwa na terenie miasta Poznania na lata 2008-2010'*] includes means of intervention in begging cases - by Centres for Social Services, the Police, City Guards and NGOs (i.e. street workers). According to the Annex, a helpline for begging cases shall be created. Moreover, an offer for children and youth should be made providing alternative ways of spending their free time. Along with the city office, public authorities/institutions like the Centres for Social Services, City Guards, Police and Border Guards, as well as social workers have been asked to take part in the implementation of the programme. The programme has been extended for the years 2011-2015.

Protection of children involved

Different organisations and institutions work in the area of child protection, however actions taken by these agencies are not coordinated at the national or local level. Child protection is a matter for the Family Courts in charge of parental custody withdrawal, putting children into substitute care institutions and coordinating the work of court-appointed guardians.

When it comes to the prevention of begging, there are also some interesting programmes being implemented at the local level, e.g. in Warsaw, Poznań and Cracow. Nevertheless, not all of them also focus on the protection of children begging in the cities. For example, since 2008 the city patrols in **Warsaw** - including City Guards or Police and social workers – watched out for begging people and offered them assistance. During the pilot programme in Żoliborz district, only one person agreed to participate in the programme. The programme also included training sessions for policemen about procedures and laws concerning begging. Apart from this, the focus of this programme was not placed on child begging as such.[487]

In 2003, **Poznań** started with the implementation of a programme entitled *'Powrót z ulicy'* ['Come back from the street']. Police patrols (by plain-clothes police officers), together with social workers from the MOPR [City Centre for Helping Families], inform children that begging is legally banned and try to interview children about their family situation and possible problems. Then, the social workers contact the families and initiate social work with the entire family of a child. The lack of clear regulations relating to the problem of begging children turned out to be one of the biggest obstacles in the course of the implementation of the programme. Also the definition of child begging has been understood differently by different institutions. In 2008 the action was included into the *'Program przeciwdziałania procederowi żebractwa na terenie miasta Poznania na lata 2008-2010'* ['Programme to prevent begging in the city of Poznań in 2008-2010'].

The programme targeted adults and children, who (in an active or passive way) ask for money, including those who provided services such as playing music on the street, selling flowers in restaurants etc. The main aim of the programme was to minimise the number of begging people in Poznań and increase awareness of the consequences of begging among those who beg and all those who support them (by giving them money). The goal of the programme was also to spread information about accessing support in situations of life difficulties. The other actions taken during the implementation of the programme were street work and offering children alternative ways of spending their freetime. Another action was a helpline, where Poznań citizens could report child begging. After receiving such information, City Guards or the Police can make an intervention.[488]
Since 2008, the Police, City Guards and social workers patrol tourist areas in the summer months to

487 http://bip.krp4.policja.waw.pl/portal/230/4268/5166/STOP_ZEBRACTWU.html

488 www.poznan.pl/zebractwo; *'Program przeciwdziałania procederowi żebractwa na terenie miasta Poznania na lata 2008-2010'*, ['Programme to prevent begging in the city of Poznań in 2008-2010'].

prevent and detect child begging in **Cracow**. Together with these measures and in the context of the programme *'Dając pieniądze odbierasz dzieciństwo'* ['When you give money you deprive children of a childhood'], additional street work is carried out by the 'Parasol' NGO. Street workers who were involved in the programme expressed favourable views about the programme in interviews for this Study. The programme is repeated every year.[489]

Prosecution of offenders

According to police documents, begging in Poland in most cases is not connected with organised crime. The only case of prosecuting offenders for trafficking in human beings for the purpose of exploitation through begging took place in Rzeszów in 2007 (see section on case law below).

Usually children are not arrested and prosecuted for begging, as there is no strict legal responsibility - when a person begging is between 0 and 17 years of age, there is no strict legal responsibility for such behaviour. Only if this illegal behaviour represents a permanent state and is thought to be a result of lack of respect for moral/social rules and therefore an expression of the juvenile's demoralisation,[490] can a case be taken to Juvenile Court. According to Art. 3 of the Juvenile Act (1982), the main goal of the proceedings before a juvenile court is to take into consideration educational measures and the wellbeing of the juvenile. In these cases a juvenile court is entitled to, *inter alia*, oblige a juvenile to behave in a specified manner (for instance – to continue education, to take part in educational/therapeutic sessions), place a juvenile under the surveillance of a parent/guardian/probation officer or place a juvenile in a foster family. Furthermore, the juvenile court is entitled to oblige the juvenile's parents to take specific actions, such as improvement of social, health or educational conditions. If the parents do not comply, the court can impose a fine upon them (art. 8 of the Juvenile Act).

There are an increasing number of notifications made to municipal police, Police or NGOs about child begging or adults begging with children. In most cases the notifications concern begging in or outside shopping centres. If the Police identify a threat to a child's wellbeing, the children should be placed urgently in foster care and their cases should be taken before the Family Court, meaning that the Police shall issue an application to the Family Court if they observe parents or other people forcing children to beg. At every Police Office at the level of *Voivodship*, there is a coordinator to fight begging. The coordinator is informed about every case of child begging. This person is responsible for cooperating with other offices and agencies (e.g. Centres for Social Services or Family Courts).

Case Law

The most well-known case of child begging connected with child trafficking in Poland is a case from Rzeszów, concerning an organised criminal group from Moldova, Ukraine and Poland. The group of five offenders had been selling children and their mothers from Ukraine to Poland since 2005. In Ukraine, women seeking a job were offered well-paid jobs in Poland. The offenders told the women to take their children, so they could easily cross the border. After coming to Poland, the women were transported to different Polish cities without their children, while their own children were left in the care of other begging people. Then, they were forced to beg on the streets, were beaten and blackmailed (threatened that their children would not be returned to them). One of the begging women was detained; the child was placed in foster care. After a long investigation, the perpetrators were accused and sentenced for committing trafficking in human beings (as an organised group) to 4 years, 3 years and 1 year of imprisonment. One of the children who was exploited through begging was placed in foster care after intervention by the Family Court (Family and Guardianship Law). The Ministry of Justice statistics show a total of 11 cases during 2011 where perpetrators were handed down sentences for trafficking in human beings.

489 http://www.mops.krakow.pl/index.php?option=com_content&task=view&id=239&Itemid=142

490 Demoralisation is a permanent state of breaching law or moral norms and lack of respect for these rules.

There was one case which was notified to the children's helpline by the children's neighbour. He said that there was a family in his neighbourhood where children aged 12-15 were neglected. The children were malnourished and were begging for food and cigarettes. The father of the children was rarely at home, and the children were deprived of everyday care. It emerged that the social service was monitoring the family. Because the social service did not manage to change the children's situation, the case was taken before the Family Court. The begging and neglected children were taken away from their parents (restriction of parental authority by placing the children in institutional care).

C. Public Perception of the Phenomenon and of the national Responses

Public campaigns

The majority of information campaigns on the prevention of begging have been organised by local authorities (in Warsaw, Cracow, Gdańsk, Poznań, Wrocław) in cooperation with other institutions and organisations.

Since 2008, **Cracow** has had an annual information campaign entitled *'Dając pieniądze odbierasz dzieciństwo'* ['When you give money you deprive children of their childhood'] which is closely connected to the measures for the protection of children already mentioned before. This campaign is organised by the Cracow City Authorities to inform tourists and Cracow citizens that they should not give money to begging children. The campaign takes place in the most interesting tourist sites in Cracow, e.g. the information is distributed in restaurants near the Town Square. In addition to this, the Halina Nieć Legal Aid Centre (NGO) entered into cooperation with Police and the Ministry of Administration and Internal Affairs and launched a social campaign. This campaign was organised only for 2010 and aimed at raising the awareness of the inhabitants of Cracow and other Małopolskie Voivodship cities about the phenomenon of trafficking in children, including forcing children to beg.

From 2008-2011, **Poznań** had a campaign organised by the City Authorities that aimed to raise awareness of the consequences of begging among begging people and to illustrate to passers-by the possible consequences of giving money to begging people. Another objective pursued by the campaign was the provision of information to people about possible ways of receiving help in crisis situations. This was a public campaign with posters, leaflets, websites and press conferences. In June 2009, there was a conference entitled 'Begging as a social problem' [*'Żebractwo jako kwestia społeczna'*] held in Poznań.

Over the period of three years (2008-2011), **Warsaw** had an information campaign organised by the City Authorities. This campaign was called 'Stop begging' [*'Stop żebractwu'*] and was launched in close cooperation with Police and City Guards. It focused on distributing leaflets to begging people to give them information on the legal consequences of begging as well as on places where they could find help. Additionally, Warsaw citizens were encouraged not to give anything to people begging.

In 2010 **Wrocław** City Authorities organised a public campaign entitled *'Dając pieniądze nie pomagasz'* ['When you give money you don't help']. The aim of the campaign was to inform Wrocław citizens that giving things to begging people is not a solution. Another objective of the campaign was to encourage people to donate to NGOs involved in the field of begging instead of giving money to begging people directly.

Also in 2010, the city of **Gdańsk** decided to launch a campaign to prevent people from giving money to begging people. The event was organised by the MOPS [City Welfare Centre] and the relevant information was distributed in leaflets and at stands put up in restaurants.

Public debates

Though it is infrequent in Polish media, when begging is mentioned the main focus lies on estimating the earnings of begging people (Polish as well as foreign people). Begging is described as a form of enterprise or profession, not a necessity. In the national press, there also appear articles about people – mainly adults - who make their living through begging and women who use small children during begging. Social workers, experts and other representatives of institutions dealing with the problem of begging ask people through the media not to give money to people begging.

The debate in the local media is mostly focused on warning people against unfair begging and informing them what steps they should take in case of contact with the phenomenon of begging. Numerous statements by specialists dealing with the issue are cited. The media also inform on what to do if confronted with begging. Also changes in the forms of begging and visible trends are shown. Apart from this, the frequency of information distributed on child begging varies due to specific local circumstances. The articles in the press mainly concentrate on the campaigns that have been launched to counteract begging, as for example, in **Warsaw** the campaign entitled *'Pomagam, nie daję'* ['I help and I don't give money'] is mentioned on a regular basis in the media.

Contrary to this, the debate in the **Poznań** local media tends to be more focused on the problem of child begging and its forms. Particular attention is paid to young people engaged in washing windscreens at the crossroads of busy streets. As with other local reporting, there is information about the programmes implemented against begging in the press, radio and television. There have also been some public controversies in the local debate over slogans used in information campaigns, which, in the context of the debate at the national level, suggested that begging was a choice, not a necessity.

Media "Events" during the last five years

Some articles describe actions taken by law enforcement agencies or local authorities in order to fight the problem of begging. Articles in newspapers and magazines in Poland in recent years focus on foreign children begging (especially Roma children) in the biggest cities, e.g. on a means of public transport, but apart from this there is almost no coverage on the topic of child begging itself.

Some publications also mention the problem of human trafficking, e.g. the story of Moldovan woman with child who was forced to beg (2005); and articles about Roma babies sold as a 'prop' for begging. The problem of begging among Roma was widely discussed in the 1990s, when many Roma people came to Poland to beg.

D. Good practices

Actions taken by Police Headquarters, Central Investigation Office
In accordance with the National Action Plan against Human Trafficking, professional training sessions are organised for the Police and units of the Central Investigation Offices about the fight against human trafficking. Currently work is being carried out on the improvement of Police procedures of action for homeless and begging people. Coordinators dealing with homelessness and begging in prevention units will be obliged to inform coordinators dealing with human trafficking about every case of begging. Another change is connected with collecting statistical data about victims and exploiters. The Border Guards are obliged to react in every case when a child crosses the border without parents or guardian in order to identify child trafficking. The Border Guards can start a procedure to put children into substitute care institutions.

Programme to prevent begging in the City of Poznań in 2008-2010
This programme became possible due to close cooperation between Poznań city authorities, public institutions and organisations/representatives of civil society. The programme worked with a threefold approach to begging – providing information, promoting interventions and identifying alternatives. So far the programme has been successful with regard to the integration of local institutions which work with socially excluded people – offering a broader scope of information and options to its clients. This came together with an increase of the number of recreational activities available for children involved in begging. The programme has been extended for the years 2011-2015.

Campaign on the prevention of begging in the City of Cracow
Information campaign 'Dając pieniądze odbierasz dzieciństwo' ['When you give money you deprive children of their childhood'] was initiated in 2007 by the Mayor of Cracow's Social Adviser for Youth (formerly the Mayor of Cracow's Representative for Youth). This campaign is organised by the Cracow City Authorities in cooperation with the City Welfare Centre, Police, City Guards and the NGO "Parasol". This is a long-term and local-level campaign. It is repeated every year in the months of increased tourism. It takes place in the most interesting tourist sites in Cracow, e.g. the information is distributed in restaurants near the Town Square.

Objectives of the campaign:

- to develop methods for helping begging children in the Town Square and in the district of Kazimierz;
- to raise awareness of the consequences of begging among Cracow citizens and tourists and to inform them that they should not give money to begging children.

The campaign raises awareness among Cracow citizens and tourists through educational materials such as posters, ads, leaflets (in Polish and English) with information on how to help begging children and their families. Additionally special training sessions for restaurant-owners have been provided to give them knowledge about child begging. Moreover leaflets with information about the consequences of begging and where to find help have been distributed to begging children. It is worth mentioning that some of the materials were designed by people who were involved in begging in the past.

Since 2008, the Police, Municipal Police and social workers have patrolled tourist areas in the summer months to prevent and detect child begging in Cracow. Additional street work is carried out by the 'Parasol' NGO.

The city authorities have collaborated with other cities which deal with similar problems such as Wrocław and Poznań. As a result of collaboration in April 2008, a seminar ['When you give money you deprive children of their childhood'] for professionals who work with children, such as representatives of city authorities, police officers, city guard officers, social workers, streetworkers, sociologists and psychologists, was organised.

According to "Parasol" NGO, which monitors the child begging problem in Cracow, the number of begging children in Cracow is decreasing. Street workers who were involved in the programme expressed favourable views about the programme.

Campaign on the prevention of begging in the City of Wrocław
In 2010, Wrocław City Authorities organised a public campaign entitled 'Dając pieniądze nie pomagasz' ['When you give money you don't help']. This was a continuation of the campaign implemented in 2001 'Nie daję na ulicy' [I don't give money on the street]. Then the Police, City Guards and social workers patrolled the streets of Wrocław to monitor begging and to provide information about possible forms of support to people who begged on the street. Furthermore, some effective intervention was undertaken

in the cases of the children involved in begging.

In recent years, the information campaign has been relaunched. The aim of the campaign is to prevent begging and to indicate ways of effectively helping people in need. It informs people about possible financial and material support for individuals and families in crisis through materials distributed in institutions, restaurants and churches. Additionally, workshops about begging have been organised in schools for children and youth.

It should be emphasised that Wrocław cooperated with Poznań and Cracow on the campaign and benefited from the previous experience of these cities.

Campaign on the prevention of begging in the City of Warsaw
The campaign 'Pomagam, nie daję!' ['I help and I don't give money'] was initiated as a result of observations and reported cases of begging adults and children in Warsaw. Although it was organised by the Police and City Authorities of Warsaw, other institutions were invited to cooperate. The aim of campaign was begging and prevention of child exploitation. It was implemented through the social education of citizens of Warsaw and support for people who beg. Social workers who work in the City Welfare Centres were given a training session on how to inform people in need about different forms of support provided by the City Welfare Centre and other institutions. Interventions were made by patrols of Police, City Guards and social workers to prevent begging in Warsaw and to offer support to people in need. The City Authorities have observed that the number of people begging on the street is decreasing. The campaign has been supported by street outreach services for socially excluded children. It was coordinated by the Street Education Centre [Ośrodek Pedagogiki Ulicy][1] on behalf of the Warsaw city authorities.

Campaign on the prevention of begging in the City of Gdańsk
Since 2004, an information campaign on the prevention of begging in Gdańsk has been implemented. It was initiated by the Police and City Welfare Centre as a result of increasing numbers of begging foreigners. Moreover City Guards and non-governmental organisations have been involved in campaign activities. The aim of the campaign was to raise awareness of the begging problem among Gdańsk citizens and tourists visiting the city. Campaign activities take place in the months of increased tourism. Leaflets have been distributed to Gdańsk citizens and tourists mainly in restaurants and on public transport.

Additionally to prevent begging, patrols of police officers and social workers in the tourist areas have been organised.

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Relevant legislation[491]

Procedury postępowania Policji wobec osób bezdomnych i żebrzących, Komenda Główna Policji, październik 2003 r.

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Uchwała Nr XLVI/1427/2008 Rady Miasta Stołecznego Warszawy z dnia 18.12.2008 r. Społeczna Strategia Warszawy. Strategia Rozwiązywania Problemów Społecznych na lata 2009-2020.

491 The Petty Offences Code (1971), The Juvenile Act (1982), The Penal Code (1997), The Labour Act (1974), The Code of Criminal Procedure (1997), The Family and Guardianship Code (1964), The Code of Civil Procedure (1964), The Social Support Act (2004), The Public Collections Act (1933).

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4.12 Country Section - Romania

Introduction

There are very few statistical data in Romania on the phenomenon of child begging, both nationally and at a local level. There are, however, a number of studies attempting to assess the groups usually involved in begging. For example, research carried out by Save the Children Romania estimated that there are approximately 1,300 street children and young adults in Bucharest, most of them involved in begging.[492] It should be emphasised that this data only refers to young adults and children in a street situation and begging, not to all children and young adults who beg.

In terms of the development of the phenomenon, the stakeholders consulted during this research consider that the number of children begging increased dramatically after 1990 and continued to increase steadily up to 2007, when a slight decrease took place – possibly due to international migration, as evidenced in the representation of Romanians among children begging in other European countries (see Table in section 2.6 above). At present, the number of begging people has risen again – as perceived by the interviewees – due to the worsening of living standards as a result of the economic crisis and the return of some begging people in Romania. Most experts interviewed for the Study informally consider that most children who beg are of Roma ethnicity, but there are no statistical data or official studies regarding this aspect.

492 Salvati copiii Romania, 2009 *«Estimarea numarului de copii ai strazii in Bucuresti, Braşov si Constanța"*, Bucharest.

Some of the children who participated in this research mentioned that they were encouraged to beg by their families. Also, cases of physical abuse if the child refuses to beg or spends the money earned were cited. Apart from directly asking for money, auxiliary begging activities are frequently encountered – windscreen washing at intersections being the most common.

Statistics

While there are no official statistical data regarding child begging, such data are available for child trafficking, as the National Agency against Trafficking in Persons (ANTIP) carries out regular studies on this subject.[493] Based on these studies, and on research for the current Study in other European countries, Romania is a country of origin, transit and destination for child victims of human trafficking. Some of these victims (mostly from Moldova and Ukraine) transit Romania in order to reach other destinations, but are also exploited within the country. There is a close connection between human trafficking and poverty, low levels of education, the desire to have a better life abroad, labour migration and lack of information on trafficking. The children with a high risk of being trafficked come from communities with a high occurrence of temporary migration for work abroad and from poor families. They are abused or neglected children, who lack parental care (street children or from residential childcare institutions). Furthermore, separated children are exposed to the same danger when arriving to the countries of destination.

Sexual exploitation statistically represents the most frequent form of child trafficking in 2008; 74% of the children identified were trafficked for this purpose, compared to 11% for forced labour, 5.5% for forced begging and 4% for cases of forced theft, child pornography and internet pornography. In the first trimester of 2009, the proportion of trafficking for forced begging increased to 35% and the proportion for sexual exploitation dropped to 40%; also, 2 cases of children trafficked for organ removal were identified. In the first three months of 2009, 16% of the children identified as victims originated from single-parent families and 13% did not benefit from the support of their parents (abandoned children or coming from childcare institutions).

According to the report on child labour in Romania, published in 2004 by the National Statistics Institute, the number of children economically active was approximately 140,000 and the number of children involved in serious forms of labour in urban and rural environments is approximately 70,000, 8.8% of whom are engaged in difficult activities, while the regulations regarding age and duration are ignored in 96.6% of the cases.[494] The majority of them are children from the rural environment, forced by their parents to contribute to household activities, but working children can also be found in the urban environment. Approximately 5,000 are estimated to be in the capital and several large cities (Iaşi, Constanța, Timişoara, Braşov, Craiova, Galați, Bacău, Ploieşti, Brăila). Of the children working on the street for more than 8 hours a day, 44% beg in difficult conditions, the largest part of them suffering from skin diseases, TB or hepatitis; 61% of them abandoned school around the age of 11, 34% are illiterate while 40% have low levels of literacy.[495] Children in a street situation are the most disadvantaged category in terms of access to education. The fact that many of them have to work to earn their living results in a poor level of participation in education.

The table below presents annual statistics from the National Agency against Trafficking in Persons on child trafficking in Romania between 2007 and 2009. From 292 cases of child trafficking in 2007, 35 cases were for the purpose of exploitation through begging. In 2008, out of 186 cases of child trafficking, 10 were for the purpose of exploitation through begging, while in 2009, out of 94 cases, 18 were for the

493 See also: http://anitp.mai.gov.ro/en/index.php?pagina=studii

494 Stefanescu D. E. and Panduru F. (2004) INS, ILO, Investigation on the activity of children – national report.

495 Stefanescu D. E. and Panduru F. (2004) INS, ILO, Investigation on the activity of children – national report.

purpose of exploitation through begging.

Child trafficking in 2007	Child trafficking in 2008	Child trafficking in 2009
Total number 292 cases (number of children trafficked): - 255 girls - 37 boys	Total number 186 cases (number of children trafficked) - 163 girls - 23 boys	Total number 94 cases (number of children trafficked) - 66 girls - 28 boys
Area of origin 147 - rural; 143 - urban; 2 - Bucharest.	Area of origin 91 - rural; 87 - urban; 6 - Bucharest 2 – not known	Area of origin 48 - rural; 45 - urban; 1 - Bucharest
Type of exploitation: Forced labour -21 Sexual exploitation – 220 **Begging – 35** Others - 16	Type of exploitation: Forced labour -20 exual exploitation – 137 **Begging – 10** Others - 19	Type of exploitation: Forced labour - 5 Sexual exploitation – 55 **Begging – 18** Others - 13
Age group: Under 6 years – 1 7 – 9 years – 3 10 – 13 years – 19 14 – 17 years – 269	Age group: Under 6 years – 2 7 – 9 years – 1 10 – 13 years – 10 14 – 17 years - 174	Age group: Under 6 years – 1 7 – 9 years – 4 10 – 13 years – 8 14 – 17 years – 81

The local case studies undertaken in Romania focused on the cities of Bucharest and Suceava. Bucharest was chosen mainly because it offers an overview of the phenomenon of child begging (taking into account the data available at the time of the research). It is also the main destination for internal migration. Some of the key aspects which make it attractive for begging are:

- It is the largest city in Romania, with a population of approximately 2 million (according to the NIS). Also, the population density of the city allows begging people to avoid contact with law enforcement forces and, at the same time, it offers them various social circumstances favourable to begging;
- Heterogeneous population with different income levels and living standards;
- The lack of consistent and long-term measures to combat begging at local level.

The municipality of Suceava does not represent a distinct pattern of child begging - all typologies noted in Bucharest have also been documented there, on a lower scale. The county was chosen mainly because it presents significant external migration. Another reason was the existence of a number of villages with an important Roma minority, characterised by migration for the purpose of begging (both international and internal).

Child begging scenarios encountered in the cities under study involve classic begging as well as auxiliary activities, such as windscreen washing and the selling of small items. The following situations have been identified by this research:

Women using a small child to beg (or in other cases, a 12-16 year-old girl begs holding a small child in her arms). Some of the experts interviewed mentioned renting the child for begging (the person in question “rents” a child to provoke compassion from passers-by – the child does not belong to the begging adult, who pays a minor amount of money to the family in order to make use of the child);

- Adults accompanying or supervising older children;

- Children on their own.

The most popular begging locations in the cities studied are busy intersections, entrances to shopping centres, in front of churches, in front of grocery stores and fast-food stores, and in front of banks, post offices, etc.

Therefore, the most prevalent types of child begging situations encountered in Romania in the course of this research are types T1 (children between 0 and 6 years old involved in classic begging, woman with child, service provision, collecting, selling small items) and T6 (children between 3 and 15 years old involved in classic begging, service provision, selling small items).[496] These are the most recurrent types of begging situations encountered, which does not mean that other types are not present at all, but rather to a much lesser extent.

A. Legal Framework

Child begging

Begging – an act of repeatedly asking for public charity/compassion in order to obtain financial benefits – is criminalised under Art. 326 of the Romanian Penal Code. The new Penal Code no longer criminalises begging, but rather the exploitation of begging (the act of forcing a person to beg). At the time of writing, the implementation law of the new Penal Code still had not passed the parliamentary procedures, so Art. 326 of the so-called old Penal Code still applies.

Children living or working in street situations

With regard to children living or working in street situations, at least two major subcategories can be identified:

1. Children living and sleeping on the streets (in the sewer system or wherever they can find shelter), most of them being almost completely disconnected from their families (though there are also cases when the entire family lives on the street).
2. Temporary street children or working street children – those working on the streets for many hours during day-time (classic begging, washing car windscreens, parking cars, loading/unloading commodities at the markets, etc.) and going back to their families/legal guardians or other adults to live.

For the first group, there are no exact figures, due to their migration characteristics. There are only a few estimates obtained by the correlation of the data from police raids with the research conducted by Save the Children in 2009 and with those obtained from the specialised local authorities in Bucharest. According to these, there are about 250-300 permanent street children and young people in Bucharest, out of whom about 80% are young adults.

According to a report drafted by Save the Children Romania in 2003,[497] 62% of the street children included in the investigation did not go to school, while 19.3% of them had never been to school. Out of those in a situation of school dropout, about 18% dropped out of school at the age of 12. According to the same report, 34% of the street children investigated were illiterate, and 40% had a low level of reading and writing skills.

While, in recent years, for permanent street children, many specialised services were provided at the level of the local authorities in order to cover their basic needs, to support and re-integrate them (rapid response teams, daycare centres, residential centres, etc.), for the working street children there was

496 For more information on the types of child begging situations identified through this research see the chapter on Typology.

497 Salvati copiii Romania (2003), "*Copiii strazii si drogurile*", Bucharest.

only the International Program on the Elimination of Child Labour (IPEC) developed by the ILO, aiming to remove children from the worst forms of labour and to integrate/re-integrate them into schools, which ended in September 2009.

Child trafficking

Law 678/2001 regarding preventing and combating trafficking in persons is the first law that criminalised trafficking in Romania and stipulatesdthe main institutions with responsibilities in this field. The regulations of the Law 678/2001 define the concepts of trafficking in human beings, child trafficking and exploitation. Art. 12 defines trafficking in persons as the recruitment, transportation, transfer, accommodation or taking in of a person, by threat, violence, or other forms of compulsion, by kidnapping, fraud or deception, misuse of authority or taking advantage of that persons' incapability of defending him/herself or expressing his/her will, or by offering, giving, accepting or receiving money or other benefits to obtain the consent of the person that has authority over another person, with a view to exploiting the latter. The penalty is prison from 3 to 12 years and depriviation of some rights. If the trafficking is carried out by two or more persons together, or caused serious physical injuries to the victim, the penalty is prison from 5 to 15 years. If the crime was followed by the death or suicide of the victim, the penalty is prison from 15 to 25 years. Having been amended four times in the past, Romanian Law 678/2001 gives the following definitions for exploitation –not including begging in the case of victims of trafficking in persons into child trafficking::

a) the execution of labour or the performance of services, in a forced manner, while transgressing the legal norms concerning working conditions, remuneration, health and security;
b) maintenance in slavery or other similar means of deprivation of freedom or subjection;
c) obligation to practice prostitution, to pornographic performance in order to produce or disseminate pornographic material or other forms of sexual exploitation;
d) extraction of organs.
e)carrying out such other activities which violate the fundamental human rights and liberties

Until 2001, when the special regulations on trafficking were adopted, the crimes of exploitation and trafficking in human beings were inadequately criminalised in the Penal Code. The related crimes that were punished were:

- illegal deprivation of freedom (art. 189)
- enslavement (art.190)
- forced or compulsory labour (art. 191)
- pimping (art. 329).

Child protection framework

The Romanian Constitution guarantees the protection of child rights by stipulating in Art. 49 (under Fundamental Rights and Freedoms) that: "*Children and young people have a special protection and assistance regime in achieving their rights*". Moreover, "*exploiting minors, using them in activities that could harm their health, morality or endanger their life or their normal development are forbidden.*"

Art. 87 of Law no. 272/2004 on the protection and promotion of the rights of the child states that the child has the right to be protected against exploitation and cannot be forced to perform any work with a potential risk and which is likely to compromise the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Moreover, any practice through which a child is given away by one or both parents or by his/her legal guardian, in exchange or not for a reward, with the purpose of exploiting the child or his/her work, is explicitly forbidden.

In situations where children of school age avoid the educational process and conduct various types of activities in violation of the law, the educational institutions must immediately notify the public social security service. In such situations, the public social security service, together with the county school inspectorates and the other competent public institutions must undertake measures with a view to the educational re-integration of the child.

Moreover, Art. 87 foresees that the Labour Inspectorate, in cooperation with the National Authority for the Protection of the Rights of the Child, must promote awareness-raising and information campaigns targeted at:

a) the children – focusing on the protection measures they can receive and on the risks involved in economic exploitation;
b) the general public – which include parental education and training activities for professionals working with and for children, in order to help them provide real protection for the children against economic exploitation;
c) employers and potential employers.

According to the National Identification and Referral Mechanism, approved by Order 335/2007, when identifying a child victim, irrespective of his/her country of origin, the representative of the Directorate General for Child Social Assistance and Protection (DGASPC) or the representative of the Service for Child Victims of Abuse, Negligence and Trafficking in Persons shall be notified to take special measures for his/her protection.

Under the National Identification and Referral Mechanism, the main state institutions trained for the identification, referral, support and monitoring of a child victim are the following:

- The General Inspectorate of the Police (IGPR) – through its specialised structure for combating organised crime (DGCCO) and ANITP; the Directorate General for Social Assistance and Child Protection (DGASPC) and the Romanian Immigration Office (RIO) in cases involving foreign child victims;
- IGPR and IGPF (Inspectorate General of the Border Police) specialised structures shall get in contact with the DGASPC representative dealing with child abuse, neglect and trafficking and the ANITP Regional Centre representative to assess the victim's needs for assistance and to maintain contact with the victim;
- The DGASPC representative dealing with child abuse, neglect and trafficking shall ensure the referral of the case to a specialised child assistance centre and maintain contact with the inter-institutional team partners;
- The ANITP Regional Centre representative shall maintain constant contact with the DGASPC representative in order to monitor the case.

When foreign separated children are involved, the RIO cooperates with other institutions, as well as national and international organisations responsible for child protection, in order to determine the legal status applicable to the children, according to Government Emergency Order 194/2002 provisions regarding foreigners' conditions in Romania, republished.

B. Policy responses and implementation of the legal framework with regard to child begging

Prevention of child begging

At the international level, Romania signed an agreement with France on 1 February 2010. The agreement was primarily intended to organise cooperation between France and Romania in the return of

unaccompanied minors to their home country. At the time of writing, this agreement is not yet in force.

However, several cooperation activities have been set up by the French and Romanian authorities in different domains, notably police, judicial and child protection services. Cooperation between France and Romania was re-opened in the beginning of 2011: The respective Justice and Interior Ministries met a few times, and have regular contacts to fight criminal networks and reintegrate children into society once they have been taken out of these networks. The idea is to develop police and judicial cooperation in parallel to dismantle networks and improve the return of children. This cooperation essentially consists of bilateral exchanges, which must be implemented by a legal regulation.
427)
428)The National Plan for Preventing and Combating Trafficking in Human Beings was adopted by Emergency Decision No.1216/2001. This legal act provides for actions that include:

- Information and awareness-raising campaigns on the risks involved in trafficking in human beings (organising presentations in deprived areas, in schools and at community level).
- Improving the social and economic situation of people at high risk of becoming victims of trafficking.
- Elaborating a communication strategy for combating trafficking in human beings.
- Assisting the return and social reintegration of victims of trafficking.
- Protection for trafficked victims.
- Enforcement of the new legislation in the field.
- International and regional cooperation with the European Union.

For 2006-2008, the strategic objective of Romania was to create an inclusive society in order to ensure, for all citizens, the resources and the means for better living standards. The main priorities for achieving this objective were:

- To increase the population's standard of living and to stimulate income generation through labour by facilitating employment and by promoting inclusive policies.
- To facilitate access for citizens, especially for disadvantaged groups, to resources, social rights and services.
- To improve the living conditions of the Roma population.
- The impact of the measures foreseen in achieving these objectives are hard to assess, as there were no monitoring mechanisms created and no evaluation indicators were mentioned.

Protection of children involved

In Bucharest, there are four night shelters run by the local authorities and some other residential centres as well as two emergency centres (in sectors 1 and 6). There are also residential centres run by NGOs and many daycare centres run by both local authorities and NGOs. They all offer accommodation and social services to children living in street situations and to children who beg. In practice, in the night shelters there are few or no places available for begging children, as they are open also to children from poor families (who are not exploited), children with disabilities and children with special needs. The managers of three of these shelters declared that they were dissatisfied with this situation, whereas the staff declared their satisfaction with not accommodating children from the street, as allegedly these children are very difficult to work with and they steal things from the shelters and then run away. One director of a Child Protection Department in Bucharest declared that, when he tried, together with his colleagues, to take in six children exploited by adults, the police arrived late and they refused to cooperate and to give him the formal report in order to bring the case to Court and to prosecute the adults. Also the police said that they have no records of the situation being repeated in that area, but later the Child Protection representatives discovered that there were at least 18 reports on the same adults being found by the

police begging with children.

In order to protect an exploited child, against the will of the parents – who are in many cases the exploiters -, a social worker takes the case to court. There are many documents to be submitted and the legal office in every Child Protection Department spends at least one week, though it can be up to seven months, completing the file, even if it is an emergency situation. The decision comes after three weeks to three months. Therefore, in total it can take, in the best-case scenario, about one month to get an emergency protection measure, but this can also reach six months. In some areas of Bucharest, social workers have little support from the authorities in cases of child begging, so they try to persuade parents to give up this way of making money and to send their children to school or kindergarten/daycare centres. Although the situation of exploitation is clear in some cases, the authorities do not tend to separate the children from their families as the child protection authorities are themselves overwhelmed and the residential centres are overcrowded.

Prosecution of offenders

Despite the fact that Law 272/2004 on the protection and promotion of the rights of the child criminalises child begging, seen as an abuse against the child committed by parents or other adults, jurisprudence is non-existent. The tendency in relation to Law 272/2004 is to treat child begging as a consequence of extreme poverty and social isolation, and as a trigger for intensive monitoring and social support for the children's families.

On the other hand, the authorities mostly apply the Criminal Code, which contains various articles relating to child abuse, sexual exploitation, child trafficking and neglect. For situations of child exploitation through begging, Art. 306 "Abusive treatment applied to minors" is used, in its general formulation with high maximum punishments:

> "*The act of seriously jeopardising, either by measures or treatments of any kind, a minor's physical, intellectual or moral development, committed by the parents or by any person entrusted with the minor for raising and education, shall be punished by imprisonment from 3 to 15 years and the prohibition of certain rights.*"

Operation Golf – an investigation into the Organised Crime Networks (OCNs) of certain Romanians of Roma ethnicity – was a joint investigation by the UK Metropolitan Police and the National Inspectorate of the Romanian Police, as also set out in detail below in the Country Section on the UK. The OCNs investigated were found to be involved in trafficking in children through the exploitation of begging and petty crime in the UK and in other European countries, such as Italy, France and Spain. The Europe-wide operation identified 1,087 children involved. The number of these who specifically engaged in begging activities is unknown; police intelligence indicated that each child had a potential earning power of £100,000 (around 125,000 EUR) per year. Operation Golf led to the successful prosecution of three people involved with the trafficking of children.[498]

Acoording to the Europol website, "*the operation, finalised in October 2010, was part of a wider investigation called Operation Golf, which consisted of a Joint Investigation Team (JIT) between the Metropolitan Police and the Romanian National Police. The aim of the JIT was to tackle a specific Romanian organised crime network that was trafficking and exploiting children from the Roma community. To date, the investigation has led to the arrest of 126 individuals. The offences include: trafficking in human beings (including internal trafficking in the UK), money laundering, benefit fraud, child neglect, perverting the course of justice, theft and handling of stolen goods. Court cases are ongoing. The operation's primary aim was to safeguard the potential child victims and involved 16 addresses being searched in Ilford, Essex. The children found were taken to a dedicated centre staffed by child protection experts from the police,*

498 This information was supplied by the UK Metropolitan Police.

the local authority and local health trust, where individual assessments were made on each child. The assessment process examined the welfare of the children and sought to identify if they had been subject to exploitation and/or neglect."

According to the Romanian authorities (Directorate for the Investigation of Organised Crime and Terrorism), 26 people were prosecuted for child trafficking, money laundry and ownership of fire arms in relation to this operation. The Romanian prosecutors mention that members of this organised crime network (Romanian citizens of Roma ethnicity) recruited the victims from impoverished Roma communities and transported them fraudulently to Great Britain. Abroad, children were forced to beg or to commit minor street crimes. 181 children were identified as trafficked (from Ialomița, Călăraşi, Constanța, Vaslui, Brăila and Braşov counties). At this moment, the criminal case file has been sent to be resolved to Harghita Court (Harghita county)

C. Public perception of the phenomenon and of national responses

Some local and national information programmes targeting at-risk groups have been implemented in Romania in recent years. For instance, "*Get involved in combating child begging*" was a street information campaign organised by Save the Children in 2009, during which over 300 children from Save the Children Romania's education centres were informed and participated in a contest called "*Through art children say no to exploitation*" and street information actions were organised in Bucharest, Iaşi and Constanța.

Botoşani County's "*Together – Against Child Labour*" project was implemented in 2005 with funds from the Partnerships Development local contribution of Inter-sector County Team (ICT)[499] member institutions, by targeted local authorities, professionals working with children and over 700 children from the rural areas. During the project they were informed about child rights, hazardous labour, trafficking and sexual exploitation. In 2006, Cluj County organised and conducted an awareness-raising campaign on trafficking in children, especially among girls from ballet schools, conducted in ten schools.

Mehedinți County carried out a media campaign (2005-2006) to inform the public and key stakeholders on child labour, including the roles and responsibilities of the main actors, such as mayors and school principals at the county level.

Neamț County conducted an awareness-raising campaign by mobilising the local TV channels and distributing information materials in 2005. Moreover, in 2006 in Piatra Neamț, a counselling centre for child labourers was established with funds provided by the ChildNet Programme (Romanian-American Partnership in the field of child protection). In Sălaj County, 61 mayors were briefed on child labour issues related to the provisions of Law 416/2001[500] on the minimum wage. The special clause on the legal age for employment was mainstreamed into the partnership agreements signed by the GDSACP with 14 local employers.

Arad County implemented the PHARE "*Communication without Borders*" project in collaboration with the Centre for Assistance, Child Protection and Rehabilitation from Békés, Hungary – this provided training on child labour issues for professionals from both countries. Awareness-raising activities such as round tables with local authorities, information sessions for teachers/professionals and children in schools and

499 The Inter-sector Local (here County) Team is an institution created to prevent child exploitation for economical reasons and to combat child labour, and is formed by representatives of: County (or territorial Labour Inspectorate), County School Inspectorate, Police, Local NGOs active in the field of child protection, County Department for Child Protection and Social Welfare and County Department for Public Health.

500 According to the law, in order to benefit from/to receive the amount of money considered to be the minimum income/wage, one should work in the community's benefit for 72 hours per month. The activities/work mean: cleaning the streets, painting fences and sidewalks, planting flowers, etc.

placement centres, recreational activities for children and street campaigns for community members were organised by 27 ICTs to mark World Day Against Child Labour in 2008.
In addition, the National Agency Against Human Trafficking organised information campaigns targeting child trafficking in all of its fifteen regional centres (Suceava, Iaşi, Bacău, Galați, Constanța, Bucharest, Ploieşti, Braşov, Târgu Mureş, Cluj Napoca, Oradea, Alba Iulia, Timişoara, Piteşti, Craiova).

D. Good practices

The Save the Children Romania **Mobile School Project**, initiated in 2005 with funds from the PHARE Programme, is ongoing. This is an educational method with a range of materials designed for children in street situations and children from disadvantaged communities (groups vulnerable to child labour). The programme's target group were 80 children who had dropped out of school and 20 children living on the streets (per year of the programme). Also 300 professionals from the child protection system were trained.

The programme's main results were: between 10 and 15 children were re-enrolled into the school system every year (children who were living on the street, exploited children, Roma children), more than 200 activities were organised for the targeted children, around 40 children were included in the activities per week, 300 professionals were trained on child protection issues (school dropout, informal educational programmes), 100 children were supported every year (with educational materials), and 50 children incarcerated at the Iaşi Prison participated in the programme. Although not directly targeting begging, the Project addressed a major risk factor connected to begging – school dropout.

Alternative Sociale Association has been developing and implementing a range of activities in Romania, especially in the rural areas. One of its earlier projects was titled *"Prevention of Child Labour, Sexual Exploitation and Trafficking in Children"* (2003-2004) in Iaşi County funded by USAID Washington, through Creative Associates International Inc. Some of the main outcomes of this project were the creation and distribution of a manual for children and a methodology for teachers for the prevention of child labour and for the reduction vulnerability to trafficking of children through vocational training, the creation of a handbook on career guidance (*Self-Guide for Youth entering the world of work*), trainings for teachers in the counties of Botoşani and Suceava, organisation of an information and awareness-raising campaign for the prevention of child exploitation (sexual exploitation, labour exploitation and trafficking in children) and the composition of a study aiming to determine the level of awareness of the phenomena of child labour, trafficking and sexual exploitation.

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4.13 Country Section - Spain

Introduction

Child begging in Spain is considered to be a form of child exploitation, and child exploitation is regulated by child protection laws. There are no specific laws about this issue. Thus, in order to understand the regulation of child begging it is necessary to analyse the different child protection laws (national and regional), set out below in Section A. Spain has a well-developed legal and regulatory framework to prevent and respond to the issue of child begging. It should be noted that when a case is detected, all the mechanisms of child protection are activated. Moreover, in legal matters, in some cases the Spanish regulation is more advanced with respect to international standards. With the reform of the Penal Code, all kinds of child trafficking are now considered a crime and the punishment is higher than foreseen by international law.501 Apart from this, the Police and the National Office for Children, in interviews for this Study, report that they have great difficulties in relating the practice of begging with pressure from an adult or with trafficking. This means, in those cases where child begging is forced by adults, it is very complicated to prove it without a declaration from the child, which is the reason why there are few convictions for these practices.

As analysed in the main literature on the subject,[502] Spain is a country of destination and transit for child victims of trafficking. They mainly come from Romania, Bulgaria and Morocco. Spain also acts as a transit point to other destinations such as Germany, France and Portugal. Although the Spanish Police were not members of the Joint Investigation Team of Operation Golf, during the course of that investigation (in July 2009), Europol discovered that approximately 190 of the children identified as trafficked from Romania were offending in Spain. Based on the official communication from the Romanian Authorities about the disappearance of some children in their country, the Spanish Police worked together with the UK Police to identify the Romanian children who had disappeared from Romania. However, by the time that the Spanish Police had identified these children, they had just left Spain. The Spanish police were prevented from making full investigations into these cases due to the privacy regulations on information in relation to children under 14.

460)It is necessary to point out the discrepancies between the opinions and information given by the interviewed stakeholders. All of them agree that child begging is now a marginal problem in Spain,[503] but they differ on the evaluation of this phenomenon:

- Public administration representatives mainly believe that Spain has sufficient means to eradicate child begging. When a case is detected, the system starts to function and the problem is soon solved.
- Police representatives mainly believe that the cases related to child begging are not sufficiently covered by the legal system. When they detect a case, they often cannot intervene in order to punish those responsible for this phenomenon, even in those cases where they have concrete evidence.

501 According to the justice institutions interviewed.

502 See also: María Bermúdez' study (2004) on the unaccompanied minors who arrive in Spain.

503 Several regions (e.g. Valencian Community, Murcia Region, Balearic Islands) deny having a problem of child begging. Nevertheless, this does not mean that the problem does not exist. For instance, Madrid's Ombudsperson for Children in 2005 asked for better control of child begging: he stated that there was too little at the accommodation centres to guarantee that children could not escape and come back again to the street.

- NGOs that operate with children tend not to share information about this phenomenon. Their justification is that they want to protect the children who have been practicing begging.

This Chapter on Spain is based on research conducted at a national level into child begging in the country, together with interviews with stakeholders at a national level, as well as desk research, interviews with organisations and stakeholders involved in this field on the national as well as on the local/regional level and observations of child begging sites in Spanish cities. It was decided to select Madrid and Seville for a series of reasons: **Madrid** is the biggest city in Spain, where most immigrants live and the phenomenon of child begging is most visible and common. The Spanish capital also hosts the main settlements of Romanians of Roma ethnicity (e.g. in El Gallinero and La Cañada Real). **Seville** was selected because of a number of relevant features: firstly, it is one of the Spanish towns that hosts most Spanish Roma; secondly, it is situated next to the main entry points for unaccompanied minors and other African immigrants; and thirdly, it is the regional capital of Andalusia, which is one of the Spanish regions where child begging is most common.

Statistics

In the current context of Spain, child begging is not considered a problem *per se*, and if it is, it is generally seen as a minor problem. Child begging cannot be considered an isolated phenomenon but as strongly interrelated with and depending on different situations of child abuse and/or exploitation. Furthermore, it is important to report that since 1996 child begging is illegal and thus punished, as stated in the Penal Code. This is one of the factors that has contributed to reducing the phenomenon.

For these reasons, the public administration representatives interviewed for this Study almost unanimously stated that at national level no official statistics or indicators are available specifically on child begging, child trafficking or children living/working on the streets and that there is no homogeneous system or database used by the public sector to collect data on these phenomena. This critical situation was also underlined in the comments directed to Spain by the UN Committee on the Rights of the Child in November 2010. Given the lack of official statistics, the Committee stressed the need to organise an exhaustive data collection system with disaggregated data:

> "*While recognizing the important role played by the Spanish Observatory on Children in the fields of research, data collection and analysis, the Committee is concerned about the fragmented approach of data collection, that does not cover all the areas included in the Convention on the Rights of Child and which is performed unevenly at the regional and national levels. In accordance with previous recommendations (CRC/C/15/Add.185), the Committee recommends the State to strengthen its mechanism for the systematic collection and analysis of disaggregated data, inter alia, by age, sex and ethnicity, of all persons under 18 and for all the areas covered by the Convention, with special emphasis on Roma children, migrants, unaccompanied children and children belonging to poor households from the economic and social standpoint.*"

Nevertheless, there is a trafficking database at the Centre of Intelligence against Organised Crime, where statistics about trafficking include child trafficking data. There is also an annual report from the prosecutor's office specialised in trafficking where data about prosecution of child trafficking cases are collected. There is no specific rubric in these datasets for child trafficking for the purposes of exploitation through begging, as most cases refer to sexual exploitation.

The lack of a homogeneous data collection system on child begging does not mean that there is no data at all, although it is widely spread on the national as well as on the local level and therefore only partially

available. As an example, the Madrid Region's Ombudsman for Children emphasised that according to the statistics of actions taken by the Juvenile Section of the Local Police of the City of Madrid in 2010, 150 cases had been processed at the Juvenile Office, of which 28 were for 'begging practice.'[504] The Ombudsman also stated that in 2010 they observed an increase in complaints about begging situations, sometimes practiced by adults who use children for this activity and others being carried out by the children themselves, almost all in public places, thereby taking advantage of opportunities such as shopping centres, hotels and restaurants and means of public transport. Furthermore, some NGOs interviewed for this Study confirmed that they have a data collection system only for internal use, in which they also record data on child begging. Nevertheless, these data are not published and cannot be consulted by the public.

Given this situation and the impossibility of statistically analysing this phenomenon separately, it is interesting to report some information on other data collection systems which reflect other kinds of child abuse and exploitation to which, in most cases, begging is considered to be strongly linked (i.e. with sexual exploitation, child labour, etc.). On the whole, the main official databases which collect information on different kinds of child abuse or on children in general, are:

- As stated in the *Protocol against child abuse*,[505] a 'Unified Register of Child Abuse' (RUMI) network should be implemented in each Autonomous Community. This register will collect statistics corresponding to intra-family abuse cases or situations of vulnerability. This Register has not yet been implemented in all Spanish regions: the most effective regions have been Catalonia, Galicia and the Balearic Islands (as an example, Galicia registered 3 begging children in 2010). No further information is available about the implementation of the RUMI in the other regions.[506]
- Other relevant statistics can be found in the Newsletters of the Platform of Children's Organisations (POI).[507]
- The National Statistics Institute collects general statistics on children, but no specific information on child begging is available.[508]

Some other information can be found in UNICEF's database,[509] as well as in the reports[510] and databases provided by the Ministry of Health, Social Affairs and Equal Opportunities. These include studies such as those presented by Save the Children:[511] Several reports such as 'Let's break the chains of child slavery' (*Rompamos las cadenas de la esclavitud infantil*) and the '3rd and 4th Report on the application of the child rights convention in Spain' (*III y IV Informe de Aplicación de la Convención de los derechos del niño en España*) provide thorough information on the situation of children in Spain, which is connected with begging:

- Unaccompanied minors: between 2001 and 2004, a total of 9,117 unaccompanied immigrant children arrived in Spain, mostly from Morocco, Algeria and Romania. In 2001, there were 4,057, thus there was an increase of 125% in three years.
- Child labour: The scarcity of official data on child labour shows that not enough attention is paid to

504 Central Research Unit of Madrid, Section of Children, 2010 statistical performance information.

505 Spanish Observatory on Children, Ministry of Health, Social Affairs and Equal Opportunities, 2007.

506 www.observatoriodelainfancia.msps.es/documentos/Protocolo_contra_Maltrato_Infantil.pdf

507 http://plataformadeinfancia.org/node/73

508 www.ine.es/jaxi/menu.do?type=pcaxis&path=/t18/p467&file=inebase

509 www.unicef.org/spanish/infobycountry/spain_statistics.html

510 The report 'Childhood in numbers', 2006, Ministry of Health, Social Affairs and Equal Opportunities, which reports data on child abuse differentiating between crimes against the person, crimes against sexual freedom, and crimes against freedom. See www.ciimu.org/index.php?option=com_content&view=article&id=100%3Ala-infancia-en-cifras-en-espana2005-&catid=38%3Aestudioseinvestigaciones&Itemid=37&lang=es

511 www.savethechildren.es/esclavos/trabajoinfantil.pdf

this problem in Spain. A UNICEF study (2000) estimated that 1,800 children were engaged in street vending. However, the data presented refer only to children who belonged to the Spanish education system, so that marginal populations not in school were not included. There are areas in Spain with very high school dropout rates: this means high-risk conditions that make child labour likely. Unaccompanied minors are a group particularly vulnerable to suffering this kind of exploitation.

Overview description of children involved in begging

As confirmed by all of the people interviewed for this Study in Spain, the main typologies of children who are involved in begging are related to immigration - almost all the cases are linked to short-term or medium-term migration in Spain.[512]

Most begging children originate from Morocco and Eastern European countries (e.g. Romania and former Yugoslavian states). They are usually not Spanish citizens and Spanish people (including Spanish Roma) are rarely found to practice begging, according to the information provided by all the interviewees. Begging can also be observed among the group of the so-called MENA (*Menores Extranjeros No Acompañados* - unaccompanied foreign children). This phenomenon was particularly strong at the beginning of the last decade, but given the strong child protection system existing in Spain different measures were adopted to develop a solution and public response to this phenomenon. Consequently, some of the respondents assumed that nowadays unaccompanied foreign children are not forced to beg, since the Child Protection System intervenes to give them protection.[513] In general, MENA are children who come from Africa and most of all from Morocco (other countries: Algeria, Sub-Saharan African countries). If MENA beg, they do it mainly for two reasons: first of all, as a way of surviving, forced by their need and their poverty; second, because it can be a legacy of the way of living they had in their country of origin.

Respondents to this Study (public administration and NGOs) confirmed that in most cases the families know about the journeys their children undertake - for that reason these children are not in a situation of complete helplessness. María Bermúdez (2004) detects signs that many of these children had suffered abuse at home, putting an additional load onto the psychological problems they suffer due to living on the streets.

According to María Bermúdez,[514] the average age of unaccompanied foreign children involved in begging in Spain is about 14-17 years; their psychological development could be best described as *"the so-called early and middle adolescence"* and they experience a situation of dislocation. In addition, their educational level is lower compared to their peers.

Begging can involve children with two main profiles:

- **Children who practice begging directly:** This is currently the most common profile in Spain, involving children aged around 8-14. Although these children normally beg alone or with other children, but never with adults, all interviewees confirmed that they are usually controlled by other adults. Normally these children are not older than 14-15, because above that age they can no longer make people feel sorry for them, as they already look like adults and thus the effectiveness of their begging activity becomes limited.
- **Babies (younger than 1 year) who are used by adults to beg:** The most common cases are represented by women with babies in their arms, sitting outside the entrance of supermarkets, during fairs and on the street in general. Nowadays, the cases of women begging with babies have become very unusual and can only rarely be observed.

512 http://www.observatoriodelainfancia.msps.es/documentos/PlanEstra2006Espa.pdf

513 In Spain the protection of minors is guaranteed by the Law 1/1996 and the regional Laws.

514 See also: María Bermúdez' study (2004) on the unaccompanied minors who arrive in Spain.

Therefore, the most prevalent types of child begging situations encountered in Spain in the course of this research are types T1 (children between 0 and 6 years old involved in classic begging, woman with child, service provision, collecting, selling small items) and T2 (children between 7 and 17 years old involved in classic begging, service provision, selling small items, illegal activities).[515] These are the most recurrent types of begging situations encountered, which does not mean that other types are not present at all, but rather to a much lesser extent.

Geographical distribution of the phenomenon (national and local)

The phenomenon of begging is mostly to be found in urban Spain, particularly in the regions of Madrid, Andalusia and Catalonia, as well as some border regions like Galicia (linked to Portuguese citizens of Roma ethnicity) and Extremadura (seasonal work in agriculture). Begging children mainly live in the suburban areas and slums of big cities, especially in the cities of Madrid, Barcelona and Seville, but they beg in places with a high concentration of people: transport hubs (railway stations, ports, etc.), shopping centres, cultural and tourist areas, churches and areas of worship and metro stations.

It is worth mentioning that all the relevant stakeholders who operate at regional level in the Madrid Region (including the Children's Ombudsperson) stressed the relationship between the phenomenon of begging children and the existence of suburban areas characterised by very bad living conditions (e.g. unsanitary conditions, drug dealing).

In **Madrid**, since it is a very big city, child begging, though limited in extent, is quite visible and children beg when and where the police pressure is not too strong. It is more visible in Madrid than in other Spanish cities. Although the number of cases of child begging is limited, the practice is difficult to eradicate: begging children are recidivist and are commonly identified as begging more than once, even during the same day. The police specified that these children move also to other cities/towns around Madrid (for instance Toledo), when there are important events (e.g. fairs) there. In **Seville**, for example, child begging takes place especially in conjunction with the city fair (April Fair) as many people move temporarily to the city to beg. As for the capital, cases of child begging have been detected in the main railway stations (Chamartin), in the neighbourhood of the Santiago Bernabeu Stadium and the Retiro Park (organised groups), as well as in commercial and financial areas (Orense Street).

In the 2005 report on his yearly activity, the Madrid Region's Ombudsperson for Children describes the local distribution of the phenomenon in the Spanish capital as follows: One of the classic places to beg is the area of the shopping centre in Nuevos Ministerios. Some families of Romanians travel by train to that point to beg for money: they play the accordion or show a plastic cup so that people will give them coins. Some of these Romanians come by train from Getafe. *"In this town, the Romanians live around the Calle de la Magdalena, in the neighbourhoods of La Albóndiga and Las Margaritas. In Getafe some minors have been detected cleaning windscreens or asking for help for a supposed association of deaf people"*, as explained by the Getafe Council.

Any trends and changes in the groups involved or the geographical distribution over the past ten years

The main changes that can be observed relate to the cases of unaccompanied foreign children. The phenomenon started at the end of the 1990s, with a strong immigration from Eastern Europe, and some years later with immigration from Morocco. Nowadays these kinds of immigration are more stabilised and controlled and the public administration has efficient procedures to give protection to these children. When they arrive in the country, MENA are often taken to the Centres for Minors. The police reported that sometimes these children go to the police stations voluntarily, asking permission to stay there.

515 For more information on the types of child begging situations identified through this research see the Chapter on Typology.

Again at the end of the 1990s, observations described women begging with children - this trend was thought to be associated to the mass immigration of people from former Yugoslavian countries to Spain. Due to stronger controls and the passing of legislation to punish these practices, today this has almost disappeared.

A. Legal Framework

The legal framework in Spain is reflected in the Spanish Constitution, which regulates the right to life and physical and moral integrity (Article 15), the right to education (Article 27) and the right to health (43 Article). Specifically, Article 39 establishes that:

- The public authorities ensure social, economic and legal protection to the family.
- Children shall enjoy the protection provided by international agreements which safeguard their rights.

At national level Spain has a significant number of regulations to protect children and to prevent child begging (see also Child protection frameworks). However, article 148.1.20 of the Spanish Constitution empowers the Autonomous Communities to fully undertake the responsibility for social assistance, and to develop and implement laws on child protection, including child begging. Furthermore, all Spanish Regions have their own policies and social services to combat child begging and protect their children. In addition, local authorities play an important role in relation to child protection, because they are closer to citizens and therefore the first to see and identify them. This work is carried out by local police and municipal social services.

In the Spanish legal understanding, children are by definition vulnerable, as they have a limited capacity for self-protection and physical and psychological responses to aggression, whatever its nature. Thus, in situations of child begging, the law punishes adults and sets up a system of protection for the child. According to different reports of the Children's Ombudsman in the Community of Madrid, this situation is regarded as especially serious when the crime occurs within the family, and the perpetrators are those who should provide protection and care, and are those to whom the child has been closely linked by ties of affection and vital dependency.

Child begging

In Spain, the phenomenon of child begging is banned and criminalised by the Criminal Code, specifically by Article 232, which establishes that:
"Those who use or lend minors for the practice of begging, even if it is concealed, shall be punished with imprisonment from six months to one year. Also, if they use violence or intimidation or provide any substances which are harmful to their health to achieve these purposes, the penalty will be imprisonment for one to four years."[516] This article shows that the crime punishable under the Spanish law is the use of children for begging. The child has no legal responsibility in the Spanish legal code and the Spanish laws do not establish any typologies of child or adult begging.

Additionally, Article 233 of the Criminal Code establishes that:
"A judge or court may impose the penalty of disqualification from the exercise of parental rights, custody rights, guardianship or foster care for a period of four to ten years on those responsible for crimes under Article 232. In these cases, the prosecutor encourages the authorities to implement measures for proper custody and child protection." Therefore, parents inciting their children to beg may forfeit their rights to parental custody if their case is brought to trial. It is notable however, that removal of custody is

516 All translations are by the authors.

considered a penalty for the parents, rather than a measure for the protection of the child.
Child begging is mainly regulated on a national basis. Nevertheless, regional legislation is also very relevant in Spain because the Regional Governments have the responsibility for child protection. In this sense, both in the Region of Madrid and in Andalusia additional regulations have been promoted and additional protection has been guaranteed to children.

In **Madrid**, the main regulations of reference are:

- Child and Family Policy, Law 6/1995 of 28 March, on Child Rights Guarantees and Adolescents, and Law 18/1999 of 29 April, regulating the Care of Children and Adolescents in the Community of Madrid. Guide for the Protection of Minors of the Region of Madrid.
- Intervention Handbook for the Protection of Minors in Madrid and related Annexes.
- A protocol of intervention to eradicate child begging, signed between the main local and regional actors in 2005.

In **Seville**, the main regulations are:

- Local Ordinance for the eradication of child begging (1980s).
- Law 1/1998 of April 20, on the Rights and care of children.
- Regional decree for the regulation of child residential care.

Children living or working in street situations

The Spanish Observatory on Children has defined 'Street Children' as *"[...] those who do not have a home or a family who cares for them. They live alone or, if they have a family, they are continuously or temporarily in the street. In this last case, street children with a family are alone because of the professional duties of their parents and they have the keys to enter their home autonomously. No adults are there to look after them or to take care of them. They usually do not go to school, and in many cases perform criminal acts, have marginal jobs, are involved in child prostitution, etc"*.

The judicial responsibility of parents who allow or let their children live or work on the street is classified in section III of the Criminal Code and specifically in the following articles:

- Article 224: "*Those who induce a child or a disabled person to abandon the family home or residence where they live with parents or guardians will be punished with imprisonment from six months to two years*". The parent who induces his/her child to violate custody will incur in the same punishment.
- Article 226: *"Those who fail to comply with the statutory duties of care inherent in custody, guardianship or foster care or to provide necessary legal assistance established for the support of their descendants, parents or spouse, who are in need, shall be punished with imprisonment for three to six months or a fine of six to twelve months."*

On the other hand, it should be noted that Spanish law considers the abandonment of children (and therefore the situation of children living and working on the streets) as a very serious case of child abuse by their parents, which can lead the government to implement care arrangements for children and even to revoke custody.

Child trafficking

The main anti-trafficking legal instruments in Spain are:

- Law 10/1995 of 23 November.

- The Criminal Code, modified by Organic Law 5/2010 of 22 June.
- Organic Law 4/2000 of 11 January, on the rights and freedoms of foreigners in Spain and their social integration, modified by Organic Laws 8/2000, 11/2003 and 14/2000, and amended by Royal Decree 2393/2004 of 30 December.
- Transitory Application of art. 59 bis of Organic Law 4/2000 to victims of trafficking in human beings.
- Instruction 1/2010 of the Secretary for State Security.
- Organic Law 19/1994 of 23 December on the protection of Witnesses and Expert Witnesses in criminal cases.

However, the biggest advance against the trafficking of children occurred in December 2010 with the entry into force of article 177 bis of the Criminal Code, which included the specific crime of trafficking in human beings, including child trafficking. According to Article 177 bis, trafficking in human beings consists of an action of recruitment, transportation, transfer, harbouring or reception, by means of violence, coercion, deception, the abuse of power or of a position of vulnerability or need, for the purpose of exploitation. In accordance with this article, exploitation can consist of:

- Forced labour or services, slavery or practices similar to slavery, servitude or begging;
- Sexual exploitation, including pornography;
- Removal of organs.

These activities must take place on Spanish territory or from Spanish territory or in transit through or with the destination of Spain, and any person, irrespective of his or her status as EU national or third country national, can be considered a victim of trafficking according to this regulation. This article points out that the trafficking offence occurs even when none of the mentioned means are used, if any of the actions are carried out with a child victim, and that the consent of a victim of trafficking in human beings to the exploitation shall be irrelevant where any of the means set forth in the definition are applied. This text includes aggravating circumstances, including if the victim is a minor, and the liability of legal persons.

The Spanish Criminal Code amendment is based on the European Council convention, ratified in 2009. It adopted the Palermo Protocol definition and, at the same time, gave a special importance to the protection of victims and the promotion of human rights. Important steps for improving the national anti-trafficking legislation were undertaken by the Government of Spain in 2010. Therefore, the new amendments introduced into the Criminal Code legally distinguish between trafficking and illegal immigration, and explicitly prohibit internal trafficking. Crimes related to prostitution and the sexual exploitation of children are regulated in articles 187 and the following.[517]

Other articles in the Criminal Code connected to trafficking and exploitation include:
Article 31 bis (Title II): Liability of legal persons.
Article 127 and the following (Title VI): Confiscation of the proceeds of crime.
Article 177 bis (Title VII bis): Trafficking in human beings.
Articles 187 and the following (Chapter V, Title VIII): Offences related to prostitution and other offences related to any form of sexual exploitation of children.
Article 318 bis (Title XV bis): Offences committed against the rights of foreign citizens (smuggling).

In addition, Spain has engaged in international cooperation, including the exchange of information, to facilitate combatting trafficking in human beings as a transnational crime. Spain has also paid particular attention to training its Foreign Police officers.[518] The obligation to adjust the national legislation in

517 See information from the Government of Spain website available at: http://photos.state.gov/libraries/174201/misc/SPAIN_TIP.pdf (consulted on 12.04.2012)

518 Report on Palermo Protocol Review, p. 17.

accordance with the provisions of Directive 2011/36/EU is valid for Spain.

\Child protection framework

The most important legislative documents on the protection of children are Law 1/1996 of 15 January on the legal protection of minors and the partial amendment of the Civil Code and Civil Procedure Act and regional laws for the protection of minors. However there is other relevant national legislation on protection of children, such as the following:

- Spanish Constitution, 1978.
- Criminal Code, modified by Organic Law 5/2010, of 22 June.
- Law 1/2000: of 7 January, Civil Procedure.
- Workers' Statute, 1995.
- Law 34/2002 of 11 July, on Services of information society and electronic commerce.
- Organic Law 8/2006 of 4 December, which amended Organic Law 5/2000 of 12 January, regulating the criminal liability of minors.
- Organic Law 19/1994 of 23 December, on the Protection of Witnesses.
- Law 10/2011, amending Law 2/2009 of 11 December, amending Organic Law 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration, Articles 59 and 59 bis.
- Law 6/1985 dated 1 July, Article 23.4.

On the other hand, Article 6 of the Worker' Statute regulates child labour:

- Working is prohibited for people under sixteen, to work overtime is prohibited for children under eighteen;
- The involvement of children younger than eighteen years in night work or in activities which are considered unhealthy, painful, harmful or dangerous for their health and their professional and personal development is also prohibited.

Within this regulatory framework of protection, one of the main novelties introduced by Organic Law 1/1996 on the Protection of Children was to establish the distinction between risk and situations of neglect, which is the responsibility of relevant agencies regarding child protection. Thus, in the case of improper behaviour by parents, like using their children for begging, or forcing children to accompany them in such activities, the administrative action must be activated, as stipulated by law, whether or not the act constitutes a crime under article 232 of the Penal Code. In short, protection mechanisms must be activated in any case, and the institutions responsible for this protection decide whether to separate the child from his/her family (helplessness), or apply appropriate intervention resources (risk situation) (Law 1/1996). As already described above and according to these regulations, a judge can also withdraw parental custody from a family when the parents use or lend their children for begging. This decision could be taken on the basis of Article 233 of the Criminal Code.

Nevertheless, as explained above, the regional and local authorities are responsible for child protection in Spain. This is the reason why all the regions have a public organisation (Directorate General for the Protection of the Child or Service of Child Protection) which is in charge of administering child protection policies. Also, each region in Spain has its own law on the protection of children.

For example, in the Community of **Madrid**, Chapter V of Title III 'Guaranteeing the care and protection of children and adolescents' of Law 6/1995 defines the principles of action for the social and legal protection of children in the Community of Madrid, prioritising preventative action, especially in high-risk families, encouraging the integration and normalisation of children's life in their social environment, providing care and support services for children and families, favouring care of children in their own

families or providing alternative resources to them if necessary, and protecting families. Moreover, this Law specifically mentions, as the fundamental axis of the action system, the social protection of children at risk, which corresponds to the public system of social services and child protection in a situation of helplessness, managed by the Regional Administration.

On the other hand, many municipalities (local level), as administrative entities that provide community services and have among their functions the tasks of facilitating and protecting children's welfare, decided to implement specialised units for supporting the educational community, family care and protection and guardianship. Within the municipal area, guardians are emerging as a group of municipal police officers specialised in solving problems affecting children 24 hours a day, 365 days a year, standing out among their functions that of addressing possible situations of child risk, including child begging.

B. Policy Responses and Implementation of the legal Framework with Regard to Child Begging

At the national level, the Ministry of Health, Social Policy and Equality has annual grants which co-finance programmes and actions for child prevention. Through these calls, actions aimed at prevention and treatment of child begging are co-financed. On the other hand, the Ministry of Labour and Immigration has another line of grants intended to be used by Autonomous Communities and NGOs involved in the care of immigrant children. These grants are targeted at prevention of begging and care for immigrant children who beg. It also has a special line to support unaccompanied children (MENA).

Finally, all national and regional bodies have adopted an intervention protocol.[519] This protocol has been promoted at the national level to solve the problem of child abuse and exploitation, which also includes child begging.

Prevention of child begging

The police are responsible for identifying children who are living on the street or begging. When the police identify them, these children are brought to Childcare Centres. On arrival in Spain, some children (mostly Moroccan) go to the police alone or with other children asking to be brought to these centres.

It is important to stress the role of citizens in the process of identifying children who beg: any Spanish citizen has the obligation to communicate/report any case of child begging that he/she sees on the streets. In this sense, the strong consciousness of the Spanish population has made it possible to build a system which intervenes very rapidly, once the case has been detected. As confirmed by several stakeholders in the interviews for this Study, the same case of child begging is usually communicated to the police and social services by many different people.

Complementary to this, the role of the NGOs should also be highlighted. Nevertheless, given the strong protection system adopted in Spain, their intervention is more directed towards assistance and support for children, than to street outreach (unlike the cases of adults living in the streets, for whom several NGOs provide street outreach).

Protection of children involved

Since Spain has a very protectionist system in the field of childhood, it guarantees all the services needed by a child who is in a state of neglect. For this reason, intervention is ensured by the local police and the basic needs of these children are covered by the Social Services, through Centres for Minors.

519 http://www.observatoriodelainfancia.msps.es/documentos/HojasDeteccion.pdf

In this sense, we can distinguish between First Reception Centres and Childcare Centres for Minors.[520] Once a case of child begging is detected and if it is not possible to identify the parents of the child, the police brings the child to a 'First Reception Centre', where the first steps to be followed are: to identify the child,[521] to conduct a medical examination and to prepare a report on the social and family status of the child. This centre, as already mentioned, provides all basic services for the child (clothing, food, bedding, etc.). This provision is intended only as a first reception service, in the sense that from then on the situation of the child has to be analysed with the aim of referring him/her to other services or to the child's or another family. Once the parents have been located, they can pick up the child, but at the same time have to demonstrate their familial or legal relationship with the child and provide proof that they are able to take care of him/her. If this happens, the child is once again assigned to these people. If this is not demonstrated, the child enters a minors' centre. But in the end, the children are free to decide whether they want to stay at the centres or whether they want to leave – they are not forced to stay; for this reason, some of them leave (on their own initiative or with the support of an adult).

In these centres, which are supplementary and alternative with respect to the family, all the basic services that the child needs for his/her life and development are guaranteed: basic services, healthcare, education and leisure activities. All these services are offered taking into account the characteristics and special needs of each child. Complementarily, the child is inserted into a special programme aimed at meeting his/her needs and providing a solution to his/her situation of risk:

- The protection agency will open a case file with the aim of assessing the need for the child's adoption, informing the public prosecutor and obtaining information from all relevant agencies.
- If first impressions are confirmed, protection measures will be adopted, through appropriate temporary foster care, which could imply transferral from a 'First reception centre' to a 'Childcare centre', where they can live until they are 18 years old, or to a foster family.

Problems may arise when these children reach the age of 18 because then they are asked to leave the centre, as they are considered emancipated. In this respect, several NGOs provide reception facilities for young people who recently left the childcare centres.

In the case of begging children who leave the centre, the experience is that they commonly beg again and, when detected, they are brought again to the centre. This cyclical situation is complicated to combat, mostly because in many cases the begging practice cannot be related to exploitation by adults. Only if the relationship between the begging practice and exploitation by adults is proved more than 2 or 3 times is it possible to start a judicial process in order to deprive the parents of custody of the child. Nevertheless, these cases are extremely rare, because adults who force children to beg then send them to other countries, as soon as they have been admitted to a Minors' Centre several times. In this way, the adults protect themselves from the police (the Spanish legislation punishes adults who force children to beg). The risk of children then being re-trafficked (within Spain or abroad) is very high if the Spanish Authorities do not establish other ways to prove that children have been forced to beg. In Spanish legislation, the right of children to be with their parents/guardians prevails over the other rights related to the protection of children. The only way to verify that a parent is forcing children to beg is with a statement by the child. This is the reason why it is complicated to prove that parents force their children to beg.

Nevertheless, public administration representatives interviewed for this Study stated that the system of

520 All these centres in Spain are public and they are managed by regional public administrations.

521 Formal identification poses a problem, especially in the cases of children and of people coming from Romania. Children under 14 do not always own a personal identification document and for this reason they can enter the Minors' Centre under different identities. Madrid SAMUR Social and local police stated that when a child is taken to a centre repeatedly, he/she commonly identifies him/herself by a different name every time. This is a common practice among children who are forced to beg by other people and the social workers of the centres cannot do anything against it, because the Spanish law for children prevails over other rights.

child protection works perfectly in Spain because it is highly regulated. However, the police stressed that it is necessary to distinguish between the protection of children in general, and the protection of children who are victims of abuse.

Since the Spanish system places high importance on the family context of the child (the right of the child to live with his/her family), in many cases children who have been victims of abuse ultimately go back to their families. In the case of children who have been forced to beg by their parents/guardians, most of them are brought home because the family is still considered as the best place for this child to stay and also because it is extremely difficult to prove the direct relationship between the begging activity of the child and the fact that he/she has been forced to perform it by a third person. Furthermore, this demonstration is even more complicated, since the child cannot make declarations in the absence of their parents or guardians. The presence of these people, when they have been responsible for the begging activity, obviously inhibits children and prompts them not to declare that they have been forced to beg. In this sense, the extremely protective legal system in force can be counterproductive and become a danger for those children who are victims of familial abuse. Their reintegration into their family can expose them to repetition of the abuse.

In order to coordinate all these process, both the **Madrid** and the **Seville** public administrations have elaborated an action protocol. Although these protocols seem to cover all the necessary steps to guarantee children's rights and protection, several stakeholders interviewed for this Study underlined that they would need to be updated and that there is a margin of action which depends on coordination between the different actors who are involved. Therefore, the lack of coordination between the different actors who are involved in the eradication of child begging can hinder the success of this process. For instance:

- A more efficient and coordinated registration system used by the various administrations involved would prevent the same child from entering the centres under different names and/or being assigned to different adults (parents or relatives). In Madrid, the Local Police have a register of children who beg, however the Minors' Centres do not have a monitoring system for people who pick up the children from the Centres. This implies that different people or the same people but with different documents (name, surname, and so on) can vouch for the same child.
- The lack of coordination can result in a lack of communication between the different parties involved. This implies that not all the actors interviewed share the same information and statistics about this phenomenon. For instance, the regional and local administration representatives of Seville stated that no cases of child begging were detected in recent years, while the police had registered the last case in May 2011. If a homogeneous data collection system existed, this problem could be solved at least in part.

Prosecution of offenders

As mentioned above, the law does not prosecute and punish begging children, but adults who encourage children to beg, through articles 232 and 233 of the Penal Code. The penalty is imprisonment for one up to four years.

The prosecution of offenders is initiated by the Police, after identifying a child begging on the street. The first problem facing the police is to identify the adult responsible for the child, a task that is not always easy because of the mobility of these people (mostly Romanians of Roma ethnicity who are continually changing their place of residence and are not identified; or unaccompanied children). Once the offenders are identified, they are investigated to determine their status before taking a decision regarding the child: allowing him/her to go with the family or assigning him/her to a shelter, with a punishment for the parents. However, it is very rare that offenders are put in jail because of the difficulty of proving the

incitement of child begging. This is denied by parents or guardians of children (according to the Children's Public Prosecutor's Office in an interview for this Study).
The main characteristic of this offender prosecution system is its agility that can lead to withdrawing custody of the child from the family automatically, when child begging is a repeat offense - although this is the last resort. When begging is caused by poverty, child protection measures are put in place, through grants to the family. However, if begging is linked to the abuse or exploitation of children, loss of custody is automatic.

Although the legal framework which protects the children and regulates cases of child begging is quite complete, there are still some loopholes which derive on one hand from the insufficient regulation of all the causes of child begging and on the other hand from the unclear hierarchical relationship between different rights:

- Although child begging is forbidden by the Legal Code, the interpretation on a case-by-case basis by Spanish Judges and Courts of the child begging practice is not uniform.
- The law defends both the protection of children's rights and the child's right to live with his/her family. In practice, the latter always prevails over the former, unless a final judgement demonstrates that the parents are not able to take care of their children. Although the lack of protection can be easily demonstrated (lack of sanitary conditions, education, clothing, medical care etc.), this has never been directly related to the begging practice. Two possible ways to remove custody based on child begging would be to demonstrate the relationship of this practice with a lack of protection (children do not go to school because they beg) or to interpret it as a method of child exploitation (they are obliged to bring money home and begging can be seen as a type of labour exploitation).

Case Law

Some of the most significant rulings in relation to child begging are:

- **Sentence of 14 October 1997 of the Provincial Court of Madrid (ARP 1997/1473):** In the case of begging, for the existence of a crime, it is necessary to know the age of the child, the purpose of engaging in begging and continuity in the conduct. A single act of begging cannot constitute this type of crime.
- **The judgement of the Supreme Court of 12 April 1999** ruled that *"the practice of begging is not limited to the presence of a child accompanying an adult, but rather there are many cases where adults are forcing children to beg in the streets, demanding that they bring something 'home', so that if this request is not fulfilled, mistreatment is performed."*
- **Sentence number 57/2000 of 2 February of the Provincial Court of Madrid (ARP 2000/1456):** In cases of the use of children for begging, a single act is not enough to prove the existence of the practice of begging-related exploitation.
- **Sentence number 4/2001 of 10 January of the Provincial Court of Seville (ARP 2001/461):** It constitutes a crime when a person is exploiting begging children, even if this exploitation is practiced in a hidden, invisible way and covered up.
- **Sentence number 950/2002 of 17 October of the Provincial Court of Barcelona (ARP 2003/385).** To consider the use or provision of children or disabled persons for the practice of begging as a crime, the following elements are necessary:
    - knowledge of the child's age;
    - purpose of engaging in begging and continuity in the conduct;
    - begging practiced more than once, regardless of the time period considered;
    - existence of minors under seven years old, begging at several outdoor cafes and establishments and who provided the money collected to the accused;

- verification of the repeated action.

C. Public Perception of the Phenomenon and of national Responses

Public campaigns

472)As has been pointed out throughout this Country Section, the competences for child protection are decentralised to the Autonomous Communities and the subject of child begging is considered as a case of child exploitation. There are no campaigns exclusively aimed at this phenomenon, but there are local and regional campaigns on child exploitation and mistreatment, on which information is not available in secondary sources and on which the participants in the interviews for this Study could not provide specific information. All the interviewees commented that the Ministry of Health, Social Affairs and Equality provides funding for these actions. This information has been confirmed by this Ministry, but they did not provide any concrete examples.

Relevant public debates

The subject of child begging is not a topic that generates much public debate in Spain in the public administration (national, regional or local) or in society, as it is a small–scale and specific problem for which there is a fully regulated prevention and protection system. When a case of child begging is detected, the child protection system is activated and so there is no real debate. Moreover, in most cases it is not recorded as a case of child begging, but as a case of child abuse or a child at risk.

However, the phenomenon of child begging, according to an interview for this Study with a representative of the Ministry of Health, Social Affairs and Equality, is intimately connected with other issues that generate concern and public debates, such as the exploitation and mistreatment of children, child poverty, the phenomenon of unaccompanied children who come to Spain or situations of risk for children. These topics are debated by different administrations on the national and regional level through working groups lead by the Children's Observatory of the Ministry of Health, Social Policy and Equality. These groups look for solutions in regard to intervention with foreign children and their social integration, coexistence and inclusion in Spain, examine Juvenile Justice and the representation of children and adolescents involved in the media, discuss child abuse and other forms of exploitation and finally work on a comprehensive National Strategic Plan for Children and Adolescents.

Media "Events" during the last five years

The press does not collect this kind of news but refers to the problem of poverty and its impact on children. In the interviews for this Study, some NGOs expressed the view that the treatment of the subject by some media agencies is not adequate. In some cases, the media use an alarmist and extremist tone, which may have more negative than positive effects. They commented that the media should be more careful when dealing with information regarding children.

Some news items published in the media in recent years are as follows:

- El mundo (2010): A man arrested in Barcelona for forcing children to beg and to give him the money. http://www.elmundo.es/elmundo/2010/11/07/barcelona/1289130500.html
- ABC (2010): Kingpin of a Romanian child beggars network arrested. http://www.abc.es/videos-nacional/20101108/detenido-capo-ninos-mendigos-664792006001.html
- DEIA (2011): Gang eradication - Save the Children urges the Government to combat trafficking of children in Spain. http://www.deia.com/2011/04/16/sociedad/estado/save-the-children-urge-al-

gobierno-a-combatir-la-trata-de-ninos-en-espana-

- La Vanguardia (Cataluña) (2011): Mugaritz restaurant features a young Moroccan who had no job or housing. http://www.lavanguardia.es/vida/20110107/54098490972/el-restaurante-mugaritz-incorpora-a-un-joven-marroqui-que-no-tenia-empleo-ni-vivienda.html; Early maturity: The loneliness of a fragile group - unaccompanied foreign minors (MENA). http://www.lavanguardia.es/vida/20110107/54098490999/madurar-antes-de-tiempo.html

In the area of the Community of **Madrid** the problems arising from the situation of a slum settled in the Galiana Royal Cattle Track had great impact and generated a lot of news in the media. Following media coverage, the Madrid Assembly in 2011 adopted the Law on Galiana Royal Cattle Track, which aims to establish a legal regime in the municipalities of Madrid with slums where children reside in deplorable conditions.

D. Good practices

In **Jerez Municipality**,[1] the problem of child begging increases in accordance with the period of local holidays and festivals. One of the oldest municipal social programmes is the Programme for the Prevention and Eradication of Child Begging. This programme remains active all year long, but at the time of the 'Feria de Jerez' (local holidays) it is reinforced in order to provide a solution to the arrival of street vendors to the city, and provides a wealth of activities for showmen's families who visit the town during these fair days. These families, whose national origin is both native and foreign, are accompanied by many children. It may be that these children are subjected to labour exploitation or begging. For that reason and to avoid this possibility, the Delegation for Social Policy set up an appropriate place (camp) where these nomadic families can stay. In these locations, the delegation organises several and varied educational and recreational activities appropriate to the age of these children. A team of social workers develop socio-cultural workshops in painting, crafts and drama with these children, while generating an atmosphere of cordiality and hospitality.

Granada Municipality Project against Child Begging: [2]This project aims to prevent risk situations for children who practice begging accompanied by someone and for children aged 0 to 16 years who carry out activities linked to begging in the city of Granada, beg by asking for money or conceal their begging by selling handkerchiefs, flowers, etc. The aim is to ensure that children enjoy all their rights, to promote their harmonious development within their family and to ensure their protection. The awareness and collaboration of the population is also promoted through different awareness activities at local level.

Madrid Municipality:[3] The General Collaboration Agreement for the eradication of child begging in Madrid Municipality between the Community of Madrid and the Council of Madrid, which has been renewed annually since 1998, specifies how to act and the tasks that are associated with different services that aim to work on behalf of children affected by situations of vulnerability and need. Upon detecting the presence of a begging child in the street, the Municipal Police intervenes, involving, if necessary, the Civil Protection agency SAMUR. If the child has no family that can help him/her, he/she is sent to a First Reception Centre, where he/she is identified; he/she undergoes a medical examination and a report on his/her social and family status is issued. If there is a family, they must go to the centre to obtain information on Social Services, which will help them to establish the right conditions to keep the child in their custody and to receive advice on the mechanisms and resources that the City Council and the Community make available for these cases. If the child is neglected, the Child Guardianship Commission intervenes, prescribing the child's stay at the closest Shelter or his/her transfer to another centre of the Community of Madrid. Children who are under suspicion of crime stay at a regional centre while the police or Public Prosecutor initiates the proceedings and the judicial system makes a judgement.

Madrid Region:[4] In 2010, some institutions that work on child protection (Courts, Office of Children, Children's Ombudsman, Educational Services, Department of Family and Social Affairs), developed and adopted an Action Protocol for child protection. This protocol aims to be an adequate and effective instrument to enhance the handling of child mistreatment situations (including situations of begging as a form of child exploitation), and the coordination of the activities of the various institutions on this matter. Regarding mistreatment there have been many different action protocols in different areas: police, health, education and social, which are now replaced by a single protocol. Likewise, it is worth stressing the approval, in 2010, of the Family, Children and Adolescents Plan of the City of Madrid from 2010 to 2013, which aims to promote and ensure the rights of children as a more appropriate way of preventing situations of social disadvantage.

Córdoba Municipality (2007):[5] The City of Córdoba developed the Social Intervention Project for 'Street Care and Prevention of Child Begging', aimed at mothers with dependent children or women in the advanced stages of pregnancy, mainly belonging to Eastern European immigrant ethnic minorities, engaged in begging on the streets and living in a situation of social vulnerability. The project provides a telephone service, which offers the public the option to report child begging situations detected on the streets of Córdoba. After the detection of the cases, a series of specific social interventions is foreseen. The most relevant is the child daycare service.

1. http://www.jerez.es/areas_tematicas/bienestar_social_y_del_mayor/infancia_y_adolescencia/prevencion_y_promocion_de_menores_en_riesgo_de_exclusion_social/prevencion_y_erradicacion_de_la_mendicidad_infantil/
2. This information has been found in different webpages, see: http://www.ideal.es/granada/20081224/granada/ayuntamiento-activa-plan-contra-20081224.html
3. Information provided by the Children's Ombudsman of Madrid.
4. Information provided by the Children's Ombudsman of Madrid.
5. www.ssm.ayuncordoba.es/ssm/menores.mendicidad.php; www.juntadeandalucia.es/empleo/.../1_1877_boletin_fairea_04.pdf; www.elpais.com/articulo/andalucia/plan/mendicidad/infantil/Cordoba/saca/ninos/calle/elpepiespand/20080520elpand_3/Tes; http://www.diariocordoba.com/noticias/noticia.asp?pkid=284223

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4.14 Country Section – Sweden

Introduction

One on the main points highlighted in the national and local research in Sweden is that, like Denmark (see Country Section above), there are very few children begging in the country. During the course of this research, the Police and Social Services contacted for the Study were in contact with one child in Stockholm and two in Malmö. As there is no organisation working with begging children in Sweden, these were the only interviewees for the Study who had come into direct contact with begging children. NGOs (such as the *Christian Stadsmissionen* and ECPAT) replied that they did not have any contact with begging. RIKS (*Romskt Informations och Kunskapscenter*), a municipal Roma information centre, did not provide any relevant information on the issue of child begging. Of the Police in different departments contacted for the Study (Border Police in Stockholm and Malmö, Stockholm County Police), only one police officer had relevant information on the matter of child begging. Local politicians referred the researchers to the Social Services and the outreach teams. In Malmö, the outreach team (which focuses on homeless people) had only been working since April 2011, and, since then had only observed one boy playing the violin in the streets.[522] The boy looked healthy and they only spotted him once, consequently they did not report this to the Social Services (social worker, outreach team, Malmö).

The youth outreach team[523] (*Ungdomsjouren*) and the Emergency Social Services (*Socialjouren*) in Stockholm, as well as the Stockholm County Police, were the main sources for the local field research on child begging. In **Stockholm**, the police officer was not aware of any child begging in Stockholm at the time of the research. The social workers knew of one boy begging in the city centre of Stockholm. In

522 The local field research for this Study took place in mid-2011.

523 The youth outreach team is one of three sections within the Maria Youth Unit. The Maria Youth Unit is part of the Social Services in Stockholm. The other two sections work with young people with drug addiction problems, young offenders and victims of crime

Malmö, the social worker had been in contact with one case of child begging since the start of the project in April 2011. In general, there is very little information concerning the phenomenon.

Statistics

There are no comprehensive official statistics concerning child begging, child trafficking and children living or working on the streets in Sweden. No previous investigation or mapping concerning these categories of children has been conducted. In general, it can be said that there is very little information available on the issue in Sweden. However, the interviewees agree that the phenomenon of child begging and/or child trafficking has increased in Sweden over the last five to ten years. No case was found in Sweden of children living on the streets. In 2009, there were a few suspected cases of trafficking for the purpose of exploitation through begging and stealing with boys and girls, around 14-15 years old, from Southeastern Europe (Rikspolisstyrelsen 2010). In 2005-2006, the Social Services came across children organised by Moldovan adults for pickpocketing. What makes the case of the pickpocketing children interesting for this study is that they were found to also have been begging and selling roses (Head of Maria Youth Unit, Stockholm).

Overview description of children involved in begging

According to the interviewees for this Study, the majority of begging children are Bulgarians and Romanians of Roma ethnicity. Some also come from the Czech Republic, Slovakia, Italy and France, as well as Moldova. Free movement in the EU and the accession of Romania and Bulgaria to the EU are assumed by the interviewees as possible explanations for their perception of child begging increasing in Sweden in recent years. One of the interviewees also highlights that the phenomenon of child begging is seasonal. According to his experience, begging generally increases during summer time (Head of Children's Unit, Council of the Baltic Sea States).

The most common description among those interviewed for this Study is that the children who beg are between eight and fourteen. Additionally, the police have come across a few cases of 17-year-olds. The police state that girls are more exposed to begging, in contrast to Caritas, where they have mainly been in contact with boys (Detective Inspector at National Police Board; Responsible person for Migration and Refugee issues at Caritas).

The interviewees assume that the children involved in begging are generally short-term migrants. They reside in Sweden for three months and then travel to another nearby country. While in Sweden, the children seldom stay a long time in the same place or city, but are constantly travelling or being moved. The police's perception is that the routes are predetermined and that the groups often travel along the larger European motorways. The fact that the children are constantly on the move makes it harder for both the Social Services and the police to act and to discover cases of child abuse (Detective Inspector and Deputy Police commissioner at National Police Board; Head of public opinion and advocacy at UNICEF).

Child begging is assumed by stakeholders in Sweden to be associated with organised crime. Mostly it is connected to children who are forced to, besides begging, steal, sell roses, and in a few cases to sell sex. However, the interviewees commented that is not always organised by criminal gangs, but could be one poor family begging to earn a living. As a consequence of the poor economic conditions and the discrimination of Roma throughout Europe, Roma children also are exposed to an increased risk of being trafficked (Head of Maria Youth Unit, Stockholm; Detective Inspector, National Police Board).

At a local level, in both Stockholm and Malmö, people begging generally come from other EU countries such as Romania, Bulgaria and Hungary. Furthermore, Roma origin is recurrent among people begging in Malmö and Stockholm. The children involved in begging were of all ages: from small babies with their

mothers to adolescents begging alone. One interviewee stated that among the adolescents, girls were more common than boys. In general the interviewees were reluctant to provide generalisations on the composition of children begging in Malmö and Stockholm, as child begging cases are very rare and there is no reliable statistical information to refer to.

An overview from the years 2005 to 2011 of children who have been taken into the compulsory institutional care of the Social Service in Stockholm based on suspicion of trafficking provides an insight into this phenomenon. The overview contained 19 cases that mostly concerned suspicions of trafficking. Usually these children were arrested on grounds of theft. Two of the 19 cases concerned begging children. They were 13 and 17 years old, one girl and one boy, both from Romania. In both of the cases the investigations were discontinued as one child absconded and the other was reunited with his parent who came from another EU country to collect him. The parent could prove his status as legal guardian (*vårdnadshavare*) of the boy and there was no proof of the boy being exposed to any crime. Consequently, the Social Services revoked their decision of compulsory institutional care (Stockholm Social Service 2011: Overview provided by the social workers interviewed).

In Malmö, there is no outreach team with a focus on child begging. A team has been working on homelessness since April 2011, and since then only once spotted a boy playing the violin in order to earn an income. As he looked healthy and they only saw him once, no report was filed to the Social Services. Apart from this incident, the team has not come across any children begging (social worker, Malmö, outreach team).

In Malmö, the Emergency Social Services (*Socialjouren*) is the unit that has most contact with children begging. According to the interviewee at the Emergency Social Service (*Socialjouren*) the unit receives approximately 20 reports on begging children annually. However, the interviewee underlines that this number is only an estimate and that several reports can concern the same child. The unit does not conduct any general outreach work but reacts to reports filed by e.g. the public concerning a child begging in Malmö (social worker Malmö).

Geographical distribution of the phenomenon (national & local)

In the interviews for this Study, the phenomenon of child begging is considered mainly as a "big city issue" (Stockholm, Gothenburg and Malmö are mentioned) and as an issue occurring to the same extent in smaller cities (Head of Children's Unit, Council of the Baltic Sea States; Detective superintendent, National Police Board; National Board of Health and Welfare; Head of public opinion and advocacy at UNICEF; Responsible person for Migration and Refugee issues at Caritas). In Stockholm, people (including children) begging have been observed on the metro, on the main shopping streets (Drottninggatan) and at the central station. In Malmö, the main shopping streets are also mentioned, as well as the railway station and one inner-city area called Möllevången, a busy working-class neighbourhood with a high share of students and immigrants. In both Malmö and Stockholm, people begging are more common during summertime and sometimes also during festivities such as the Malmö City festival every August.

A. Legal Framework

Child begging

Begging is not criminalised in Swedish legislation; consequently there is no legal definition of the term, nor has any administrative or social definition been identified. However, in the interviews is it put forward that child begging is often included in the wider term "exploitation of children". Furthermore, some interviewees pointed out that children who are observed begging are sometimes also exploited through pickpocketing or prostitution (investigator at National Board of Health and Welfare; Head of Maria Youth

Unit, Stockholm).

The Public Order Act (*Ordningslagen 1993:1617*) is relevant in relation to begging. The legislation contains, among other things, regulations regarding law and order and security issues at gatherings and entertainment in public spaces. However, the legislation contains general regulations which are not applicable directly to the phenomenon of begging. Chapter 3 Art. 8 spells out that municipalities have the right to add the regulations needed to guarantee law and order at the local level. These local regulations are not allowed to limit the freedom of the individual to perform music or any other forms of art in the public space. However, the municipality may issue local regulations which prohibit the collection of money without a permit from the police authorities. Infringement of the local regulation results in a fine. However, "*when a collection takes place in connection with the performance of music on the street, a permit is needed only if the musician or his/her helper intend to walk around in the audience and collect money*" (Police Authority of Stockholm).

A municipality called Sala, located north of Stockholm, with slightly more than 21,000 inhabitants, took a decision to prohibit begging on 28 March 2011. The amendment was meant to enter into force on 1 May 2011. According to the chairman of the municipality's executive board, there were concerns regarding the increase of persons begging in the city centre of Sala and the possible connection to trafficking and/or other criminal activities (*Svenska Dagbladet* 21 April 2011). However, the county administrative board repealed the legislation. In their motivation, the board stated that "*the local instructions of order must aim at the order of the public space and the instructions may not result in consequences that are too far-reaching regarding the freedom of the individual*" (Municipality of Sala, press release 27 April 2011). The municipality of Sala decided not to appeal the decision.

Child begging is therefore not criminalised, but with regard to the principle of the best interests of the child as per the UN-CRC, it is considered inappropriate for a child to beg, at least if the child is begging for longer periods. In certain cases this can be the basis for the Social Services to take the child into compulsory institutional care.

Children living or working in street situations

This Study has not come across any case involving children living on the street in Sweden. Concerning children working on the street, there have been some local cases reported where children sold roses on the streets. According to the local police, the children belong to a group of both children and adults not permanently residing in Sweden (local news, 5 May 2011).

Child trafficking

In 2002, the first step was taken towards the criminalisation of all forms of Trafficking in Human Beings (THB) in Sweden. Until 2004 the legislation only addressed trafficking for the purpose of sexual exploitation. In 2004, the Act was revised and extended to include other forms of exploitation, such as forced labour. Another change was that in order to be classified as THB, the crime no longer needed to involve the crossing of nation-state borders, but a person could be subject to trafficking even though she/he had not left Sweden. To be convicted, the offender must have used "improper means" such as coercion and threat. However, the government bill states that concerning trafficking in children, there is no need for improper means in order for the crime to be classified as THB before a court (Prop 2009/10: 152: 12).

In July 2010, the legislation was revised again. In the government bill,it is acknowledged that trafficking in human beings often constitutes "*complex processes where the offender in different ways concerns themselves with the victims for the purpose of abusing them*" (Prop 2009/10: 152: 13). These particularly complex situations imply high demands on the formulations of the penalty regulation. In 2010, the act

had been in force for seven years and there had been 50 reports. However, the bill highlights the fact that in only two of the cases reported was the offender convicted of the crime of THB (Prop 2009/10: 152: 13).

In the new version of the legislation, the so-called "prerequisite of control" was removed. According to the government bill, this means that the crime of THB no longer needs to include the offender taking control of the victim (Prop 2009/10: 152: 18, 19). In the legislation, THB for the purpose of exploitation through begging is not specifically mentioned. However, the legislation also states that it should be considered as THB if the victim is forced into "*other activities in a situation which implies distress for the exposed person*". According to the bill, the word distress should be interpreted as a situation where the "*victim is prevented from making their own decisions (...) or is in a genuine difficult position which is not temporary or transient*" (SOU 2009/10: 152: 21). THB for the purpose of exploitation through begging can fall under these definitions. However, there has not been any conviction concerning child begging and trafficking. A convict for the crime of THB will be sentenced to a minimum of two years and a maximum of ten years (Prop 2009/10: 152: 26, Penal Code, chapter 4, Art. 1a).

Save the Children, UNICEF and the Ombudsman for Children each wrote a report commenting on the government bill concerning THB. They all emphasised that a paragraph which specifically criminalised trafficking in children needed to be included in the legislation. UNICEF and the Ombudsman further stressed that the exploitation of children needs to be seen in the light of the subordinated position of children. Furthermore, certain forms of exploitation, such as begging, should be considered as more harmful for a child than for an adult. However, none of these suggestions were included in the final version of the legislation (Child Ombudsman 29 September 2008, UNICEF Sweden 29 September 2008, Save the Children Sweden, 3 October 2008).

Sweden regulates the offence of trafficking in human beings in its anti-trafficking legislation in the manner defined in the Palermo Protocol. However, it expands on the forms of exploitation, including "exploitation in a way that places the victim in distress".[524] The same age limit for children is applicable in Sweden.

hild protection framework

This section will focus on three relevant legislative documents concerning child protection that can be of relevance in relation to child begging. According to the Social Services Act (*Socialtjänstlagen*), the Social Services are responsible for every child within Swedish territory, irrespective of nationality or legal status. The Social Services Act is an outline law which gives the municipalities great freedom in shaping their Social Services at the local level. In Chapter 2 Art. 2 of the Act, it is stated that every municipality has the ultimate responsibility to provide those residing in the municipality with the support and the help they need. The responsibility is independent of the legal status of the child. As a consequence of Sweden ratifying the UN-CRC in 1990, the principle of the best interests of the child was included in the Act (Social Services Act Chapter 1, Art. 2).

When a child is in need, anyone who gains knowledge of this *should* report it to the Social Welfare Board (*socialnämnden*). Furthermore, for authorities working with and/or organising activities for children, authorities within healthcare, forensic psychiatry, Social Services and treatment of offenders, there is an *obligation* to immediately report to the Social Services board. Also, the Child Ombudsman has a responsibility to report to the social welfare board when there is knowledge of a child being abused at home, if it can be assumed that the child is in need of protection from the social welfare board (Social Services Act Chapter 14 Art. 1, Child Ombudsman Act 1993: Art. 355 7).

524 Report on Palermo Protocol Review, p. 10.

The second legislation is the Children and Parents Code (*föräldrabalken* 1949:381) which regulates the relationship between the parent and the child. This Act is of relevance as it regulates child labour and provides a prohibition of child abuse. According to the Children and Parents Code, the child is entitled to care, security and a good upbringing. The child is not to be subjected to physical punishment or other degrading treatment (Chapter 6 Art. 1). The principle of the best interests of the child should be decisive for all decisions concerning custody, housing and relations. The will of the child shall be taken into consideration in accordance with the age and maturity of the child. The Code also states that when a parent is found guilty of abuse, neglect or for other reasons is not caring for the child, which is harmful for the wellbeing or the development of the child, the court shall take a decision concerning an alteration of custody (Chapter 6 Art. 7). The Children and Parents Code also regulates child labour. The legislation states that a child below the age of 16 cannot enter into an employment agreement without the consent of the parent. However, the parent should consider the will and the perspectives of the child in relation to age and maturity (Chapter 6 Arts. 11 and 12).

Finally, the Law on Care of Young Persons" (*Lag med särskilda bestämmelser om vård av unga, LVU,* 1990:52) stipulates the conditions for taking a child into custody. In general, taking the child into custody is the first action (if any) taken by the Social Services in order to protect the begging child from an exposed situation. The law on care of young persons only applies when the child and/or the parents do not accept the care voluntarily (Art. 1). Taking the child into custody, without consent from the parents or the child, is a decision which can be made on two different grounds. The first one, regulated in Art. 2, concerns the conditions at the home of the child. The child shall be taken into compulsory institutional care if the child has been physically or psychologically abused, neglected, improperly used, or subjected to any other condition at home which could risk the health or harm the development of the child. "Improperly used" principally refers to someone abusing the child sexually or for pornographic purposes. However, improperly used could also refer to the child being forced to perform hard work or to be given too much responsibility for taking care of the home (National Board of Health and Welfare 1997: 15). The second ground concerns the behaviour of the child. The child shall be taken into institutional care if the child exposes his/her health or development to an apparent risk of harm by using addictive substances, getting involved in criminal activities or any other socially destructive behaviour (3 Art.).

However, the child being taken into custody does not prevent a deportation decision if the child is foreign (National Board of Health and Welfare 1997: 15). Furthermore, a common denominator concerning cases where a begging child has been taken into custody is that the children abscond from the family home where they have been placed, before the Social Services can take further action (Head of Maria Youth Unit).

Migration law

A European Economic Area (EEA) citizen may not, unlike third-country nationals, be deported, unless they constitute a burden for the Social Services. The circumstance that an EEA-citizen makes his/her living from begging cannot, in itself, be the foundation for a deportation. When the police deal with a case of begging, however, it is often related to other factors besides begging. A decision to deport a person can nevertheless be justified if it can be established that begging has been performed in an organised way, that there are connections to criminal activities, or that it involves the exploitation of children or other vulnerable persons. This is also the case if begging has been carried out in a threatening or disturbing way, or if false information has been given in connection to the begging (National Police Board).

Residence permit issues are regulated in the Foreigners Act (2005: 716), Chapter 4, Arts. 1 and 2 and in Chapter 5, Art. 1. Victims of trafficking can be granted a residence permit. There is no demand on the victim to participate as a witness in order to receive a residence permit. The Foreigners Act contains no specific reference to trafficking in the paragraphs concerning asylum, consequently the victim is granted

asylum on the same grounds as other applicants. Until 2008, four people, out of 20 cases of THB, applied and received a permanent residence permit (Rikspolisstyrelsen 2010).

B. Policy responses and implementation of the legal framework with regard to child begging

Prevention of child begging

488)The Swedish European Social Fund (ESF) council was commissioned to chair and direct the European Year on Combating Poverty in Sweden. The main goal of the thematic year was to facilitate alleviation of poverty and accessing social inclusion. Although poverty in connection with begging (children not specified), undocumented migrants and border crossing in general have been acknowledged, no specific measures were adopted to address the problem. In Sweden, the focus was directed at closing the welfare gap between Roma and the majority society, to reduce the power deficit of Roma, and to bridge the confidence gap and build Roma trust in state institutions and mainstream society (SOU 2010: 55). Otherwise there are no specific policies or project for preventing child begging in Sweden.

Protection of children involved

In general, cases concerning child begging are few and there are neither general guidelines nor policies on how to handle these cases within the Social Services (Head of Public Opinion and Advocacy UNICEF; Investigator at National Board of Health and Welfare). When UNICEF commented on a case in the media concerning children selling roses, they stated that a common problem is the municipalities' reluctance to take action in such cases. The reasons for this are, on the one hand, a lack of knowledge on the issue. On the other hand, the children's short period of stay in a municipality, as well as the high costs involved in a possible investigation are named as further reasons explaining the municipalities' reluctance to deal with the issue (*Expressen* 20 April 2011).

The **Stockholm** Police have worked systematically since 2004 targeting begging people – who most often originate from other EU Member States. In 2004, Romanians started begging in the centre of Stockholm, principally older women with small children. They were both begging and trying to sell false gold rings. The Police carried out several arrests based on suspicions of fraud (selling of false gold rings) and also conducted identity controls of approximately thirty people and vehicles. During this period, the Police also received a number of calls from the general public who were worried about the poor living conditions of the begging children.

Following the arrival of this group of Romanians generating their income through begging, and the calls from the public, the Police decided to develop a strategy to work against the phenomenon of begging, with a special focus on children (Stockholm County Police 2009; Police Inspector 3 September 2011). The Police's new, more active approach intended to go beyond the mere identity and immigration status checks of begging people. It included visiting the sites where the families involved in begging parked their campers. On such a visit the families were generally informed that they were illegally camping and therefore needed to leave. According to the Police Inspector, the families were also told that it was not accepted in Sweden to have children begging (along with the adults). This is the case especially when the child is begging long hours and for weeks in a row. In certain extreme cases it can serve as the basis for the Social Services to take the child into compulsory institutional care.

When visiting the campsites, the Police also informed the parents that they would contact the Social Services if the children were seen begging again. The Social Services could then decide to take the child into compulsory institutional care. In practice, however, the Inspector acknowledged that taking a child into compulsory institutional care according to the Law on Care of Young Persons (*Lag med särskilda bestämmelser om vård av unga 1990:52, LVU*) is not a very easy process – nevertheless the legal

possibility exists. In several cases, the Police arranged a meeting between the families and the Social Services and contacted the Romanian Embassy. As the Police Inspector puts it "*this was a bit inconvenient [for the families]. They did not want any trouble; they just wanted to beg and this stopped them, that we were actively approaching them when they were out begging with children*" (Police Inspector, Stockholm County Police).

There are no shelters or helplines for children begging. The only referral system that exists is coupled with the general welfare mechanisms and therefore with the public institutions of the Police and the Social Services. Child begging cases are referred to this system, and children are sometimes taken into custody. In the vast majority of the cases, however, the children abscond before further action can be taken (Head of Maria Youth Unit).

Every week the Outreach Unit has scheduled outreach work, and was recently involved in a local project concerning children who are being exploited (e.g. who are begging or stealing) in the city centre. The focus was not specifically on child begging but as the project focused on child trafficking for sexual and other purposes, it was they who encountered children begging and who dealt with the issue, also when trafficking was not involved. The project, running from September to December 2011, was a collaboration between the Outreach Unit and the Emergency Social Services (*Socialjouren*) and was financed by the Social Welfare Board (*Socialnämnden*) (Emergency Social Services 2011). The objectives of the project included improving cooperation between different authorities, developing routines within the Social Services for processing cases of child begging and establishing contact with a child observed begging. The work of this Outreach Unit has contributed to the fact that there are almost no children begging in Sweden any more. During a previous, similar project by the Outreach Unit, which ran from May to November 2010, three children were identified playing music for money or begging recurrently in the streets.

Cooperation between the police and the Outreach Unit was reported as complicated at times as the ways of working of the Police and the Social Services differ substantially. The Police needed more time to conduct their fieldwork in order to present a well-grounded suspicion of trafficking or exploitation to a prosecutor. In this project it became clear that the social workers, on the other hand, wished for immediate help from the Police in order to bring the child to the Social Services for an assessment of the situation (Stockholm Social Service 2011). As an example, in 2010 the Social Services filed a report on a suspicion of trafficking to the police concerning a teenage girl who was seen begging on the streets for a longer period of time. The intention of the Social Services was to act immediately and to take the teenager away from the streets into compulsory institutional care. However, the Police asked the Social Services to postpone their action as they needed to investigate the case in more depth in order to obtain information for prosecution (Social Worker Stockholm).

When a begging child is observed, the team files a report to the Emergency Social Services which are then responsible for processing the case. The Emergency Social Services are responsible for processing all acute cases in the city of Stockholm, including foreign nationals in need of support from the Social Services. The Emergency Social Services in turn then refer the case to the Social Services in the district (*stadsdel*) of the child's stated residency. However, to hand over a child begging case to a district has been experienced as difficult. The Social Services in the districts often lack both the capacity and sufficient knowledge on the issue to be able to handle the processing of these cases, which are often resource-intensive. The social worker at the Emergency Social Services who starts the processing of a child begging case often ends up carrying out at least some parts of the investigation him/herself. One recurrent problem, when several units within the Social Services are involved, is that the extensive bureaucracy sometimes makes it difficult to sort out who is responsible for what. Consequently, there is a risk that the child in question absconds before appropriate action is taken (social worker Stockholm and email correspondence).

When a child has been reported to the Social Services (district units), a child protection investigation (*barnavårdutredning)* is carried out in accordance with the Social Service Act, Chapter 11, Arts. 1 and 2. This means that the Social Services conduct an assessment of the social situation of the child in accordance with the principle of the best interests of the child (Social Service Act Chapter 1, Art. 2) by visiting the child at home and meeting with both the parents. If the case concerns children legally resident in Sweden, these assessments follow an established routine involving the school, child psychiatry and possibly the Police. However, this is not the case when it comes to begging children who are not permanently staying in Sweden. In two cases where a report was filed to the Social Services in accordance with the Social Services Act, Chapter 14, Art. 1, the children disappeared from the site. However, one of them was later found in a nearby municipality which continued the assessment of the case.

In general, children who beg are rare cases for the Social Services and there are few established routines on how to handle them. It is further complicated by the fact that many of these children do not seek contact with the Social Services themselves and are generally reluctant to have contacts with the authorities. One of the social workers interviewed exemplifies this with a case she is responsible for at present. In this case the youth outreach team filed a report on a 13-year-old boy who had been seen begging for long hours in the centre of Stockholm. The social workers talked to the boy who stated that he was living in a tent with his parents in a district outside the immediate city centre. He further stated he was not forced to beg but needed to provide for his family and save up before the coming winter in Romania, his country of origin.

The social worker encouraged the Social Services in the relevant district to visit him and to assess his social situation. However, the Social Services in the district replied that there were no resources to look for the family's tent or to visit him in the centre during his begging activities. The initial contact has to come from the boy – something the outreach team's social worker deems highly unlikely to happen. It is worth noting that if the boy had appeared to be ill or maltreated, immediate action would have been taken by the Emergency Social Services.

In **Malmö**, the Emergency Social Services (*Socialjouren*) is the unit that has most contact with children begging. When the Social Services receive a report on a begging child, a social worker tries to establish contact with the child. The first contact with the child aims to determine the child's identity and relationship to any adult(s) present. Since the Social Services do not have the mandate to ask for identity cards, the Social Services need the help of the Border Police. However, the begging people in question often abscond before the Police get there (social worker Malmö). This is confirmed by the Police who state that they have received reports on children begging but have never been able to confirm them (Head of Malmö Border Police).

Apart from establishing the child's identity, the Social Services are also interested in the child's immigration status, i.e. whether the child is permanently or temporarily residing in Malmö. If the child has an address in Malmö, the case is reported to the Social Service in that particular district which is later responsible for taking further actions. Likewise, if the child has an address in another municipality, the Social Services concerned are notified. The interviewee states that the measures performed by the Social Services concerning child begging can be for the benefit of the child if she/he is permanently residing in Sweden. However, when the child has no address and/or absconds, the interviewee is doubtful as to whether the measures taken by the Social Services (e.g. identity control, attempts to establish contact with the child) are of any benefit for the child (social worker Malmö). Since the interview in August 2011, there has been one case of child begging in Malmö that the Social Services are aware of (follow-up telephone interview 10 October 2011). The following is a description of how the Social Services in Malmö acted in order to give an example of how a case of child begging is handled.

The Social Services were notified by the Police, who in turn had received several reports from the general public on begging children. The Police had made contact with the two children and the two adults who were begging in the center of Malmö. The identity check revealed that the two accompanying adults were relatives of the children. The family came from another EU Member State (the social worker was unsure as to whether it was Romania or Hungary) and consisted of the mother, the mother-in-law and the two children, ten months and three years old. The first action taken by the Social Services was to arrange a meeting with the family at the office of the Emergency Social Services. The Social Services also checked whether the family had applied for asylum in Sweden. During the meeting the family was informed by the Social Services that child begging is not accepted by the Swedish authorities. Furthermore, the family was told that begging can cause suffering for the child. The two adults said at the end of the meeting that they now understood that they could not beg with children on the streets and if they were to beg in the future they would do so without the children. Since the meeting took place, the Social Services has not heard anything further or received any reports on the family.

Both in Stockholm and Malmö, the interviewees (police officers and social workers) state that there is a general feeling of relief when a child leaves the municipality as this means that the problem is for another municipality to handle. Regarding this matter, it is relevant to mention that there is statutory secrecy (in accordance with Law on Public Access to Information and Secrecy (*Offentlighets- och sekretesslagen (2009:400)*) between the Social Services in different districts and municipalities. The secrecy can only be set aside by a child protection investigation (Social Service Act Chapter 14, Art. 1). The main problem concerning secrecy is observed to be the decentralisation of the Police Register. Only a few police officers have access to the national register which means that if a child has been reported as a suspected victim of trafficking or exploitation in one municipality, this information generally does not reach the relevant authority in a new municipality. The social workers state that if they knew of earlier suspicions of, e.g. trafficking, they could act more forcefully on their own suspicions (social worker Stockholm).

Prosecution of offenders

Child begging as such is not criminalised, so there are no prosecutions of offenders. There has been one case of child begging in relation to THB tried in court in January 2011. The judgment - which declared the defendants not guilty - set a precedent (see Case Law below).

Every year there are around 20 reports on THB in **Malmö**. A quarter of them lead to an investigation and three to five eventually lead to a prosecution. There has been no case of child begging in relation to child trafficking. However, in 2010 the Police in Malmö investigated one case of child trafficking for the purpose of forced labour. In this case, it was three British citizens who were recruited in order to work as pavers. They, including one 17-year-old, escaped and contacted the Police. The 17-year-old was sent back to England since he was legally considered a minor. The case was taken to court but was dismissed, as the accusation could not be proven. At present there is a case in England involving around 100 pavers who are suspected of having been subjected to forced labour. The suspects in the Swedish case are also involved in the English case (Interview Head of Malmö Border Police).

Until the end of the summer 2010, the Swedish Police deported begging people to their country of origin within the EU. However, this practice came to an end when the National Police Board (31 August 2010) and later also the Swedish Parliamentary Ombudsman (28 June 2011) established that there are no legal grounds to deport a person due to begging or a "vagabond lifestyle" as it was dubbed by the Police. The Swedish Parliamentary Ombudsman does not specifically address whether the deportations were in accordance with the special legislation applied to EU citizens. However, it is stated that it ought to be very difficult to design the Swedish Foreigners Act in a way that allows for EU citizens to be deported from Sweden on the grounds of begging. The critique from the Swedish Parliamentary Ombudsman concerned a case where the Police deported 26 Romanian nationals based on the Foreigners Act (2005:716)

(Chapter 8, Art. 2), which states that a foreign national can be deported if s/he cannot support him/herself in an honest manner. According to the Ombudsman, the Police's interpretation of the legislation had been wrong.

In 2004, the Police received increased support from the Government in order to strengthen work against trafficking. A project called "Project Europe" was initiated by the investigation squad (*spaningsroteln*) at the City Police in Stockholm. In 2008, this project was converted into a Commission for Combating Trafficking explicitly for sexual purposes and was extended until 2010. Thereafter the Commission was made into a permanent section. The purpose of the Commission is to identify and prosecute criminals and networks which are engaged in serious procuring (*grovt koppleri*) and trafficking in the Stockholm County. The information collected by the Commission shows that it is generally girls and women who are trafficked. In the past years, these girls/women - as well as their traffickers - mostly came from Estonia, Nigeria, Russia, Albania, Hungary and Thailand (Rikspolisstyrelsen 2010).

While the above cited report makes no distinct categorisation based on age, the head of the Commission for Combating Trafficking recalls cases of trafficking of minor girls in 2004 and 2005. In those years the Stockholm Police reported cases of trafficking of 16-year-old girls from Lithuania. The offenders were sentenced to long penalties and expulsion. Since then the Stockholm Police has investigated just one case of child trafficking, which leads the Head of the Commission to think that the harsh penalties in the case of the Lithuanian girls have had a deterrent effect.

However, in 2011 the Stockholm city police investigated another case involving a group of women from Nigeria (three were later plaintiffs (*målsägande*) in the case). One of them was 16 years old. The police managed to remove her from the site and placed her in a locked shared home while the investigation unit's work to gather proof of trafficking continued. The girl later participated as a witness for the prosecution. She also received compensation for damages of 300,000 SEK (approximately 30,000 EUR). The offenders were sentenced to six years in prison in accordance with the Criminal Code Chapter 4, Art. 1a (Head of the Commission for Combatting Trafficking for sexual purposes; District court 2010).

Since 2009, the Border Police in Stockholm have been responsible for coordinating the efforts against trafficking for purposes other than sexual exploitation. The Border Police collect information on people who are transported from other countries, above all Romania, for the purpose of exploitation through begging or stealing in organised forms. These types of trafficking, including for the purpose of forced labour, are processed by the Border Police (Rikspolisstyrelsen 2010).

Case Law

There has only been one case in Sweden concerning THB in relation to begging at the court of appeal. As the case sets a precedent, many interviewees made reference to it. The case concerns a family from Romania where the two parents were prosecuted for trafficking their daughter (Zina), 13-14 years old at the time. The prosecutor accused the parents of abusing their daughter's exposed situation and gaining extensive control over her by taking her to Sweden. A further accusation was that taking control over Zina in her exposed situation and forcing her to beg caused distress to her.

The family is of Roma ethnicity and the parents have seven children. Their daughter Zina was born in 1995 and was married at the age of 13. The parents received a dowry equivalent to 70,000 SEK (approximately 7,000 EUR). Zina divorced her husband at the age of 14½ years, after which the family was forced to borrow money to repay the 70,000 SEK. The members of the family, in total 17 people, were all residing at Zina's grandmother's house. Except for a small allowance from the state, the family was supported by the income the father could make by playing the accordion in the streets, mainly in foreign countries. According to Zina's mother, begging as a way to earn a living has been understood as

a matter of course for the family for a very long time.

During 2010, Zina and her family were in Sweden twice. The first time they were deported back to Romania after the police and the Social Services gained knowledge of the miserable living conditions of the children of the family. During the second time, Zina was observed both by the police and the Social Services as she was begging long hours in cold weather and sometimes ate leftovers at McDonalds. Surveillance cameras also documented that Zina stole food. Zina stated in court that she was not forced by her parents to steal. Also Zina had been observed giving money to her mother. One of the witnesses, a police officer, described Zina as "active, independent and energetic". Zina and her mother both stated that Zina had been in charge of most of the household chores. Zina stated that she started begging at the age of eight. She has attended school a total of three days. She claimed that it was her idea to go to Sweden the second time.

In its judgment, the court stated that in order to be classified as THB, an act must include someone using or exploiting someone else. In Zina's case, she and her family were living in severe poverty and begging was considered the natural way to earn a living. Listening to Zina's testimony, the court also got the impression that she was "very straightforward (*kavat*)". The court found no evidence of threat or force and could not establish any exploitation or abuse of Zina at the hands of her parents. The court's judgement, which came in January 2011, was consequently rendered against the prosecution.

In the interview for this Study with the Head of Maria Youth Unit, Zina's case was discussed. The interviewee points to a few circumstances which she found remarkable in the sentence. Firstly, the court mentions that no force or threat was used, despite the fact that this is not a prerequisite in order to establish THB in the case of a child. Secondly, she finds it problematic that both the police and the court made statements on Zina's character (active, straightforward etc.). Thirdly, no inquiries were made concerning the effects of these living conditions on Zina's mental development (Head of Maria Youth Unit).

C. Public perception of the phenomenon and of national responses

Public Campaigns

UNICEF Sweden had one information and awareness-raising campaign, "Could it be trafficking?" concerning children and THB, where they also addressed child begging to a limited extent. However, child begging is only addressed in connection to THB.

Relevant public debates

In May 2011, discussions started when a deportation case became known to the media. The case concerned two children who were supposed to be deported together with their mentally unstable mother. The National Board of Health and Welfare and the Migration Board started up a discussion on possible cooperation regarding taking the children into custody according to the law on care for young persons (LVU) and deportations. At the time of writing, the discussion is still ongoing and it is too early to predict the outcome (Investigator at National Board of Health and Welfare). This case could be potentially relevant to child begging as these are two of the legislative documents that are usually applicable in child begging cases, whose measures and goals are not always in accordance with each other.

In summer 2010, there was an intense debate in Sweden on whether deportations of EEA-citizens on the grounds of begging were in accordance with the prevailing legislation. The Minister of Migration made a statement claiming that begging could not be seen as a reasonable way to make a living and that the deportations therefore were justified. However, the National Police Board corrected the Minister on that matter, determining that begging alone cannot be the sole ground for the deportation of an EEA-citizen.

Media "Events" during the last five years

During the initial stage of the desk research in Sweden, the media coverage left the impression that child begging was relatively present and above all an increasing phenomenon in Sweden. However, the interviews did not paint the same picture. The interviewees for this Study have generally been in contact with very few or no begging children at all. Consequently, the media coverage needs to be understood in the context of child begging being rather rare. Furthermore, it can serve as one possible explanation for the few articles on the subject being somewhat exaggerated and/or contradictory.

In both Malmö and Stockholm, media coverage of begging children is rare. An evening paper published one article on the issue in **Malmö** (*Expressen* 28 August 2009). The article concerned eight women and seven children who were from Romania and who were begging at the railway station and in the center of Malmö. They belonged, according to the article, to the same group. In the article, both the Social Services and Head of Security at Jernhusen AB (the company that owns the Swedish railway stations) claim that begging people are an increasing phenomenon in Malmö. However, during a short interview for this project with the Head of Security, he stated that since that summer period of 2009, people begging at the railway station in Malmö have been very rare (2011-09-21).

In 2007, one of the representatives from the Conservative Party (*Moderaterna*) in the local government in **Malmö** tried to prohibit begging, which led to a local newspaper publishing an article on the issue (*Sydsvenskan* 8 April 2007). The proposal was turned down by the city council. There was also some debate, at both local and national level, concerning the issue of deporting begging EU citizens, as mentioned above.

In 2009, an evening paper addressed the perceived increased number of adults and children begging, from Romania and Bulgaria (*Expressen* 7 September 2009). In the article, the Police claimed that it was not unusual for the children begging to be part of a bigger network consisting of people who force them to beg and who take the money they earn. In connection to this it is rather interesting to note that in **Stockholm** there is contradictory information on begging as organised crime. In one written document from the local Police it is stated that it is not organised, which is the total opposite to what the Police said to the media (Stockholm County Police, Written information). Furthermore, there can also be different views on the meaning of organisation. In one interview it is discussed how begging people render their begging more effective by dividing the different areas in the city amongst themselves. This is also to organise the begging, but it is not necessarily connected to trafficking (Police Inspector Stockholm). Furthermore, in the article, the Police also advise people not to give money to begging children with the motivation that they do not want the children "to be exploited and to get stuck in begging." However, it is also recognised that these children generally come from a poor socio-economic background and that they are often also excluded and marginalised in their country of origin.

In 2010, there was short feature on the local radio which focused on the fact that reports from the public concerning people who beg on the Stockholm metro had declined (Radio p4 Stockholm 16 August 2010). The Head of Communications at the company that runs the metro suggests that people may have gotten used to seeing begging people and that this makes them less likely to report. However, according to the Police, child begging has declined, which also can serve as an explanation for less reports (Police Inspector, Stockholm interviewed 3 September 2011).

D. Good Practices

The Social Services' projects concerning trafficking in children for sexual and other purposes may be viewed as good practices (see above under Protection). There are several difficulties in the projects, e.g. concerning the treatment of children temporarily staying in Sweden compared to those children permanently residing, lack of resources, and that some issues of child begging have a transnational character that falls outside the scope of the Swedish social worker.

It should be noted, however, that both in Stockholm and Malmö, child begging cases are extremely few in number, and for both the Police and the social services child begging has been a very marginalised and uncoordinated field of work with few routines and experiences. This cooperation should therefore be seen more as a stepping stone towards a good practice, as the project will produce knowledge on a matter about which hardly anything is known. It will furthermore enhance collaboration both between authorities and between different units of the same authority, the lack of which has been perceived as a shortcoming in previous work by the interviewees for this Study.

Furthermore, the cooperation between the different authorities such as the Police and Social Services must be seen as a necessary (and therefore positive) aspect in tackling or approaching the problem. This can possibly be transferred to settings other than Stockholm. There is, however, still a need to improve the collaborative practices for children begging in relation to the risk of trafficking. The Social Services in Stockholm are also trying to improve collaboration between different units within the Social Services, which could be of benefit for begging children in general, not only those at risk of trafficking.

Cooperation between the police, public and social services: Stockholm
The Stockholm Police have worked systematically since 2004 targeting begging people – who most often originate from other EU Member States. In 2004, Romanians started begging in the centre of Stockholm, principally older women with small children. The Police carried out several arrests based on suspicions of fraud (selling of false gold rings) and also conducted identity checks of approximately thirty people and vehicles. During this period the Police also received a number of calls from the general public who were worried about the poor living conditions of the begging children.

The Police then developed a strategy to work against the phenomenon of begging, with a special focus on children (Stockholm County Police 2009; Police Inspector 3 September 2011). The Police's new, more active approach intended to go beyond the mere identity and immigration status checks of begging people. It included visiting the sites where the families involved in begging parked their campers. When visiting the campsites, the Police also informed the parents that they would contact the Social Services if the children were seen begging again. The Social Services could then decide to take the child into compulsory institutional care. In several cases the Police arranged a meeting between the families and the Social Services and contacted the Romanian Embassy.

When a child has been reported to the Social Services (district units), a child protection investigation (barnavårdutredning) is carried out. This means that the Social Services conduct an assessment of the social situation of the child in accordance with the principle of the best interests of the child (Social Service Act Chapter 1, Art. 2) by visiting the child at home and meeting with both the parents.

Nevertheless, the very low number of child begging cases in Stockholm, as well as the largely ad-hoc work by both the police and the social services, do not allow for an assessment of the impact of this work, nor of the relationship between this work and the number of begging cases.

Cooperation between police and social services: Malmö
In Malmö, the Emergency Social Services (Socialjouren) is the unit that has most contact with children

begging. When the Social Services receive a report on a begging child, a social worker tries to establish contact with the child. Since the Social Services do not have the mandate to ask for identity cards, the Social Services need the help of the Border Police. Apart from establishing the child's identity, the Social Services are also interested in the child's immigration status, i.e. whether the child is permanently or temporarily living in Malmö.

As is the case for Stockholm, it is not possible to assess the impact of this work due to the very low number of cases.

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Police Authorities in Stockholm (2007) *Förfrågan angående lagstiftning gällande tiggeri* (reply to the Finnish Embassy's request on the issue)

Public Order Act 1993:1617

Social Services Act 2001:453

SOU 2010:55: *Romers rätt - en strategi för romer i Sverige.* Online: http://www.sweden.gov.se/sb/d/12482/a/150025

Proposition 2009/10: 152 *Förstärkt straffrättsligt skydd mot människohandel* Online: http://www.sweden.gov.se/sb/d/12165/a/142419

Save the Children Sweden (2008-10-03) *Människohandel och barnäktenskap – ett förstärkt straffrättsligt skydd (SOU 2008: 4*1) (comments on a proposal concerning THB circulated for consideration)

Svenska Dagbladet 2011-04-21 *Sala förbjuder tiggeri*

UNICEF Sweden (2008-09-29) *Betänkandet (SOU 2008: 41) Människohandel och barnäktenskap – ett förstärkt straffrättsligt skydd* (comments on a proposal concerning THB circulated for consideration)

UNICEF Sweden (2011): *Could it be trafficking?*

The law on care of young persons (LVU) 1990:52.

4.15 Country Section - UK

Introduction

Information collected for the purpose of this Country Section from desk-based research, stakeholder interviews and direct observations for local case studies indicates that, overall, child begging is not a common occurrence in the UK and also not a highly visible activity. Moreover, child begging is not a well-researched phenomenon; there is limited robust data available on specific incidences of it in the UK. Stakeholders consulted during the research indicated that there are incidences of child begging which are not identified within any available data and that the number of begging children in the UK is likely to be higher than any official figures may show. Nevertheless, child begging is not a widespread problem, but concentrated in certain areas, as shown below.

Prosecution data specifically on begging from a Ministerial submission of evidence for a previous study (Purdam & Phillips 2008) recorded a total of 160 children arrested for begging offences between 2002 and 2006 – of these, 113 children were found guilty of begging, the figures peaking in 2003 with 49 cases and falling to just 5 in 2006. Estimates on the level of child trafficking for the purpose of labour exploitation (which includes child begging) from the UK Human Trafficking Centre (UKHTC)[525] indicate that, during the period April 2009 to June 2011, there were 438 referrals of children identified as potential victims of trafficking under the National Referral Mechanism (NRM), 154 of which were for the purpose of labour exploitation.[526] Of all the children referred through the NRM, for all forms of trafficking, the most came from Vietnam (118), Nigeria (57), China (47), UK (43) and Romania (28).

Data from the Department for Education estimates the number of young runaways in the UK at 100,000 per year, with one in seven of them engaging in 'risky' behaviour, including begging (DfES 2008). Although the concrete extent to which begging is used as a survival strategy is unknown, research by the charity for children in street situations Railway Children found that few young runaways engage in begging (Smeaton 2009). For instance, just 3 per cent of 11,000 runaways interviewed by the Children's Society stated that they begged in order to survive (Rees et al 2005). These studies also suggest that, when begging occurs in this context, it is often directed towards people who are already known to the child or young person, i.e. their family members, or friends and acquaintances. Additional qualitative data gathered through stakeholder interviews for this Study identified that, of those encountered begging among young runaways, young homeless and street children, the majority came from deprived homes within the UK, with many of their parents facing problems such as drug and alcohol addiction.

500)However, beyond this, there is strong evidence from previous research, police intelligence and stakeholder interviews for this Study to suggest that children involved in begging in the UK are not typically UK nationals. Amongst the stakeholders interviewed for this Study there was a common perception and significant evidence that children specifically involved in child begging came mainly from Eastern Europe and specifically were members of the Roma population. In particular, the accession of Romania and Bulgaria to the EU in 2007 was a key factor highlighted by several stakeholders as being

525 http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics

526 http://www.soca.gov.uk/about-soca/library/doc_download/315-nrm-statistical-data-april-2009-to-june-2011

responsible for an increase in instances of child begging in recent years.

Begging from within the Roma population in the UK was characterised by one stakeholder in an interview for this Study as a family activity typically involving mothers and not fathers. Often mothers can be 16 or 17 years old, which classifies them as begging children themselves. Beyond this, children of all ages (from babies to teenagers) were variously reported by stakeholders as being involved in child begging. Most commonly, stakeholders suggested that babies or young children (0-4) were typically used as an accessory to begging rather than active participants.

Regarding the typology of child begging situations encountered in the UK in the course of this research, the most prevalent type of begging situation is T1 (children between 0 and 6 years old involved in classic begging, woman with child, service provision, collecting, selling small items).[527] This is the most recurrent type of begging situation encountered, which does not mean that other types are not present at all, but rather to a much lesser extent.

Regarding geographical locations, typically, child begging in the UK occurs in large cities in England, particularly London, Manchester, Birmingham and Leeds, but also in Cardiff (Wales), Belfast (Northern Ireland) and Glasgow (Scotland). This is particularly true for child begging that is associated with organised criminal activity amongst children who have been trafficked, as well as begging by Roma families. Child runaways and young homeless people are found across the UK; however, amongst these groups, begging in rural areas is unusual, with the majority of children on the streets moving towards urban areas.

Within the key urban areas identified as locations of child begging, begging by people of Roma ethnicity generally takes place in city centres or districts that attract large numbers of visitors or tourists. In London, for example, **Westminster** has been the focus of police operations targeting the activities of a Romanian Organised Criminal Network (OCN) under Operation Golf (see Good Practices below). However, following the police and UK Border Agency (UKBA) interventions under Operation Golf and Operation Paladin (targeting child trafficking into London transport hubs), changes in the geographical distributions were reported by police stakeholders interviewed for this Study, with activity increasingly moving outside of London and to different districts. For instance, media reports identified Slough (a satellite town outside of London) as being a destination zone for high levels of child trafficking. Police operations (e.g. Operation Caddy) have also focused on Slough, where a Romanian Organised Criminal Network (OCN) are basing families who then travel into central London for begging and criminal activities. Also the main ports in the UK, including the Eurostar terminal at St Pancras, have been identified as new entry points for child trafficking and concerns were raised in relation to the 2012 Olympics in London and the potential for a related increase in child trafficking.

The local level research for this report included three case studies for observations of child begging and interviews with local stakeholders, which were carried out between August and November 2011. The locations were selected based upon media reports, police intelligence and scoping work carried out by the research team across the UK. Given that no positive leads into *current observable* activity were identified in any other location outside of the capital city, the research team opted to identify and track child begging instances in three local boroughs of London: **Westminster** (including Oxford Street, Edgware Road and Marble Arch); **Kensington and Chelsea** (the wealthiest borough in England); and **Peckham** (high crime area with high levels of gang violence).

A. Legal Framework

The law against begging in England and Wales is set at national level. Legal frameworks are set

527 For more information on the types of child begging situations identified through this research, see the Chapter on Typology.

separately in Scotland and Northern Ireland. Regions or cities have very little say in regard to legislation. As an exception, in 2007, Aberdeen Council (Scotland) applied for a by-law to outlaw begging, but this was rejected by the Scottish Government. Trafficking is a matter of concern for the UK Government and is not subject to devolved powers. Responsibility for matters of immigration and transnational crime remain matters for the UK Government, however, child welfare and protection are devolved matters for Scotland and Northern Ireland.

Child begging

The age of criminal responsibility is ten in England, Wales and Northern Ireland, and twelve in Scotland. Begging by a child under these ages is not dealt with under any legal framework. In fact a definition of child begging is only found in respect of an offence that adults can commit under the Children and Young Person's Act (1933) - to cause or allow children aged under 16 to beg. The definition under this act covers begging for money and wider activities:

> *If any person causes or procures any child or young person under the age of sixteen years or, having responsibility for such a child or young person, allows him to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise) he shall, on summary conviction, be liable to a fine not exceeding level 2 on the standard scale, or alternatively, or in addition thereto, to imprisonment for any term not exceeding three months."*[528]

The only other legislative framework covering begging is a very old act, the Vagrancy Act (1824),[529] which defines begging as someone *"placing himself of herself in any public place, street, highway, court or passage to beg or gather alms."*[530] Although the practice is illegal in the UK with the exception of Scotland,[531] begging does not carry a jail sentence. Rather than dealing with any children involved, the Act outlaws an adult's role in *'causing or procuring or encouraging'* children to beg.

There have been no laws adopted at a local level to cover occurrences of child begging, and where instances have occurred, these are dealt with under national legislation or treated as child protection/ safeguarding issues. As far as the local-level research could establish, no local by-laws have been adopted to deal with the issue of child begging.

Children living or working on the street

The Children's Act (2004) sets out statutory requirements for local authorities to join up with relevant partners to protect groups of young people who are particularly vulnerable, including young homeless children and children of families who are at risk of becoming homeless. In addition, the Homelessness Act (2002) states that:

> *If there is no possibility of preventing a young person from becoming homeless, the local authority has a statutory duty to investigate and then decide whether*

528 http://www.legislation.gov.uk/ukpga/Geo5/23-24/12

529 http://www.legislation.gov.uk/ukpga/Geo4/5/83/contents

530 http://www.legislation.gov.uk/ukpga/1824/83/pdfs/ukpga_18240083_en.pdf

531 While the majority of the Vagrancy Act refers to just England and Wales, the legislation relating to begging was extended to Scotland and Northern Ireland. However the law was repealed by Scotland in 1982 under the Civic Government Scotland Act (1982).

they are vulnerable and have a priority need for temporary accommodation."[532]

Child trafficking

The UK applies the minimum standards related to criminalisation of the offence of trafficking in human beings, also when it comes to the regulated child's age. The UK prohibits all forms of trafficking as regulated in the 2009 Coroners and Justice Act, the 2003 Sexual Offenses Act and the 2004 Asylum and Immigration Act, which stipulate penalties of a maximum of 14, 14, and 10 years' imprisonment, respectively.[533]

In November 2010, steps were taken to improve the UK's law enforcement response to trafficking by expanding law enforcement cooperation and anti-trafficking prevention campaigns. In addition, in March 2011, the authorities appointed an anti-trafficking coordinator in Wales to monitor anti-trafficking efforts and make recommendations for improvement.[534] Some common "Train the Trainers" training sessions were also organised.[535] The UK is bound by Directive 2011/36/EU.

)According to legislative analysis by ECPAT UK, the laws and therefore definitions of trafficking in the UK are based on the Palermo Protocol. Child trafficking is defined as *„the movement of a child for the purpose of exploitation or financial gain or benefit of another."*[536] As internationally recognised, a child cannot consent to his or her own trafficking and, therefore it is irrelevant if the child consents to the procedure.[537] Furthermore, the UK ratified the Council of Europe Convention on Action against Trafficking in Human Beings in December 2008 and on the same day the Home Office published the UK Action Plan to Tackle Human Trafficking,[538] which included targeted guidance on supporting trafficked children. On 19 July 2011, the government launched its new strategy on human trafficking, 'Human trafficking: the government's strategy'.[539] The UK has also opted into the EU Directive on human trafficking,[540] which may lead to additional specific policy responses.

In order to implement the measures set out within the Council of Europe Convention against Human Trafficking, a National Referral Mechanism (NRM) has been developed in the UK. The NRM risk matrix for children identifies that, as part of the national strategy, the National Referral Mechanism (NRM) determines that a child should be referred if he/she is *"involved in criminality highlighting involvement of adults (e.g. recovered from cannabis farm/factory, street crime, petty theft, pick pocketing, begging etc)*," meaning that the UK includes in its definition of child trafficking the exploitation of children for criminal activity such as begging, theft, pick□pocketing, drug cultivation etc. Social Services and other NGOs can make referrals to the Competent Authority (CA) for the NRM, which in the UK is represented by the UK Human Trafficking Centre and the UK Border Agency.

In addition, the Coroners and Justice Act (2009) established the offence of *"holding someone in slavery or servitude, or requiring them to perform forced or compulsory labour."*[541] This Act applies in England, Wales

532 http://www.communities.gov.uk/youthhomelessness/prevention/laasessment/

533 US Report 2011 Trafficking in Persons – United Kingdom, available at: http://www.unhcr.org/refworld/country,,,,BMU,,4e12ee3ac,0.html (consulted on 11.04.2012).

534 US Report 2011, Idem.

535 Idem.

536 http://www.ecpat.org.uk/sites/default/files/begging_organised_crime_briefing.pdf

537 http://www.ecpat.org.uk/sites/default/files/child_trafficking_in_the_uk_a_snapshot.pdf

538 https://www.education.gov.uk/publications/eOrderingDownload/DCSF_Child%20Trafficking.pdf

539 http://www.homeoffice.gov.uk/publications/crime/human-trafficking-strategy?view=Binary

540 http://www.homeoffice.gov.uk/publications/about-us/parliamentary-business/written-ministerial-statement/eu-direct-human-trafficking-wms/

541 http://www.ecpat.org.uk/sites/default/files/begging_organised_crime_briefing.pdf

and Northern Ireland, while in Scotland the issue is addressed within the Criminal Justice and Licensing Act (2009). Under UK legislation, bringing a child into the UK with the intention of exploiting him/her for the purpose of forced labour, including forced begging, pickpocketing etc. can also be considered a trafficking offence, as per section **4(1) of the Asylum and Immigration Act (Treatment of Claimants) 2004** (ECPAT, 2010)." [542]

Child protection framework

There is no single piece of legislation or definition of child protection in the UK, rather new legislation is passed and guidance continually amended. In England and Wales, the child protection system is based on the Children Act (1989) which provides legislation for these countries. The Act introduced the notion of parental responsibility, which is defined as *"the rights, duties, powers and responsibilities which by law a parent of a child has in relation to the child and his property."* The Children (Northern Ireland) Order 1995 and the Children (Scotland) Act 1995 share the same principles but have their own guidance. Also in Wales, the Rights of Children and Young Person's (Wales) Measure was passed by the Welsh Assembly Government in 2011 and it embeds the principles of the United Nations Convention on the Rights of the Child (UN-CRC) into Welsh Law.

Under the Children Act (1989), local authorities have a duty to provide *"services for children in need, their families and others"* and they must also investigate institutions where they have reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm. Significant harm is established according to the facts of each case. Furthermore, the Children Act (2004) places a duty on local authorities to appoint a director of children's services and an elected lead member for children's services, to be ultimately accountable for the delivery of services. The Act also places duties on local authorities to ensure that there is cooperation between agencies in promoting the wellbeing of children and to make arrangements to safeguard and promote their welfare. Safeguarding Boards were established in order to do this.

Other relevant acts include:

- The Children's Plan (2007) was published in accordance with the UN Convention on the Rights of the Child, and sets out the Government's role in improving children's lives.
- Borders, Citizenship and Immigration Act (2009) - this places a duty on the UK Border Agency to safeguard and promote children's welfare in accordance with other public bodies that have contact with children: *"The UK Border Agency must make arrangements to safeguard and promote the welfare of children in discharging its immigration, nationality and general customs functions."*[543]
- Children's Act and Homelessness Act (2003) – the local councils have a responsibility to help homeless young people.
- Serious Organised Crime and Police Act (2005) created the Child Exploitation and Online Protection (CEOP) Centre.
- The United Nations Convention of the Rights of the Child (1989) was ratified in the UK in 1992, but is not part of UK law and does not to apply to children of asylum-seekers.

Furthermore, in every country in the UK there is a Children's Commissioner with the remit to promote and protect the rights of children and young people.[544] Commissioners are responsible for reviewing new laws and policy related to children and young people and must adhere to the UN-CRC. The

542 http://www.ecpat.org.uk/sites/default/files/begging_organised_crime_briefing.pdf

543 http://ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/legislation/bci-act1/

544 In Scotland: http://www.sccyp.org.uk/, Northern Ireland: http://www.niccy.org/, Wales: http://www.childcom.org.uk/, England: http://www.childrenscommissioner.gov.uk/.

Children's Commissioner for England was the last to be set up and has a slightly different remit from the Commissioners in Scotland, Wales and Northern Ireland, with a greater focus on promoting rights rather than safeguarding interests.

B. Policy Responses and Implementation of the legal Framework with Regard to Child Begging

As with the legislation, the policy responses underlying it are also likely to be set at a national level, although some regional or local policy responses may be implemented through local authorities or local support organisations. Overall, the Government has produced limited policy directly in relation to child begging.

Prevention of child begging

There are no specific national strategies in the UK with regard to preventing child begging. Related strategies that may tackle the underlying causes of child begging are those addressing child poverty and trafficking in children.

Ending Child Poverty has been an important policy area in the UK for many years. The UK National Action Plan to tackle poverty and increase social inclusion (2008-2010),[545] sets out actions to support ending child poverty by 2020, supporting employment and building strong and sustainable communities. In addition, the Child Poverty Act (2010) established a duty on Government to minimise socio-economic disadvantage across the UK. To this end, the Secretary of State must meet four targets to end child poverty by 2020, as well as producing three yearly strategies to end Child Poverty.[546] The first Child Poverty Strategy was produced in April 2011,[547] in line with the Government's commitments and duties attached to the UN-CRC. The strategy identifies the need to strengthen families, encourage responsibility, promote work and guarantee fairness, providing support to the most vulnerable. Child begging is not mentioned within the national strategy and neither is it directly tackled by the strategies in the devolved countries.[548] Poor educational achievements of Traveller and Roma groups are identified within the strategy; however there is no reference to children of asylum-seekers or unaccompanied asylum-seekers in the UK.

Strategies relating to Child Trafficking and Child Safeguarding can include the practice of child begging, but are not specifically related to this. This includes the Department for Education's guidance Safeguarding Children who may have been Trafficked (2007) and the UK Action Plan on Tackling Human Trafficking (2007) produced by the Home Office.

Also at the local level, there is little evidence of policies designed to deal specifically with the issue of preventing child begging. Procedures have been put in place to deal with linked issues of trafficking within London Safeguarding Boards, ‚London Safeguarding Trafficked Children Guidance' (February 2011). The guidance is linked to a London Safeguarding Trafficked Children Toolkit.[549] While the toolkit does not provide guidance on dealing with begging directly, it is referred to within the guidance as a possible motivation for trafficking, and also identified as a sign that a child has potentially been trafficked, in particular in instances where children know the person who has trafficked them. For instance, a child being aware of how to beg for money is identified as an indicator that professionals should be aware of when attempting to identify if a child has been trafficked.

545 http://www.dwp.gov.uk/docs/uknationalactionplan.pdf

546 Separate legislation was passed for Wales, however Scotland and Northern Ireland must also produce child poverty strategies every three years.

547 https://www.education.gov.uk/publications/eOrderingDownload/CM-8061.pdf

548 http://www.scotland.gov.uk/Resource/Doc/344949/0114783.pdf; http://www.northernireland.gov.uk/final_child_poverty_strategy_-_agreed_by_executive_-_22_march_2011.pdf

549 http://www.londonscb.gov.uk/trafficking/

Protection of children involved

In the UK child protection is the responsibility of local authorities, which have a duty of care if they suspect that a child may be suffering from significant harm. While significant harm is not defined, evidence of a child begging may raise questions of neglect, which has been defined by the National Society for the Prevention of Cruelty to Children (NSPCC) as a form of child abuse. However this would have to be decided on a case-by-case basis. In this context, Local Safeguarding Children Boards (LSCB) coordinate local services[550] to ensure that vulnerable children are protected from a range of mistreatment, including trafficking, abuse, neglect and issues of wellbeing. LSCBs work with the police to improve responses and identification of children who may have been trafficked. Home Office guidance for LSCBs states: "LSCBs should develop inter-agency protocols to guide action where there are concerns that a child has been trafficked, including sharing concerns about a child's safety and the recording of cases." [551]

During the course of this research, it became apparent that UK agencies directly working with begging children are extremely rare. The majority of charities and Government agencies/local safeguarding boards engaged in this research were not able to support access to begging children for the purposes of this research. Most commonly the staff commented that they had not come across the issue or that they were not aware of any cases of child begging in their jurisdiction. A charity working with the Roma community in the UK was approached in order to ascertain whether they would be able to facilitate focus groups and interviews with begging children. The charity were not currently working with any Roma families who engaged in begging, and as such, the UK case study was unable to include interviews and focus groups with begging children. While the study team did engage in conversation with a number of older children and young adults begging on the streets of London, these conversations were on the spot and informal, and because of the sensitive nature of the work, researchers were unable to take recordings of the conversations.

Despite there not being any specific agency dedicated solely to child begging in the UK, support could be obtained from a number of NGOs conducting work with children who may have been trafficked, young homeless people and the Roma population. For instance, 'Equality' is a support group for the Roma population. Other outreach work is carried out with children who run away from home by charities such as the NSPCC, Barnardos and the Railway Children. Accommodation for young people who are victims of homelessness and young people who have run away from home is available in the UK from organisations such as the Centrepoint, Homeless UK and the Salvation Army. However, the extent to which this accommodation shelters begging children is unknown.

Support can also be found through a number of phone helplines, such as Childline, a 24-hour national line for all children. While it is likely that the line receives information relating to young runaways, the extent to which this involves child begging is unknown. Other helplines include a migrant helpline which provides support for migrants in distress and ‚Get Connected', the free helpline for young people in the UK who need help, but do not know where to get it. In addition, smaller scale local services also exist to provide support to young homeless people, young runaways and asylum-seekers (again the proportion of these groups begging is likely to be low/unknown).

Children suspected to have been trafficked are referred by the Police, Social Services and other NGOs through the National Referral Mechanism (NRM) to the UKHTC and the UK Border Agency, which ensure that they receive appropriate care. As an example, children encountered under Operation Golf were provided with a range of support including: being taken into local authority care, being placed for adoption,

550 This includes local authorities, the police, health workers, social workers, and other voluntary and community organisations working with children.

551 https://www.education.gov.uk/publications/eOrderingDownload/DCSF_Child%20Trafficking.pdf

supported to stay within their own families and returned to their country of origin.
Children involved in begging but not involving trafficking, are referred to statutory Children's Services for support, through which a range of support is provided, including accommodation, education and healthcare. All local authority Children's Service Departments accept formal referrals where child protection issues exist. The NSPCC have a 24-hour advice line where professionals and other adults can report concerns about child protection.

Also ‚unaccompanied' asylum-seeking children become the responsibility of local authorities the moment they become known to them. Agencies that provide support include the NSPCC, Barnardos and Local Authority Children's Services. In addition, local authorities have a duty to complete Return Interviews with all children who have been reported missing by the police. This can include follow-up actions for any issues that have been encountered by the children, such as problems at school or with their families.

Prosecution of offenders

It is rare that individuals are prosecuted specifically for begging or encouraging child begging. In the UK, begging only became a recordable offence (i.e. one which would be recorded on the UK's Police National Computer) in 2003 with the publication of the white paper 'Respect and Responsibility – Taking a Stand Against Anti Social Behaviour': *"The current offence of begging will be made recordable under the National Police Records (Recordable Offences) Regulations 2000 and we will introduce new powers for courts under the Criminal Justice Bill, whereby after three convictions courts will be able to impose a community penalty."*[552] However, there was no specific focus on child begging within this policy.

As previously reported in the introduction to this Country Section, the following statistics are available on prosecutions relating to child begging:

- Previous research (Purdem, 2008) reported 113 children found guilty of begging between 2002 and 2006, this peaked in 2003 with 49 children found guilty, falling to just 5 in 2006.
- Operation Golf achieved 1,405 convictions in London courts in relation to the activities of the Romanian Organised Crime Network. The same operation has led to four persons convicted of trafficking of children for forced criminality.
- A test case led to the prosecution of a couple who had been operating in London since 2004. In 2009 the children under their control were encountered by police in criminal situations 89 times. The couple pleaded guilty to child neglect, benefit fraud and money laundering.
- Two men and a woman were questioned in relation to child trafficking of Roma children into Manchester for the purposes of begging; the investigation led to four successful prosecutions with 24 years in jail.

Migration Policy

The accession of Romania and Bulgaria to the EU is viewed by stakeholders interviewed in the UK for this Study to be a significant factor underlying the perception that child begging is predominantly evident amongst Roma populations. Following accession, nationals from these countries were free to travel to the UK, but at the same time had restricted working and welfare benefit rights. This was highlighted by stakeholders as a potential factor underlying child begging.

One research report (Purdam & Phillips 2008) suggests that begging amongst asylum-seekers is treated seriously by the UK Government and that foreign nationals arrested for begging are fast-tracked through the immigration system and deported if they are not granted the right to remain. However, no statistics

552 Home Office (2003), Respect and Responsibility, p10.

are available to substantiate the extent to which this policy intention is applied (Purdam & Phillips 2008). The Anti-Trafficking Monitoring Group has raised concerns that the UK is not meeting its obligations in implementing the Convention (2010), in particular in overlooking the needs of children who are victims of trafficking into the UK. A report by ECPAT ‚Cause for Concern - London Social Services and Child Trafficking' (2004) aimed to identify the extent and awareness amongst social workers in Local Authorities of the issue of Child Trafficking. The report highlighted gaps in the knowledge and awareness within Local Authorities of child trafficking and in particular, issues for social workers around defining trafficking, in particular when this occurred within the family setting:

> *„This was also the situation in regards to the case of Roma children involved in street theft. Because of the nature of social work, individual assessments of children had not identified any major problems, yet when the larger picture was developed, it became apparent that many children were victims of a large organised crime network."*

C. Public Perceptions of the Phenomenon and of national Responses

Public campaigns

There have been a number of national public campaigns organised for young runaways and also for the prevention of trafficking of children into the UK, but neither have specifically focused on child begging in isolation. Such campaigns included 'The Children's Society runaways appeal',[553] 'Three small steps to protect child victims of trafficking'[554] and the ECPAT UK and the Body Shop campaign.[555]

At the local level, in 2004 the communication campaign "Killing with Kindness" was launched by the city council in the **Westminster** area of London. The campaign was intended to highlight the harm that giving money to people begging can do through the money given fuelling drug and alcohol problems.[556] The "Killing with Kindness" campaign was part of Westminster's civic renewal campaign and was the third stage of an overarching strategy to tackle the problem of begging in the Westminster area. The strategy also included an enforcement campaign to remove begging people from the streets and the provision of lifestyle support for people begging. An audit and profile of people begging in the Westminster area was also undertaken as part of the campaign to identify whether enforcement was reducing levels of begging in the area. Posters were displayed in shops, transport terminals, banks, licensed premises and restaurants, and media interviews and press releases were also undertaken.[557]

A report by the Joseph Rowntree Foundation (2007) on the impact of enforcement on street users in England states that local audits carried out in Westminster following the campaign cited reductions in incidences of daytime begging and begging around cash points, but that begging in the night time did not appear to have decreased. The campaign also appeared to have a positive impact upon begging as a public concern, *"A council representative reported that public complaints about begging had decreased, and that local opinion polls suggested that there has been a reduction in public concern about begging in the borough."*[558]

553 http://www.childrenssociety.org.uk/what-you-can-do/fundraising-and-appeals/young-runaways-appeal

554 http://www.ecpat.org.uk/content/three-small-steps-protect-child-victims-trafficking

555 http://www.ecpat.org.uk/content/ecpat-uk-body-shop-campaign

556 http://www3.westminster.gov.uk/docstores/publications_store/Westminster%20Begging%20Strategy%20-%20An%20Integrated%20approach%20to%20reduce%20begging%20in%20Westminster.pdf

557 http://www3.westminster.gov.uk/docstores/publications_store/Westminster%20Begging%20Strategy%20-%20An%20Integrated%20approach%20to%20reduce%20begging%20in%20Westminster.pdf

558 Johnsen, J. & Fitzpatrick, S. (2007), *The impact of enforcement on street users in England*, Joseph Rowntree Foundation, p14.

Media "Events"

Overall, there have not been any significant public debates specifically on child begging in the UK beyond relatively isolated media reports on the issue both at the national and local levels (see below). Instead, much more attention has been focused on wider issues of child protection, child neglect and to a lesser extent trafficking. In the main, the more specific reports have focused on the outcomes of Operation Golf and associated police activity through the Joint Investigation Team, addressing issues such as the level of begging found by these operations, the value of money generated by begging activity and the transfer and use of this money in Romania (e.g. whole towns built on the funding of the criminal activity of OCNs).

Examples of such articles include:

- Guardian (2009), Roma Children Rescued After Police Break Up Alleged Child Trafficking Ring, http://www.guardian.co.uk/world/2009/nov/23/roma-children-alleged-trafficking-manchester
- Belfast Telegraph (2007), Massive Increase in Child Begging Figures, http://www.belfasttelegraph.co.uk/breaking-news/ukandireland/massive-increase-in-child-begging-figures-13501542.html
- BBC (2007), Call Made Over Child Begging http://news.bbc.co.uk/1/hi/northern_ireland/6332323.stm
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- Children and Young People Now (2009), Olympics Spark Trafficking Fears: http://www.cypnow.co.uk/news/945252/Olympics-spark-trafficking-fears
- BBC (2010) , http://www.bbc.co.uk/news/uk-england-london-11524734
- Telegraph (2010), Couple Forced Children into a life of begging: http://www.telegraph.co.uk/news/uknews/crime/7919699/Couple-forced-childen-into-life-of-begging.html

Britain's Child Beggars" was a documentary produced by the investigative BBC television series 'Panorama', which aired on BBC One on 19 October 2011 and looked into child begging. Key issues identified included the prevalence of begging children in central London coming into the centre from the outskirts of the city (areas such as Ilford and Slough), accompanied by women dressing in Muslim clothes and begging from passers-by, targeting mosques in an attempt to appeal to Muslims' religious beliefs. The programme also alleged that local level sites within London where child begging has been identified are closely linked to child trafficking, particularly amongst the Roma community. In these instances, links have been made to benefit fraud and some arrests made and cases brought to criminal courts. The programme suggested that targeting the criminals through benefit fraud rather than other charges was more effective for pressing charges and achieving a conviction.

The documentary was further highlighted in the national press including the *Daily Mail*, the *Sun*, the *Telegraph* and the *Guardian*, although media reports tended to focus on the amounts of money being made by the begging children in the course of a year, and the lifestyles being funded by begging activity, rather than the child protection issues or responses by social care agencies. At the time of writing, there has been no further or formal response to the documentary. On the other hand, a slowdown in begging activities was observed in the **Kensington** and **Chelsea** boroughs which were observed the following November as part of this Study. Many thought that the BBC Panorama documentary on child begging had persuaded begging people to 'keep a low profile' until the impact of this had passed.

Local media reports in London have highlighted issues of child begging at a number of locations across central London, including St Pancras International which was seen as an alternative way to traffic children into the country following successful clampdowns at Heathrow Airport by Operation Paladin. The report highlighted a lack of border control at St Pancras, where children from 12 years of age can travel unaccompanied.

D. Good practices

This research has identified relatively little evidence of good practice in engaging with begging children by professionals, on the basis that very few national and local level professional organisations contacted during this Study in the UK reported to have worked with this group.[559] In some cases this was based on the general perception that child begging did not occur or was not an issue, and in other cases, that while there may be evidence of child begging occurring, they were not working with these groups at that time and had no contacts with children or families who were potentially begging. Many organisations said that they were unable to comment about the topic, be it from lack of knowledge about child begging or because they did not dealt directly with begging children.

There was some evidence to show good practice examples of work undertaken in relation to child trafficking within London. This includes a pilot testing out the effectiveness of using the **Safeguarding Trafficked Children Guidance and Toolkit**[1] with children who have been trafficked. Twelve local authorities took part in the pilot, seven of which were based in the London area. 56 children were identified during the pilot research, with 47 referred through the National Referral Mechanism (NRM). The report found that the identification of trafficked children is a major challenge for the pilot local authorities:

> *"in a context of low public awareness, professional reluctance to accept child trafficking as a live issue in the UK, inconsistent levels of multi-agency engagement, and the rapid speed with which trafficked children can go missing."*[2]

A joint initiative called **Operation Golf** between the UK and Romanian Police identified a Romanian Organised Crime Network (OCN) operating across Italy, France, Spain and the UK which has involved the trafficking of children from the Roma population of Romania for the purposes of begging, pickpocketing and ATM theft. The Europe-wide operation identified 1,087 children involved. However, the number of these who specifically participated in begging is unknown. Police intelligence indicated that each child had a potential earning power of £100,000 per year. Operation Golf led to the successful prosecution of three people involved in the trafficking of children. Since the inception of the Joint Investigation Team looking at the activity of the Romanian OCN, Operation Golf and related police activity has achieved the following: There have been a total of 146 arrests of persons linked to the OCN; four persons convicted of trafficking of children for forced criminality; and all persons arrested in this operation will have applications for deportation and those arrested in Romania for exclusion from the UK submitted through the UKBA (for more, see Chapter 6 below).

Operational successes for children under Operation Golf include five child victims placed for adoption in the UK, 15 children being managed by their families with support from Children's Services and over 75 victims of trafficking now in school and being safeguarded.

559 This included children's ombudsmen in four countries, local authorities, local police, local child protection services, national children's charities and Roma support groups.

A Freedom of Information Act responding to questions about Operation Golf states:

> *"Without intervention these children would have faced a lifetime of abuse and criminalisation, but since they have been taken into foster care they are flourishing, have not once come to the attention of police, and have had many opportunities they would never have been afforded."*

Children taken into care following Operation Golf are now attending school or play centres, and also now have access to free healthcare.

1. http://www.londonscb.gov.uk/trafficking/
2. Local Authority Pilots of the London Safeguarding Trafficked Children guidance and toolkit (2009), p7

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5.Comparative Analysis of National and Local Responses to Child Begging

The Working Definitions of begging and of children applied in this study are intended to be as comprehensive as possible in order to ensure an accurate reflection of the begging that is taking place among groups of children. On the basis of these definitions, guiding the research conducted, this Study confirms that child begging is an issue of concern in many countries in Europe,[560] as is clear from the country sections in Chapter 4 above. While some protection, prevention and prosecution responses are in place, societies in European countries appear to be largely failing this vulnerable group, with few countries showing adequate infrastructures to guarantee the proper care of begging children.

The extent of child begging in Europe can be estimated on the basis of the statistics cited in section 2.6 of this Study, on the "Estimated extent of child begging in the fifteen countries under study." These statistics also show, in the cases of countries where such statistics were available, increases and decreases over time. Nevertheless, the views of stakeholders interviewed for this Study, whether from civil society, government or specifically law enforcement, vary as to the extent of the phenomenon and whether it is increasing or decreasing, as well as on the linkages with organised crime and trafficking, which are undeniably present in many cases. Perhaps due to these varying views, there is no harmonised legislative or policy framework to address child begging across Europe – in some cases legislation and policy differ significantly even within a country, at local level.

Children begging have been identified as largely, though not exclusively, being Roma of Romanian and to a lesser extent, Bulgarian, Albanian or Kosovar origin. Regardless of the origin of the children involved, of the particular method or typology of begging or of the extent to which begging is taking place, the connection with trafficking, as well as the other features of child abuse and neglect present in child begging, require responses at national level, in terms of improved policy and legislation, as we will see in this Study's Recommendations. However, based on the local case studies carried out for this Study, in large measure, progress, successes and failures at the local level, as well as existing good practices, provide an insight into how European countries are dealing with children begging.

This Chapter provides a comparative analysis of the research conducted in the fifteen countries under study, focusing on the relevant legal framework, national and local measures to respond to child begging, and trends and patterns that emerged from the Study. The focus, as throughout this Report, is on prevention, protection and prosecution.

5.1 Legal Frameworks Regarding Child Begging

As illustrated by the national and local level research, the phenomenon of child begging is tackled under a variety of legal provisions under criminal and civil law in the 15 countries covered by this study.

Few countries address begging as a criminal or administrative offense, with the exception of some federal states in Austria[561], Greece and Denmark, which ban begging outright. Begging is also illegal in the UK[562] and Poland, but in the UK it does not carry a jail sentence and in Poland it is not criminalised. There have been additional cases in certain cities of Europe where isolated attempts have been made

560 In particular, trafficking for the purposes of exploitation through begging of both adults and children is evidently a worldwide concern. The 2012 TIP Report cites cases of this form of trafficking in 97 of the 186 countries included.

561 Salzburg, Tyrol, Styria, Klagenfurt

562 With the exception of Scotland (see UK Country Section).

to impose a general ban on begging, however they have been ultimately rejected by higher courts. For instance, in 1998, the city of Stuttgart in Germany attempted to prohibit begging in general, but the ban was revoked by the High Administrative Court of the province of Baden-Wuerttemberg, which declared begging, as long as it is carried out in a non-intrusive and peaceful way, to conform to the norms in force. Along similar lines, in Italy in 2010 a municipal ordinance against begging introduced in a town near Padua was suspended by the Regional Court of Veneto. Due to that decision, the Italian Constitutional Court[563] ruled in 2011 that mayors can introduce municipal ordinances only to tackle urgent situations, thereby ruling that begging should not be considered such an urgent situation. Also the Constitutional Court in Austria reviewed the regulations banning begging adopted by the city of Furstenfeld in the province of Styria and came to the conclusion that regulations against 'certain forms of passive begging' are violations of the right to privacy and expression of opinion. At the time of writing this report, the regulations passed in the Federal Provinces of Vienna, Styria, Upper Austria and Salzburg were also being challenged before the Constitutional Court.

Most of the countries under review do not ban begging outright, rather only certain forms of begging. For instance, intensive, aggressive or fraudulent begging is banned in Kosovo, France and Poland, as well as locally in some areas of Germany, Hungary and Austria.[564] As an illustration, in Poland '*aggressive begging*' refers in jurisprudence to a begging person using insistent demands, threats or vulgarities to obtain donations, while '*fraudulent begging*' is when the begging person uses fraudulent means, such as pretending to be disabled or ill, using a disabled or sick child, or making public collections without a permit. In addition, anyone who begs in a public place in Poland despite having another source of income can be sentenced to a penalty of restricted liberty, a fine or a reprimand. Furthermore, in other countries there must be some element of continuity in the practice of begging in order for it to be considered a crime. For instance, continuous or repeated begging is illegal in Spain and Poland, and it is also the case in Romania, though not under the new Penal Code, which is not yet in force.

Although the legal context for dealing with child begging is usually defined at the national level, some countries do not have a uniform national legal framework in place, or the existing one allows, to different extents, for local variations. As reflected more in detail in the respective Country Sections above, such is the case in Austria, Germany, Hungary, Bulgaria and to a certain extent also in the UK[565]. For instance, in Germany, each city regulates 'aggressive begging' in its own way and although there have been attempts at introducing an overall ban on begging, these were not successful due to fears that such a general ban (or even one only against begging with or by children) might negatively affect street children who beg for themselves and depend on their earnings to survive.[566] In Hungary, the cities Szeged, Kaposvár and Pécs as well as the 13th district in Budapest introduced local decrees to regulate begging, including declaring *'silent begging'* illegal (i.e. non-aggressive begging, such as sitting on the street and not disturbing the passers-by).

In countries where there is an overall ban on begging or on a specific form of it, children over the age of criminal responsibility are criminally liable for begging and can be prosecuted. Such is the case in Austria (as of age 14), Greece (as of age 12), Kosovo (as of age 14) and parts of the UK[567] (as of age 10 in

563 Constitutional Court decision 115-4/04/2011.

564 Carinthia, Lower Austria, Styria, Upper Austria, Vienna, Eisenstadt.

565 Begging is not illegal in Scotland.

566 In the Free State of Bremen, begging with children is explicitly mentioned in the wording of the ban on aggressive begging. In the cities of Oberhausen and Dortmund, there have been statements made by the Youth Services (Jugendamt) and the Safety and Order Services (Ordnungsamt) that begging with children is allowed, as long as it is conducted in the practice of '*silent begging*'. In the city of Freiburg, cases of organised begging among Slovakian citizens in 2005 led to a ban on organised begging for the purposes of making a profit. In Frankfurt, Art. 7 of the Police Regulations for Public Safety and Order forbid begging from, with or through children.

567 In Scotland the age of criminal responsibility is 8, but begging is not illegal (see note above).

England and Wales and 8 in Northern Ireland). Indeed, both in Greece and the UK there have been cases where children have been prosecuted and convicted for begging, and the Country Section on Greece also makes reference to a case where a child under 12 was arrested. Also in Kosovo children can be prosecuted for *'intrusive begging'*, though case law shows that most often they are just given warnings.

While the measures holding children who beg directly accountable seem to be rather exceptions, almost all the countries reviewed for this Study have in place legislation making illegal the use of children by another person for the act of begging and/or banning different forms of leading a child into begging. The use of children for begging is illegal in Spain (with aggravating circumstances if there is use of violence or intimidation or if children are provided with any substances that are harmful to their health), Bulgaria (using a child for begging is considered an aggravating circumstance to common begging and systematically employing a person under one's care for begging represents an additional violation), Italy (begging with a child under 14 or using a child to beg has recently been criminalised) and Hungary (begging with a child is classified as the crime of endangering the child). In addition, subject to local legislation, the use of children to beg is also banned in many regions of Austria[568] and in some German cities, such as Bremen and Frankfurt.

Leading a child into begging is also punished in all the fifteen countries under a variety of formulations, such as allowing, encouraging, inciting, causing or forcing a child to beg. For example, in Poland it is an administrative offence to take any action which may incite a child to beg, for instance by using threat or the promise of some profits. In extreme cases, such as if the health or life of the child is threatened, the adult may be sentenced for a crime. Also in parts of Austria[569] anyone who incites a minor to beg is considered to commit a crime, even if the person in question is themselves a child, but over 14 years old. Forcing a child into begging is specifically made illegal in Albania, Bulgaria, Italy, Kosovo, Sweden, Greece, Romania and the UK. However, as pointed out in the individual Country Sections above, it is very difficult to prove incitement to begging or forcing to beg particularly in the cases where the parents themselves are the suspected perpetrators (see for instance the Spanish and Albanian Country Sections).

In some of the fifteen countries under review, child begging can also be addressed through legislation on trafficking in human beings. The specific crime of trafficking in human beings for the purpose of begging exists for instance in Greece, Italy, Poland, Romania and France, while in other countries the phenomenon is covered by other types of exploitation under trafficking in human beings, such as slavery, practices similar to slavery and labour exploitation. However, as highlighted in the Country Sections, given the complexity of the crime, it is very difficult to prove that trafficking has taken place, particularly when the perpetrators are the parents or relatives of the children involved in begging.

In some countries child begging can also be considered a form of child labour which is dealt with as a violation of labour laws, as can be the case for example in Italy, Hungary and Greece. For instance, in Hungary the employment of children below the age of 15 is strictly prohibited by law, while in Italy children are also subject to a constitutional prohibition of child labour in conjunction with the general legislative framework against child labour. In the Greek legislation begging is mentioned as a worst form of child labour (in the sense of ILO Convention on the Worst Forms of Child Labour 1999) and parents may be prosecuted for labour law violations or neglect.

Where not dealt with through offences directly related to begging, or, as the case may be, in parallel to such provisions, the phenomenon of child begging can also be tackled through various provisions specifically referring to abuse. However, there is no common definition of what abuse entails throughout the fifteen countries under study, with the different criminal codes penalising a broad range of forms of child abuse. Examples include neglect, failure by a parent or legal guardian to provide sufficient means

568 In Carinthia, Lower Austria, Upper Austria, Styria, Vienna and Eisenstadt, by local decree.

569 In Carinthia, Lower Austria, Upper Austria, Styria, Vienna and Eisenstadt, by local decree.

of subsistence (deprivation) and abandonment of the child. Such is the case for instance in France, where exploitation through begging can be addressed as 'deprivation of care', in Italy, where prolonged suffering inflicted on a child begging is considered abuse, and in Hungary, when the physical, intellectual or moral development of the minor are endangered. Also in Hungary, it is considered an abuse of a minor if the child is restricted from attending primary school for a long period of time.

In each of the suspected cases of abuse, the court has the responsibility to examine the specific circumstances and to conclude, on a case-by-case basis, whether an abuse has been committed, as well as to prescribe the subsequent course of action in the best interests of the child. If the withdrawal of custody rights is contemplated, the opinion of the child should also be taken into account (Articles 9.1 and 12 of the UN-CRC). In practice this means that it is often difficult for front-line law enforcement officials to know in what precise circumstances and how they should intervene when a child is being used to beg or is being exposed to abuse while begging. Such experiences have indeed been reported particularly in the local level research, as illustrated in the individual Country Sections above (for instance see the Country Section on the UK).

5.1.1 Child protection law

Regardless of how child begging is addressed under the existing legal framework, child protection is a cross-cutting issue, applicable under any circumstance. In the fifteen countries under review, the protection of children involved in begging activities, whether by their own choice or by being used or forced to beg, is tackled through a variety of provisions in the context of family law, child rights protection and administrative provisions regarding the functioning of social services.

As noted in the Country Sections, the signing of the UN Convention on the Rights of the Child (UN-CRC) has had an impact on the relevant provisions of child protection laws in the countries under study. For instance, some progress has been made in Austria with the recent approval of the Federal Constitutional Law on Children which incorporates parts of the UN-CRC into the Austrian constitution, although many provisions of the UN-CRC are still not covered. The UN-CRC has also had a significant impact on Danish legislation, despite it not being transposed as a whole, which was mentioned as a cause of concern by some of the stakeholders interviewed. More specifically, although child protection is governed by the Act on Social Services which ensures protection for children and in principle covers all nationalities, in the case of non-Danish children, the financial responsibility may be transferred to the country of origin. As shown by a number of cases, this may lead to situations where there is not sufficient protection provided for all foreign children (see the Danish Country Section, Part A, Child Protection Framework).

Indeed, all the countries under review can be assessed as having comprehensive legal systems in place which aim to ensure adequate levels of protection for children. The only notable exception is Albania. However, this country has also recently taken concrete steps to redress this situation, particularly since the adoption of a new law on Child Protection Units in 2010.

5.2 Implementation of National and Local Measures to Combat Child Begging

As observed in the Country Sections, an array of different approaches and responses to the problem of child begging can be found in the fifteen countries reviewed in this study. The main responses, which usually are interrelated, can be divided into three main categories: prevention, protection and prosecution, each discussed more in detail in the following.

In addition, a cross-cutting theme identified throughout the research in fifteen countries is that efficient responses need clear procedures to be in place for dealing with essential issues such as identification, referral and cooperation between all responsible actors. For example, in order to identify and effectively

provide a response to actual cases of children begging, certain procedures must be in place as to which authority(ies) are contacted, and what their concrete tasks and responsibilities are. The findings from the research for this Study point to this as an area where important gaps exist in practice, not the least because even where effective procedures are foreseen, they are not always effectively implemented. In most of the cities covered in this study, the police generally play the central role in identification and lead referrals to judicial authorities, which is not ideal in terms of providing the best child protection response (e.g. Hungary).

Findings from the local level research indicate that only a minority of the cities under study had a specific policy in place for the coordination of efforts to combat child begging among all the actors involved. For best results, this would generally involve cooperation between police and child protection services, with a pro-active approach and clear intervention protocols in place. Evidence points to the conclusion that the existence of such practices is essential and that the relevant authorities for protection, prevention and prosecution need to work together in order to ensure a comprehensive and effective response to the issue of child begging (see for instance the local cases of Graz in Austria, or Warsaw and Poznań in Poland).

5.2.1 Prevention of child begging

Despite general agreement that child begging continues to be a serious problem in most – though not all – of the countries under study, there are few prevention measures in place, whether in countries of origin or destination. The variety of measures implemented can be broadly separated into two main categories: measures aimed at preventing the activity of child begging as such and measures aimed at achieving long-term systemic changes, such as addressing structural marginalisation.

The most common measures aimed at preventing the activity of child begging in countries of destination, also when in a context of trafficking or exploitation, include public awareness-raising campaigns, provision of information and concrete outreach work with vulnerable groups. Organising a public campaign can be an effective method of changing the public's perception of child begging. In the countries reviewed, messages range from calls not to give money to begging people, to keeping an eye open to spot abuse. Campaigns may also focus on informing the public as to what they should do if they see a child begging on the streets or accompanying adults begging.[570]

In virtually all of the countries under review, some form of outreach work exists by state-run agencies and NGOs, which may have a specific mandate to prevent child begging (as in Bulgaria, Poland, Greece) or alternatively deal with potentially vulnerable groups such as children in a street situation or runaways (e.g. Austria, Germany). Particularly commendable are teams drawing on multi-disciplinary expertise to combat the problem and protect the children involved at both city and national level. Examples include the Centres for Social Work (CSWs) in Kosovo or the Local Safeguarding Children Boards (LSCBs) in the UK.

Measures aimed at achieving long-term systemic changes such as reducing poverty for groups at risk, enhancing social inclusion or improving access to education can be effective in both countries of origin and countries of destination, but take time until the effect is felt and their impact is difficult to assess. In terms of poverty reduction, efforts are commonly directed at addressing poor socio-economic situations that increase vulnerability to the exploitation of children through begging among certain impoverished communities, particularly Roma communities. 2010 was the European Year on Combating Poverty and,

570 Examples include: "*Giving money increases the chances of child begging on a regular basis and does not address the root cause of begging*" (Leanbh ISPCC Campaign, Ireland); "*Begging handicaps my future: Your coins feed child's exploitation/ trafficking*" (United for the Care and Protection of Children Coalition (BKTF), Albania); "*Get involved in combating child begging*" (Save the Children, Romania, 2009); "*Could it be trafficking?*" (UNICEF Sweden).

under this initiative, governments in Spain, Italy and Greece, among others, financed specific projects which could have an impact on child begging. They addressed issues such as school drop-out by Roma children and provided programmes of support to families whose children could be at risk of ending up begging. In Germany, Austria and Bulgaria, child poverty was considered specifically during this thematic year but the actions undertaken addressed the social exclusion of children in general. Also in Poland and Albania a few initiatives on child poverty were also undertaken, consisting mainly of disseminating information.

Similar observations are also applicable in relation to achieving greater social inclusion for marginalised groups. Children are vulnerable to being exploited through begging if they come from families and communities subject to stigmatisation and discrimination, as often is the case with Roma families in European countries of origin and destination, and therefore social inclusion measures can assist in combating child begging. In most of the countries, the existing national and/or Action Plans seek to minimise socio-economic disadvantages, including for children. The issues targeted are broad and those relevant to child begging include combating homelessness (Bulgaria), social welfare schemes (Greece, Bulgaria), daycare services for children (Bulgaria, Poland, France), child protection against exploitation and abuse (Germany, Spain) or in general better opportunities for the municipalities to assist vulnerable children and promote child rights (Denmark, Austria). None of the plans specifically mention actions to address child begging, however some of them (Albania, Romania, Kosovo and UK) include actions addressing the social exclusion of Roma in general or offering equal opportunities for education to Roma children.

Regulations on compulsory basic education provide the framework for state intervention in this area by creating an obligation to care and/or act on the part of the authorities in the respective countries. This applies to countries of origin which can provide alternative opportunities for children who would otherwise be taken abroad to beg or become involved in begging domestically. Albania, for example, has approved a national strategy on zero tolerance to children dropping out of school, involving a number of measures aimed specifically at preventing Roma children from dropping out before completing their compulsory schooling. The regional Child Protection Units carry out proactive training sessions and summer camps in an attempt to discourage child begging. Countries of destination where foreign children – whether in a regular or irregular migration situation – have access to education can also promote school attendance to keep children who would otherwise beg off the streets and in school. In Frankfurt, an integrated approach is pursued to combat child begging, with daycare centres and the promotion of educational programmes and schooling for children. There is a specific programme of intervention and education also in Cologne for Roma children from the former Yugoslavia involved in begging and petty theft.

In addition, specifically targeting the Roma population, the Decade of Roma Inclusion 2005-2015 (Roma Decade) has led to the elaboration of Roma Decade Action Plans at the national level for instance in countries where national children beg – which are also countries of origin of begging children abroad - such as Albania, Bulgaria, Romania, and countries of destination, such as Spain. These cover a large number of issues such as increased opportunities for education, housing, employment, health improvements and ending discrimination against Roma. Countries such as Germany, Greece, Kosovo, Poland and Sweden, even though they are not participating in the Roma Decade, have elaborated specific policies and even Action Plans (Kosovo, Poland) at national level to address the social exclusion of Roma.

In some countries, various combinations of prevention measures may be gathered under broader multi-disciplinary Action Plans specifically targeting the prevention of child begging at the city or national level, as is for example the case in Spain (examples include the Programme for the Prevention and Eradication of Child Begging in Jerez or the Social Intervention Project for Street Care and Prevention of Child Begging in Córdoba) or in Bulgaria (the Plan on Begging Children),[571] which concentrates on the

571 http://sacp.government.bg/programi-dokladi/strategii-programi-planove/proseshti-deca/

prevention of begging in the four largest cities[572] and involves a whole range of relevant actors including the State Agency for Child Protection, the Social Assistance Agency, the Chief Police Directorate and the territorial units of the Ministry of the Interior, the Ministry of Education, the Ministry of Health and Local Commissions for Combating Juvenile Delinquency.

5.2.2 Protection of children involved

As illustrated in the Country Sections, in some countries there is limited social intervention on child protection issues taken besides the mere repressive and judiciary measures such as the criminalisation of the families, parents or accompanying adults (e.g. Italy). Where protection measures are taken, it is observed that, in many cases, local government has the mandate to provide child welfare services, including child protection. For instance, in Hungary, the local government is responsible for organising primary child welfare services, providing direct care services and organising fostering. Also in the UK and Spain child protection is the responsibility of local authorities. In the latter case, a Directorate General for the Protection of the Child or Service of Child Protection functions in all the Spanish autonomous communities, which also have 24/7 support from local police officers specialised in problems related to children, particularly children at risk and including child begging.

The findings from the national and local level research suggest that improving the identification and referral of children begging or at risk remains a significant challenge. In some countries in particular it was highlighted that identification was not efficiently achieved by the relevant authorities. For instance, in France an NGO reported that more than 67% of the children they had encountered were not known by any social services and therefore were unprotected (see the French Country Section). Particularly the Police's role in identification and protection of children begging may be compromised by the begging children's fear of police and other authorities, especially those of foreign or minority origin, as evidenced in some of the interviews with begging children for this Study (e.g. Austria, Kosovo). In a number of countries the authorities and sometimes even the citizens have the obligation to report cases of concern, such as in suspected cases of abuse (e.g. in Austria, Bulgaria, Denmark, Italy, Sweden). For instance, stakeholders in Denmark noted that Danes simply do not accept the presence of a child begging on the streets and would immediately take action.

Once children have been identified as begging, they are likely to have various protection needs, including psychological support, healthcare, temporary shelter or long-term accommodation. However, in several countries it has been reported that protection offered to children identified begging may differ according to their legal status, age and/or nationality. For instance, in Kosovo, in order to have access to social services, one has to be a legal resident. In Hungary only national children can access the whole range of child protection services offered by the state, while foreign children receive only basic assistance in life-threatening situations and the authorities are obliged to take action only in cases where damage is unavoidable.

Due to the low likelihood that children involved in begging will contact the authorities or NGOs on their own initiative to seek help, the work of the organisations involved in street outreach is crucial. However, during the course of this research, it became apparent that actors directly working with children who beg are extremely rare. Support can nonetheless be obtained from a number of governmental agencies and/or NGOs conducting work with children who may have been trafficked, young homeless and Roma population, all of which represent groups vulnerable to becoming involved in child begging.

Furthermore, in some countries, support is offered not only for children, but also for their families (e.g. Spain, France). This is of particular relevance in the context of child begging, the causes of which are often rooted in poverty, social inequality and exclusion. Indeed, in Spain, the services foreseen for children

572 Sofia, Varna, Bourgas and Plovdiv.

in need of protection may involve ensuring care and support for the child *and* their family (including financial support) or safe alternative accommodation away from the family (fostering or childcare institution). It is observed that in most of the countries, when it comes to taking decisions with far-reaching consequences for the rights of the child, law enforcement and judicial authorities are invoked, such as the Juvenile Court in Italy, the Prosecutor for Minors in Greece and the Family Court in Poland.

Ideally multi-disciplinary teams are in place to provide an effective and sustainable solution for children found begging, such as the Local Safeguarding Children Boards in the UK (which include local authorities, the police, health workers, social workers, and other voluntary and community organisations working with children) or the mobile teams in Bulgaria (comprising representatives of Local commissions for combating juvenile delinquency, of Child Education Offices and Child Protection Departments of the Social Assistance Directorates, which act in most municipalities in the country).

Support can also be found through a number of phone helplines either specifically for begging issues or for child protection in general (for instance in Albania, Austria, Bulgaria, Spain). These may be state- or NGO-run, and many countries have adopted the Europe-wide dedicated number for child helplines of 116 111. However, it was reported that few helplines had received calls in relation to identified cases of child begging (e.g. only one case in Albania and none in Austria), as it appears that it is not common for children or concerned citizens to use this method to notify the authorities or others about cases of child begging.

Moreover, some of the countries under study have either a specific Ombudsperson for Children or a general Ombudsperson's office with a department for children's rights, which operate at regional or national level and should represent the rights of children vis-à-vis public institutions, as well as receiving complaints and issuing letters or statements (e.g. in France, Romania, Austria, Spain and UK). Other notable child protection responses encountered in the countries under review include the Daily Watch Team (*Den Sociale Doegnvagt*) which functions in all major cities in Denmark and the Observatory of Endangered Children which functions in each County Council in France.

In general, two main conclusions from the national and local level research are that there is a need for clear procedures to be in place and for a clear division of responsibilities and coordination among the actors involved, both at the national and local levels, in order for there to be an effective response to the issue of child begging. An important coordination challenge is that between police and child protection services, which also depends also on the type of legislation applied to deal with the situation, with the clearest procedures in place when child begging is dealt under trafficking in human beings, due to the National Referral Mechanisms (NRMs) that have been set up as part of the countries' efforts to comply with international legislation and standards. In such cases, children suspected to have been trafficked are referred by the Police, social services and NGOs through the NRMs. However, there are countries where there is no institutionalised NRM for victims of child trafficking (e.g. in Austria).

5.2.3 Prosecution of offenders

It has proved very difficult to find relevant statistical data on arrests, prosecutions, and sentences, as well as on the type of sanctions applied. From what has been gathered during the research, on the whole, repression rarely targets and punishes children who beg, but rather it is directed at adults who encourage children to beg. Local stakeholders also mentioned the difficulty of determining whether the person accompanying a child begging (usually a woman) is their parent or not. However, children are sometimes arrested, detained and then released by the police. Statistics on prosecutions, where available, are cited in the Country Sections in the previous Chapter.

Although situations of child begging can be brought to court under a variety of provisions (see Section

5.1 above), in practice, child begging cases are generally addressed on the basis of legislation on neglect and abandonment or slavery and servitude, but not usually as offences of trafficking, as trafficking is considered difficult to prove by police and prosecutors, particularly when the perpetrators are the parents or other relatives of the children involved.[573] A similar difficulty has been reported when trying to prove inciting or forcing children to beg, especially where family relationships are involved (see for instance the Spanish and Albanian Country Sections above).

For instance in Albania, cases of child begging are usually prosecuted under the terms of laws on abandonment, failure to provide sufficient means of subsistence or neglect. This presents a problem in terms of enforcement, as the case must be dealt with through penal law and child protection law – usually with reference to child labour laws. Also in Greece, cases are in general taken in the context of abuse or neglect, and fines are imposed on parents. In Italy, parents or other adults controlling children begging have been most often tried under child abuse rather than trafficking laws. Charges may be pressed for the offence of begging with a child against men in Italy, but in the case of women, a report is usually filed.

Another common observation from the interviews with law enforcement officers is that, where begging is accompanied by other offences (for instance theft or prostitution), often it is preferred to prosecute the offenders under those different grounds. The reasons most commonly invoked are the difficulty in proving for instance trafficking or forced begging, and also the comparable clarity in terms of procedures in place for other offences, which are usually more established.

5.3 Trends and Patterns

The research findings highlight the importance of having clear guidelines in place regarding the intervention protocols, the division of responsibilities and inter-agency cooperation procedures both at the national and local levels, in order for there to be an effective response to the issue of child begging. Concrete responsibilities for the actors providing responses need to be clarified both in terms of the type of intervention (e.g. which roles for law enforcement and which for social services) as well as at which level it should take place (e.g. central vs. local bodies and, if local, then whether selected according to the location where the person was found begging or according to their place of residence). In the absence of such a robust system, children may be falling through legislative, administrative or implementation gaps.

Any gaps in the definitions, procedures and division of responsibilities leave space for interpretation, for shifting responsibility between different districts or, even more worryingly, for inaction, all of which ultimately put at risk the child's well-being. Concerns along some of these lines were for instance identified in the German, UK and Greek research. Alternatively, one of the main reasons highlighted for the success of the protection system in Spain is precisely the fact that it is highly regulated, combined with the fact that measures to combat child begging and prosecute offenders are effectively implemented. Particularly where there are no specific legal provisions regarding the different forms of child begging neither at national nor local levels, or where there are differences between the national and local frameworks, this may translate into an obstacle for ensuring effective prevention, protection and prosecution.

The research for this Study also indicates that, sometimes, relevant authorities cannot assume their responsibilities to deal with begging children or victims of trafficking due to lack of funding and/or of training (e.g. Kosovo, Bulgaria). A clear way to improve this situation is to provide adequate training for police on legal acts in relation to begging (as done for instance in Warsaw).

573 This is confirmed by the recent report on trafficking of Roma: European Roma Rights Centre and People in Need (2011). *Breaking the Silence: Trafficking in Romani Communities*. Budapest: European Roma Rights Centre and People in Need.

Adequate protection for children involved in begging activities must be in place independent of whether begging is legal or illegal or on the specific mode of begging, whether unaccompanied, in a group, used by others to beg, incited or forced to beg by others. Furthermore, child protection measures should be available under any circumstance, with a particular concern placed in those jurisdictions where begging is criminalised and therefore where children can be classified both as victims of exploitation and as perpetrators of a crime. If the child becomes the subject of a criminal investigation, this may bring very different responses in terms of protection. Furthermore, in cases where children are unaccompanied and they engage in forms of begging that are generally not banned (e.g. non-aggressive begging) or, if they beg in countries where begging is criminalised but they are below the age of criminal responsibility, there can be situations where there may be no legal procedures in place to properly identify the child and address the situation, as no law is being broken. Therefore a response from the authorities is lacking if efficient and effective child protection procedures are not in place.

Even more worryingly, findings from the local research conducted for this study suggest that due to gaps in legislation and/or implementation or to lack of awareness, often a common response among the responsible actors is indifference and inaction (e.g. Kosovo, Greece, Albania), rendering the child's legal status as a child of little use for their protection, and denying them fundamental rights as set out in the UN Convention on the Rights of the Child. Moreover, even when a specific procedure is initiated, the responses often do not take the best interests of the child into account, for instance by removing custody without consulting the child or by placing the child in police custody or in care from which he or she later absconds.

Another concern highlighted in a number of country reports is that often the front-line law enforcement have serious dilemmas as to what is the most appropriate way to respond in concrete cases of child begging in order to respect the principle of the best interests of the child (e.g. arrest parents and separate them from children or not). Particularly where there are no uniform procedures in place, such cases sometimes do not reach the courts, but are decided arbitrarily on the spot, without a formal Best Interests Determination procedure.

The research for this Study and particularly the selection of good practices that were highlighted point towards a mix of repressive measures (strict law enforcement of offences and prosecution of serious crimes) and social interventions. For instance, in Denmark, all begging is criminalised and child protection procedures are in place, which is referred to as the "double protection" of begging children. This system allows for a rapid response and, together with a disciplined/restrained action from the general public, it is considered to be the core reason why no children are found begging in Denmark. Also particularly relevant is the case of Spain, where one of the main reasons for the reduction of the cases of begging was attributed to having facilitated the access of the population at risk (mainly migrant Roma) to the labour market and to various education programmes, combined with enforcement of repressive mechanisms and prohibitions against child abuse and exploitation.

Both long-term and short-term prevention and protection measures are needed, as well as a continued focus on the prosecution of offenders, with its short-term identification of victims and long-term deterrent effect. Measures of a preventative nature that are aimed at achieving systemic changes are long-term orientated and, as such, they cannot offer the immediate protection responses also necessary when dealing with the phenomenon. On the other hand, they may well contribute to a reduction in the root causes and risk factors that are considered to lead to begging, which is not possible only through short-term responses.

6. Identification of Good Practices

This is a selection of good practices as identified by the local studies in the countries covered by the research. For the present study, "best" practices are responses implemented nationally or locally that safeguard/prioritise the principle of the best interests of the child and curb/prevent the phenomenon of child begging, reducing the related exploitative practices and minimising the negative side-effects, protect the children involved or prosecute offenders other than the children involved. The identification of best practices was based on the following core criteria:

- Success (does a certain measure curb/prevent the phenomenon of child begging, protect the children involved, prosecute offenders or provide reliable alternatives for the children involved in begging?)
- Sustainability (is the measure linked to a policy intended to reduce the phenomenon in the long term?)
- Transferability (which elements of a successful measure can be implemented in another begging situation?)
- Fairness (are all children treated in the same manner?)
- Best interests of the child.

None of the practices identified by the country researchers was considered to comprehensively fulfil these criteria. It should therefore be noted that this Study opts for the term "good practice", instead of "best practice" - also due to the fact that in some countries the term 'best practice' has a specific meaning when is used by members of a professional body or by a government agency to denote methods and procedures which have been adopted after professional assessment. In such situations, the identification of methods as 'best practice' is usually carried out by a professional body at national level and follows a detailed review of the evidence surrounding the effects of a particular method, involving peer review or other methods.

On the other hand, in the context of the ILO-IPEC's activities to eliminate child labour, a good practice was defined as: "*anything that works in some way in combating child labour, whether fully or in part, and that may have implications for practice at any level elsewhere*". ILO-IPEC further stated that: *"(a) key aspect is that a good practice be something that actually has been tried and shown to work [...] While there should be some evidence that the practice is indeed effective, definitive 'proof' ordinarily is not essential*".[574]

Therefore, a number of "good" practices were identified, which fulfil some of the criteria and provide indications of how child begging can be dealt with across the EU. These practices are analysed in accordance with the guidelines developed in a relevant publication on child trafficking by the consortium partner Terre des hommes.[575] The practices are therefore assessed according to the following schema:

1. Replicability
2. Explicit identification of factors for success or obstacles
3. Effectiveness
4. Checking the effects, including adverse effects
5. Child participation

574 ILO IPEC, *Good Practices. Identification, Review Structuring, Dissemination and Application, Time-Bound Programme Manual for Action Planning*, Paper IV-14, October 2001.

575 Terre des Hommes (2010): *In pursuit of good practice in responses to child trafficking. Experiences from Latin America, Southeast Europe and Southeast Asia*, accessible at http://www.reliefweb.int/rw/lib.nsf/db900SID/MINE-82XQ3F?OpenDocument),

6. Sustainability
7. Promoting cooperation

6.1 Good Practice Spain

Object: Street social intervention project to address and prevent child begging
Geographical scope: Córdoba – Andalusia Region
Main Promoter: Municipality of Córdoba
Partners: Andalusia Region

Actions Undertaken:

- The project created a street work unit composed of one intercultural mediator and one interpreter, with the aim of conducting street work, identifying at-risk situations and providing on-site information and support to migrant Roma women begging.
- The Municipality also runs a phone line where citizens can notify the Municipality of any concerns regarding child begging.
- The project also created a daycare centre for children between the ages of 0-3 years, in order to provide an alternative for mothers rather than taking their children with them to beg. This structure serves as bridge service facilitating the integration of children into the pre-school system who are not at public nurseries. The daycare centre also runs workshops with the mothers on specific issues regarding childcare.

External evaluation: The project was selected as a good practice on the situation of Roma EU citizens who move and settle in other EU Member States.[576]

Replicability	This project, with the explicit aim of curbing child begging, could be replicated in other cities, provided that there is funding and support from the relevant Municipality.
Explicit identification of factors for success or obstacles	Rather than directly penalising the mothers of the children involved, viable alternatives to child begging were provided, with measurable results. Street outreach to identify cases, combined with other response measures.

576 FRA (2009). Selected positive initiatives: The situation of Roma EU citizens moving to and settling in other EU Member States. Luxembourg: Office for Official Publications of the European Communities, available at: http://fra.europa.eu/fraWebsite/attachments/Roma_Movement_PositiveInitiatives-final_en.pdf

Effectiveness	A significant decrease in the number of children involved in street begging by about 85%. The number of women begging has also been reduced, but to a much lower extent. Regular attendance of children at the daycare centre – in 2008 there were 36 children at the centre and the project worked with around 30 mothers. The development of the children who continuously attended the centre has been very positive with regard to language skills and health. Active participation of women in the socio-educational workshops, where issues such as social skills, childcare, sexual health, hygiene, access to employment, etc. were addressed. Improvement of primary health prevention, in particular sexual and reproductive health. Thanks to this, more women started to adopt contraceptive methods. Support for Roma mothers in getting health cards. In 2008, 64 health cards were issued.
Checking the effects, including adverse effects	No adverse effects were identified, and the main effects were a reduction in child begging, attendance at the daycare centre and socio-educational training for mothers.
Child participation	No information on child participation in the development of the policy, but the children's needs are addressed at the daycare centre.
Sustainability	Sustainability is dependent on continued funding by the partners; represents a long-term method of discouraging mothers from taking their children begging.
Promoting cooperation	Cooperation was evident between the Municipality of Cordoba and the Andalusia Region.

6.2 Good Practice - Poland

Object: Programme to prevent begging in the city of Poznań (2008-2010, extended through 2011)
Geographical scope: Poznań, focusing on the main areas identified for child begging (Old Town, Jeżyce and Grunwald)
Main Promoter: The Department of Health and Social Affairs, City of Poznań
Partners: Municipal Family Support Centre, Police, City Guard, Border Guard, College of Social Service Workers and two NGOs: Stowarzyszenie Pogotowie Społeczne and Fundacja SIC!.

Actions undertaken:

The programme combines three types of main interventions:

- Outreach work and follow-up of children identified begging is organised through the action 'Come back from the streets' (Powrót z ulicy). Mixed teams of plain-clothes police and social workers from the Municipal Family Support Centre identify children begging in the streets and inform them and any adults accompanying them that child begging is illegal. The social workers, assisted by the police, try also to identify the family of the child, meet them and conduct a family assessment. There is also a helpline where the citizens of Poznan can call and report concerns related to child begging.

- Offering alternatives to children and families involved in begging is based on the family assessment. The alternatives include leisure activities for children, social support for the family, as well as supporting the parents to reintegrate into the labour market.

- In terms of information and campaigning, the project runs an information website: www.poznan.pl/żebractwo and carried out a social campaign entitled "Stop begging" in May 2009.

External evaluations: The programme received an award in the contest Local Government Management Leader 2010 ["Samorządowy Lider Zarządzania 2010 ']. The aim of the contest was to identify best practices regarding local government cooperation with NGOs and disseminate best practices in order to adapt them in other municipalities.

Replicability	With the support of all of the main actors involved, this practice could be effectively replicated in other cities.
Explicit identification of factors for success or obstacles	The multi-sector, coordinated approach meant that children were identified, alternatives were offered and the public were educated. The main challenge was the lack of a clear regulation on child begging meaning that different actors had different definitions of child begging.
Effectiveness	The result of the programme was a reduction in child begging combined with an increased number of leisure activities for children, and increased cooperation between the relevant authorities.
Checking the effects, including adverse effects	Child begging was discouraged, and alternatives were provided for the children involved, leading to a reduction in child begging. Citizens were also involved in the process, leading to positive effects.
Child participation	No information on child participation in the development of the policy, but the children were involved in alternative leisure activities.
Sustainability	Due to its success, the programme was extended through 2011, and provided sustainable solutions for the children and families involved, including support for the employment of adult family members
Promoting cooperation	The programme involved a wide range of actors at a city level.

6.3 Good Practice - Austria

Object: Intervention of a local NGO, the Vinzenz-Gemeinschaft and one of its leaders, Wolfgang Pucher
Geographical scope: Graz
Main Promoter: Wolfgang Pucher and the NGO, the Vinzenz–Gemeinschaft
Partners: Private Sector

Actions undertaken:

- The first waves of people begging in Graz, including begging with children, date back to 1996. The priest Wolfgang Pucher reached out to them and analysed their origin, their situation in the country of origin as well as their living conditions in Graz. Based on such analysis, the Vinzenz–Gemeinschaft offered initial services, including shelter, access to food, clothes, etc. Families who begged with children explicitly could not benefit from the accommodation and food support in order to avoid encouraging more families to come and beg with children.
- The Vinzenz – Gemeinschaft then started to serve as mediator between the begging people and the Graz authorities and citizens. Successful efforts were made to offer employment opportunities as alternative to begging. 70 licenses were issued to former begging people to sell *Global Player*, which is a magazine sold by street vendors and focusing on migration topics. The Vinzenz-Gemeinschaft also managed to link up with the private sector and another ten people were employed.
- In parallel to the support provided in Graz, the Vinzenz–Gemeinschaft also worked in the region of origin. At that time, in 1996, most of people begging in Graz were ethnic Roma, originating from a region in Southern Slovakia called Rimavska Sobota and the village Hostice. Pucher and the

Vinzenz-Gemeinschaft tried to improve the living conditions of the people coming to Graz. Income-generating programmes were introduced i.e. production of pasta, pickles etc. After fifteen years, the market has been well established between the producers in the Roma community of Hostice and the buyers in Graz, among them also supermarkets like the chain Spar. Through existing projects in Hostice, currently 44 people – who formerly begged – have now found alternative income-generating strategies.

Replicability	On the basis of successful cooperation between the private sector and an NGO, this practice could be effectively replicated in other cities where the origins of most people begging are similar.
Explicit identification of factors for success or obstacles	The intervention of the Vinzenz–Gemeinschaft should be considered in the framework of other measures undertaken in Graz. As aggressive begging and begging with children younger than 14 constitutes a criminal act, law enforcement has also been active in addressing the phenomenon. In 2009, the police, the public security unit[1] and youth welfare authority came to an informal agreement according to which the police would be the main responsible authority to enforce the criminal law related to begging with children. The law enforcement authorities tried to remain proportional in their reaction and keep it in the bests interests of the child, by seeking collaboration with youth welfare department.
Effectiveness	Effectively addressing begging requires employment alternatives for the adults involved. Income-generating alternatives in the place of origin contributed to curbing the phenomenon. Even though families begging with children were intentionally excluded from the intervention of the Vinzenz–Gemeinschaft in Graz, the intervention has improved the living conditions of the Roma community - including children - in Hostice. In 2011, there were few children begging on the streets of Graz.
Checking the effects, including adverse effects	Child begging was reduced in Graz due to the work of the Vinzenz–Gemeinschaft combined with a law enforcement approach, criminalising the phenomenon. Alternative methods of generating income were put in place. The success factor is that begging with children becomes less attractive: there are risks related to it (criminal act) and alternatives to the benefits it brings (employment opportunities).
Child participation	No child participation
Sustainability	Income-generating alternatives provide a sustainable solution for families with children, both in the country of origin and in the country of destination.
Promoting cooperation	The useful cooperation of private-sector employers and buyers was availed of in this practice.

1. Municipality structure in charge of supervising regulation on public order endorsed by the municipality.

6.4 Good Practice - Austria

Object: Coordinated intervention by police and the Drehscheibe (a childcare centre established by the youth welfare department of Vienna).
Geographical scope: Vienna

Main Promoter: Police and the *Drehscheibe*
Partners: Embassies of countries of origin, State structures of social services in countries of origin
Actions undertaken:

- *Drehscheibe* was established in 2001 as a centre for unaccompanied foreign children. When Vienna started to face a large number of children begging in the streets (2004), it was agreed that all children identified by police as begging, pickpocketing, etc, would first be referred to the *Drehscheibe*, irrespective of further (criminal) investigation/law enforcement steps undertaken.

- At the *Drehscheibe,* children are registered and provided with a photo ID. This identity card contains the information given by them to the police and the contact information of the *Drehscheibe*. In case the child gets lost or runs away, people can call the *Drehscheibe*. After that, a case-by-case assessment is carried out, with a specific staff member in charge to make sure that the immediate needs of the child are catered to.

- The police and the *Drehscheibe* also collaborate with the embassies of the countries of origin of the children to identify and trace the families of the children. They link up with the child protection authorities in the country of origin to conduct a family assessment (if the family of the child is still in the country of origin) or look for a shelter opportunity for the child. The child can be returned to the country of origin once it is proven that the return is safe for the child. If safe return is not possible, the *Drehscheibe* develops an action plan aiming at facilitating the integration of the child in Austria.

- The *Drehscheibe* has also been involved in capacity-building of social services structures in the countries of origin.

Replicability	As a child protection measure in cooperation with the police, this practice could be replicated in other cities.
Explicit identification of factors for success or obstacles	The combination of street identification of children, providing IDs and cooperating in the return of children is a successful approach to child begging, though obstacles were met in effective cooperation with the countries of origin in terms of child protection.
Effectiveness	The phenomenon of child begging has been reduced in Vienna. The collaboration between the police and the Drehscheibe also contributed to a number of cases of child trafficking being successfully prosecuted at Court.
Checking the effects, including adverse effects	At the level of the individual children, it is not possible, based on the information available, to conclude, whether the joint intervention of police and *Drehscheibe*, has been in every case in the best interests of the child concerned. In terms of policy, a question mark regards the fact that return to a shelter in the country of origin was given priority instead of opting for a non-institutional solution of integration in Vienna. The adverse effect is due to the fact that Austrian children begging are not covered by this service.
Child participation	No child participation
Sustainability	The *Drehscheibe* provides more of a short-term solution to child begging in that it does not provide alternatives. However, capacity-building in the countries of origin contributes to sustainability.

Promoting cooperation	Embassies of countries of origin, State structures of social services in countries of origin, the police and the *Drehscheibe* are all involved in the practice.

6.5 Good Practice - Sweden

Object: Eliminate child begging
Geographical Scope: Stockholm
Main promoter: Police
Partners: Social Services

Actions undertaken:

- In 2004, Stockholm was faced with the phenomenon of children begging. Older women with small children coming from Romania were begging and selling false gold rings in the city centre. At this time, there was no national legislation criminalising begging, begging with children or any other form of begging. The police intervened initially based on allegations of fraud (selling false gold rings), made several arrests and conducted identity controls.
- The police also received calls from citizens facing the child begging phenomenon and concerned about the situation of the children.
- The police decided developed a strategy of intervention whereby, in addition to the control of identity (and immigration status) of persons identified begging, they started to visit the families involved in begging activities in their camps. On such visits the families were informed that since they were lacking the required permission for camping, that was illegal and they would have to leave. The police also informed the families that they would call the social services if children were seen begging. They would analyse the case and decide to take the child into compulsory institutional care, if it was in the best interests of the child.
- A number of meetings were organised with the Social Services and the police also contacted the Romanian Embassy.
- The police also deported begging people, including EU citizens, to their country of origin. There is no information on whether children were also deported.

Replicability	The replicability of this practice in other cities depends on the State's willingness to assign the relevant funds and workforce, as well as the public's contribution in reporting cases.
Explicit identification of factors for success or obstacles	Street identification and police intervention, together with visits to families to inform them of child protection issues contributed to success. An obstacle, however, is represented by the lack of alternatives provided.
Effectiveness	The results are positive once the adults involved in child begging realise that the potential risks are higher than potential benefits. Child begging has all but vanished in Stockholm. The law enforcement intervention has also been proportional, except with regard to deportation. However, by the end of summer 2010, the Swedish authorities (National Police Board and Swedish Parliamentary Ombudsman) declared that there are no legal grounds to deport a person for the mere fact of begging.

Checking the effects, including adverse effects	Deportations may have led to child protection issues in countries of origin, or merely shifting the begging problem to another country. However, it is clear that child begging has effectively been dealt with in the city of Stockholm at least.
Child participation	No child participation
Sustainability	The sustainability of the deportation option is questionable, however, education of the families involved and the public means that child begging is considered simply not acceptable in Stockholm.
Promoting cooperation	Cooperation with the Romanian Embassy and the Social Services.

6.6 Good Practice - Italy

Object: Juvenile Court procedure
Geographical Scope: Turin
Main Promoter: Juvenile Court
Partners: Municipal police, social services

Actions undertaken:

- When a case of child begging reaches the Juvenile Court, the court asks the social services to assess the situation of the child, to see if it is the first report on this child seen begging or a repeated one, to assess the actual begging conditions, the general behaviour of the parents, the relationship between them and the child, to see if there are signs of violence. Based on these criteria and similar ones, a case-by-case decision is taken.
- In every case the judge considers whether the removal of parental custody would really be in the best interests of the child concerned. Because of the severe nature of such a measure, it is mainly considered as a last resort, and decided upon if there is substantial lack of care by the parent(s) for the child and/or violent behaviour against the child.
- In other cases, the Judge usually orders the families to look for alternatives with the social services, and orders the social services and the municipal police to support and monitor the parents.

Replicability	Depending on the legislation in place in each city/country, the intervention of the Juvenile Court and the case-by-case decision made can be replicated in other jurisdictions.
Explicit identification of factors for success or obstacles	The social services and the municipal police try to reach out to children begging, identify the parents and explain to them the legal consequences they could face as well as alternatives available. The examination of each begging child's situation on a case-by-case basis is a crucial factor in successfully responding.
Effectiveness	This practice is effective because it guarantees that the bests interests of the child are assessed by a specialised court.
Checking the effects, including adverse effects	This case law has also contributed to the general institutional efforts on Roma inclusion in Turin, though some note that the risk that situations of exploitation and abuse of children may be overlooked.
Child participation	No child participation, but the child's best interests are fully considered.

Sustainability	The municipality has supported different associations and projects on social inclusion, including in the housing, employment sector as well as childcare, in order to provide for a sustainable solution.
Promoting cooperation	The Municipal Police and the Social Services work together on this practice.

6.7 Good Practice - Italy

Object: Nursery and childcare in a Roma settlement
Geographical Scope: Turin
Main Promoter: AutoROMia
Partners: Valdoco (local NGO)

Actions undertaken:

- AutoROMia works in collaboration with a local association, Valdoco, and provides different services such as: social assistance, on-site consultation in the Roma settlements, projects on education and the creation of a kindergarten and a nursery in a Roma settlement.
- The nursery merits special mention because it is managed by a Roma mother taking care of her child and 4 other children.
- In the same settlement, AutoROMia also runs a kindergarten for older children at pre-school age.

External evaluations: None

Replicability	This is a small-scale project, involving the local target community and therefore is easily replicable in other contexts where the target group live in one concentrated location.
Explicit identification of factors for success or obstacles	The location of the nursery and the kindergarten ensure easy access. The educators employed at the kindergarten are Roma women from the settlement, and are therefore well-known by the parents. This helps to overcome some of the reluctance that Roma mothers have in leaving their small babies with others.
Effectiveness	As infants and children of pre-school age are accommodated at the nursery and kindergarten, they are not taken with their parents to beg. The practice also provides employment for parents.
Checking the effects, including adverse effects	This practice is on quite a small scale, so it is difficult to see its role in curbing the phenomenon. However, at this small scale it does have a positive effect.
Child participation	The children are integrated into pre-school activities, which can have a positive effect on their long-term educational career.
Sustainability	As the project is run by NGOs, it may be difficult to sustain funding in the long-term. However, the impact of pre-school on the children has a long-term effect.
Promoting cooperation	Cooperation between two NGOs.

6.8 Good Practice - UK

Object: Operation Golf
Geographical Scope: London, Romania, France, Italy, Spain

Main Promoter: London Metropolitan Police
Partners: Romanian police

Actions undertaken:

- A joint initiative called Operation Golf between UK and Romanian Police identified a Romanian Organised Crime Network (OCN) operating across Italy, France, Spain and the UK which has involved the trafficking of children from the Roma population of Romania for the purposes of begging, pickpocketing and ATM theft. The Europe-wide operation identified 1,087 children involved. However, the number of these who specifically participated in begging activity is unknown.
- Operation Golf led to the successful prosecution of three people involved with the trafficking of children.[577]
- Since the inception of the Joint Investigation Team looking at the activity of Romanian OCN, Operation Golf and related police activity has achieved the following: There have been a total of 146 arrests of persons linked to the OCN; 1,405 convictions in London courts in relation to the activities of the Romanian OCN;[578] 4 persons convicted of trafficking of children for forced criminality; and all persons arrested in this operation will have applications for deportation and those arrested in Romania for exclusion from the UK submitted through the UK Border Agency.

Replicability	This was a costly operation, requiring EU funding, but the experience and expertise gained could be applied in other contexts.
Explicit identification of factors for success or obstacles	Operation Golf involved close cooperation between the London Metropolitan Police and the Romanian police, taking into account the cross-border nature of the crimes involved, including child trafficking. This cooperation was essential. Obstacles were represented when it came to the effective protection of the children involved as many of them absconded from care.
Effectiveness	Operation Golf was effective in terms of prosecution of the offenders, also acting as a deterrent to further OCNs, however in terms of child protection it was not so effective.
Checking the effects, including adverse effects	The effect was positive in the identification of child victims and the prosecution of offenders. Adverse effects may have been the potential re-trafficking of the children who absconded.
Child participation	No child participation
Sustainability	The practice acts as a deterrent in the long-run to OCN's exploiting children.
Promoting cooperation	Operation Golf promoted cooperation between the country of destination and country of origin of the children involved.

6.9 Good Practice - Denmark

Object: Eliminating child begging
Geographical Scope: Denmark
Main Promoter: N/A

577 Metropolitan Police Restricted Report, Operation Golf, a joint investigation Team targeting a specific Romanian Organised Crime Network involved in crime in London and the trafficking of children and adults for forced criminality (2010).

578 This information was supplied for the Study by the London Metropolitan Police.

Partners: N/A

Actions undertaken:

- The Danish welfare state (based on the Act on Social Services),[579] including the history and effects on the general attitude to the role of the state vis-à-vis the role of the people with regards to charity have had an impact on the absence of child begging in Denmark.
- Unlike some other European countries begging, both by adults and children, is prohibited today in Denmark according the Danish Criminal Act (Art. 197). The fact that begging is a criminal act in Denmark provides the police with immediate tools to intervene in begging situations, and – if children are involved – ensure the involvement of social authorities.
- The general attitudes of the Danes to poverty and begging, including a sense that the welfare state will take care of this, has a considerable impact on the begging situation, especially with regards to child begging. This is sustained by the handling of cases involving children by the social services, where protection and assistance to children is given high priority and the handling by the police, where it is stated that when a specific situation involves children, the necessary resources are allocated.
- The role of Danish NGOs and - to some extent – Danish media ensuring a constant focus on the rights of the child is assessed to have a significant impact on the overall attitudes of the population and - likewise important – to the handling of cases involving children at risk by the police and the social services.

Replicability	The importance of the welfare state with regards to the absence of child begging in Denmark is not easily copied by other European states, because it is a result of a very long historical process. Other aspects of the approach are, however, replicable.
Explicit identification of factors for success or obstacles	The Act on Social Services covers in principle all children – irrespectively of nationality. It is the responsibility of the municipalities to assist children at risk, implying that no child should be tempted or forced to beg as a result of poverty. The legislative framework has a strong focus of addressing children at risk. Other factors also contribute to success: The prioritisation of social authorities with street workers constantly surveying the situation. The fact that begging is a criminal offense enabling the police to address situations involving begging and – if children are involved – ensure handling by relevant social authorities. The work of Danish NGOs ensuring a constant debate on child rights issues.
Effectiveness	In 2010 there were a total of 38 cases violating the Criminal Act Art. 197 banning begging – and none of these cases included children or youth.

579 The Danish National report to the UN High Commissioner, April 2011: http://www.um.dk/NR/rdonlyres/726F9835-BDAD-4430-9D90-3F8A858DF945/0/UPRreportDenmarkPDF.pdf (p. 9).

Checking the effects, including adverse effects	The effect of the combined policies has been to eliminate child begging in Denmark. However, there may be adverse effects due to the criminalisation of *all* begging (see Legal Analysis of this Study) and due to the children involved being transferred to other jurisdictions to continue begging, where there are less effective policy responses. This could be mitigated by filling those gaps if other jurisdictions followed approaches similar to Denmark and provided similarly effective responses.
Child participation	No child participation
Sustainability	The Danish model is sustainable in that for a number of years there has been no child begging in Denmark.
Promoting cooperation	All necessary partners – social services, police, legislative authorities, NGOs and the media are involved in this practice.

For more on the Danish case, please see the Denmark Country Section of this Report.

6.10 Good Practice - Kosovo

Object: "Begging Handicaps My Future" Campaign
Geographical Scope: Kosovo
Main Promoter: OSCE
Partners: Terre des hommes Foundation, Kosovo Police

Actions undertaken:

- The OSCE[580] Mission in Kosovo, together with Terre des hommes, launched a public campaign against child trafficking and child begging; "Begging Handicaps My Future" in August 2008 on television, radio and in print (posters and leaflets). The campaign was repeated in October 2009 and November 2010 in collaboration with the Kosovo Police.
- The main objective of all three campaigns was to inform the public that "forced begging" is a criminal offence and a serious violation of child rights.
- Prior to the launch of the first campaign, Terre des hommes did a Kosovo-wide survey[581] to get a better understanding of people's perception and giving habit in relation to child begging in Kosovo and to evaluate the impact of the campaign. The overall conclusion was that a large section of Kosovo society gives money to children begging in the streets. The biggest reason for giving was 'out of pity'.
- A similar campaign was carried out concurrently in Albania.

Replicability	This campaign, with the appropriate funding and local support, could be replicated in other countries.
Explicit identification of factors for success or obstacles	Involving the police and NGOs was crucial to success, as well as repeating the campaign to ensure that it effectively raised awareness.

580 The OSCE Mission promotes human rights and the rule of law, and supports efforts to foster an effective, accountable and human-rights compliant police service.

581 *Survey on Anti-Child Exploitation/Trafficking June-September 2008; Begging Handicaps my Future*, Terre des Hommes Mission in Kosovo, 2008.

Effectiveness	Even though people continued to give money and only a small percentage stopped giving money, they did become more conscious about the consequences of giving.
Checking the effects, including adverse effects	Before the awareness campaign 88.8% of the respondents to the survey said that they do give money to children begging, and after the campaign there was a slight decrease to 86.5%.
Child participation	No child participation
Sustainability	It is necessary for such a campaign to be repeated on a regular basis in order to maintain its positive effects.
Promoting cooperation	Cooperation in this practice is evident between NGOs and the police.

6.11 Analysis

It is clear from this assessment of good practices that coordination between social policy and law enforcement approaches is needed from different sectors of society – Government, police, NGOs, etc, in order to effectively combat child begging. Effective practices can be implemented at a local level, as in Turin, at a national level, as in Denmark, or at an EU level, as in the case of Operation Golf. The practices above cover necessary interventions in terms of legislation and jurisprudence, as well as active police operations to identify victims of child trafficking for the purposes of begging and prosecute offenders. Such police operations also have the added value of deterring further trafficking cases.

A number of complementary practices are in place to combat child begging in the long-term, involving the affected communities, as in Turin and Graz, and providing alternative income-generating opportunities for families and social services. Reducing poverty for groups at risk and promoting their social inclusion can be attempted by different actors through different interventions and practices. Schooling and childcare is also effective in providing parents with places to leave their children while they beg, with the added value of education discouraging children from begging subsequently by providing alternative employment prospects.

Finally, together with the other actors mentioned, the public also has a role to play in not giving money to begging children and reporting cases of concern to the authorities. Therefore campaigns such as "Begging Handicaps My Future" in Kosovo can be effective.

The good practices analysed, particularly in Denmark, Sweden, Spain and Austria, are generally replicable in other jurisdictions. Though the Danish case is based on a congruence of various historical and contemporary factors, it nevertheless provides lessons for other countries, as set out in the Country Section on Denmark. Factors for success in the various practices include consulting with the affected community, as well as police, NGOs, social services and other child protection services. The contribution of funding from the EU or international organisations can be effective when combined with national and local funding. However, at a small scale, success can also be achieved in preventing child begging among a specific group by offering alternatives. Obstacles however are often represented by the existing implementation of legislative framework, and the danger of a national or local response simply encouraging traffickers and exploiters to take the children to other jurisdictions. Another obstacle to effective protection of the children involved is deportation or return to their country of origin without a proper assessment of the child protection facilities available for them there, and the attendant risk of re-trafficking or repeated exploitation.

Though the good practices listed above all had slightly different objectives, they proved overall very effective in reducing and combating child begging, from different angles, including prevention, protection,

prosecution and partnership. Though in some cases these effects are difficult to measure, a notable reduction in child begging can be proven in others, as well as increased awareness among the population. What is of concern is that very few of the practices identified in this research actually involved the target population – children who beg – in the design of the practice. Nevertheless their community was sometimes involved and this represents one of the Recommendations at the conclusion of this Study.

Effective practices to combat child begging need to be sustainable, both in continuing to intervene, where necessary, and in combining both short-term responses and long-term effects in combating child begging. This can be achieved by working in cooperation with a network of State and NGO partners, consultation with the community, as well as, essentially, providing alternatives in the form of education for children and employment for parents.

7. General Conclusions

The general conclusions of this Study are based on the various levels of the research – EU, national and local, as well as the results of the application of the specific research tools developed for this Study, such as report templates, observation guidelines and interview protocols. The conclusions draw on the comprehensive analysis of the various different primary and secondary sources consulted during the course of this research, together with the results of fieldwork, as set out in the previous six chapters of this Report.

On the basis of the research, it was possible to identify six distinct typologies of child begging (T1-T6) in the fifteen countries under study, with reference to age groups and nationalities/ethnicities involved, modes of begging and breaches of rights under the international and European human rights framework. One of the main outcomes of the development and analysis of the typologies, together with the analysis of the relevant legal instruments, is that every typology presents a combination of key legal and social indicators, facilitating its classification under various different legal categories within the international instruments assessed, rather than falling neatly under one category. This has the disadvantage of rendering the required legal and policy responses more complex and multi-faceted, making reference to various distinct national or local laws on child protection, exploitation, slavery, forced labour and THB, among others. On the other hand, the advantage is that the typologies provide for a more sustainable and comprehensive approach to distinct child begging situations, based on addressing the specific indicators present.

It was further possible in the Typology chapter to assign certain child begging typologies to certain countries under study, based on the research carried out in those countries, as well as to examine the extent of the phenomenon in each country and city (under study), and the age groups and nationalities/ethnicities involved. It emerges as a clear trend that many – often the majority – of children begging in the countries under study are of Roma ethnicity, notably of Romanian, Bulgarian or Albanian nationality, whether within or outside their country/region of origin. Nevertheless, the numbers show that child begging among Roma remains very much a minority activity, with the overwhelming majority of Roma people in Europe not involved in child begging, despite the impact of child begging on negative stereotyping of the Roma as a group, as also examined in the Typology chapter.

Patterns also emerged in relation to different types of begging being carried out by different age groups, with age also a determining factor as to whether children begging were accompanied, monitored from a distance, or acting alone or in groups. For example, while babies and toddlers were commonly to be found accompanied by a female adult or an older girl, older boys more commonly engaged in service provision in small groups without apparent accompaniment.

The typologies identified correspond to different age groups and types of begging activity, resulting in different combinations of legally and socially relevant features for each. T1 refers to children under the age of 6 who engage in classic begging, service provision, collecting and selling, falling under a number of different legal instruments to protect children and prosecute perpetrators. T2, on the other hand, involves children aged over 7 years, engaging in classic begging, service provision and street vending, as well as illegal activities. For T2, the involvement of organised crime is more likely to be present as an indicator, together with forced labour. T3 refers only to children over 14 who beg under circumstances where their family is not dependent on their income, and where the practice is not referred to as begging, but rather with the less shame-imbued term of "*schnorren*". Here the children are in a less severe situation than those in T1 and T2 and have the positive feature of resilience in exercising their agency, yet forced labour or illegal begging may still be involved.

Under the categorisation of T4 are those aged 6-13 who engage in classic begging, service provision and illegal activities, where there is a strong risk of exploitation, trafficking and the involvement of organised crime, with the child's situation often rendered all the more precarious by irregular migration and residence status. T5 covers all ages of boys and girls who are accompanied by a woman or older girl and engaged in classic begging. In these cases, concerns relate more to the potential involvement of organised crime as well as child abuse and exposure to risks to health and well-being. Finally T6 specifies boys and girls aged 3-15 who are involved in classic begging, services and collecting items, who may be victims of trafficking, forced labour or child labour. It is evident that no clear overall pattern was established in terms of gender, though local distinctions do exist. In all typologies identified there are clear breaches of a number of rights.

The legal analysis in this Report shows that the various features of child begging that constitute rights violations are amply and comprehensively covered by the existing international legal framework, which, in most cases, has been ratified by the countries under Study. While this is a finding to be welcomed, there are serious issues not with the text of the law itself, but with its transposition and application in individual States and cities. A further problem was identified in terms of the legal coverage of child exploitation through begging and child trafficking for the purposes of exploitation through begging when the suspected perpetrator is a parent or guardian of the child. Both in the international and national legal analyses, this emerged as posing a specific problem for law enforcement and the judiciary.

The comparative analysis of the country sections for this Study found that existing gaps in the definitions, procedures and division of responsibilities in relation to child begging can lead and have led to the shifting of responsibility or inaction. It was not found that the legislation in itself was lacking, as child protection legislation in particular was quite comprehensive in the countries under study, albeit with certain gaps identified. Inaction in some cases may also be due to lack of funding or appropriate training for the relevant agencies, or a law enforcement actor's lack of knowledge of the correct procedure if a crime or offense has not been committed. Child protection measures were not always available to certain categories of begging children, such as irregular migrants, children above the age of criminal responsibility, those engaged in auxiliary begging activities or certain ethnic groups due to discrimination. It was shown in the comparative analysis and further determined in the chapter on Good Practices that a mix of repressive measures (strict law enforcement of offences and prosecution of serious crimes) and social interventions is necessary.

The national and local legal and policy responses to child begging in the countries and cities under study can be categorised into those that address the short-term concern of child protection, the medium-term issue of prosecution of any perpetrators involved and the long-term goal of prevention of child begging. In fact, in order to effectively and sustainably respond to the phenomenon of child begging, the most effective approach at a national or city level is a combination of all three, as is evident in the Danish case, for example. In terms of protection, in many countries, child protection agencies have the responsibility for taking care of a child found begging, though this cannot be activated unless the police or special outreach teams engage in identification of children carrying out begging activities. For this to happen, it is essential that intervention protocols and procedures are in place so that each actor is aware of their specific responsibility in protecting the children involved.

Prosecution was found to have both the medium-term effect of preventing convicted perpetrators from abusing, neglecting, exploiting or trafficking children again by imposing a penalty of imprisonment or a fine, as well as a long-term effect as a deterrent to potential perpetrators. However, this Study shows that very often cases are not taken to court, but rather the incident is simply registered, which significantly compromises both the medium-term and long-term effects of prosecution. In the more severe cases, this may be due to the apparent difficulty in gathering sufficient evidence to make a prosecution for trafficking, with many law enforcement agencies and prosecutors opting for other provisions instead.

Prevention of child begging should of course be given priority as the long-term goal of any strategy to address child begging overall. It is somewhat surprising, then, to find that this is the area where the least responses were found. Where responses were in place, they comprised either campaigns to raise

awareness of child begging and/or encourage people not to give money (without instructing passers-by as to how else to respond) or broader social inclusion policies in the areas of employment, housing, education and anti-discrimination. Prevention of child begging through targeted responses including campaigns and social inclusion should form a more significant part of existing or new strategies.

During the course of the local and comparative research, good practices were selected and assessed from the approaches existing in the countries and cities under study. None of the practices examined met the criteria to be defined as a "best practice" based on success, sustainability, transferability, fairness and the best interests of the child. However, ten responses were considered rather as "good practices" – as worthy of note in presenting certain useful and effective measures to combat the phenomenon of child begging. These were in the areas of protection, prosecution and prevention, and were assessed on the basis of their replicability, factors for success or obstacles, effectiveness, checking of effects, child participation, sustainability and promotion of cooperation. Though many of the good practices score well in these areas, none of the practices paid sufficient attention to child participation in the designing and implementation of the practice.

The analysis of the success factors of the good practices selected showed that even short-term responses must continue to intervene as long as the problem is present. Longer-term solutions in the form of prevention are, however, essential, especially in terms of finding alternatives in the form of education for children and employment for parents. Durable solutions can be found by working in cooperation with a network of State and NGO partners and in consultation with the community and the children concerned. Pro-active identification is necessary for child protection to be put in place, while prosecution of perpetrators is an essential element in preventing abusers, exploiters and traffickers from committing crimes and offences against children and deterring future abuse, neglect, exploitation and trafficking from taking place. These crimes and offences may be committed by parents, guardians, other relatives or third parties and therefore must be assessed on a case-by-case basis in relation to the severity of the abuse, neglect, exploitation or trafficking involved.

These conclusions of the comprehensive research conducted on child begging in fifteen countries and thirty cities in Europe have informed the development of the Policy Recommendations that comprise the final Chapter of this Report.

8. Policy Recommendations for EU Action and National Measures[582]

A. Child Protection

1. A child who is begging is usually a child in distress. Representatives of statutory agencies have a duty to find out why the child is begging, both to establish if a crime is being committed against the child and to assess the child's needs. They may not pass by and ignore a begging child. Child begging consequently requires a **holistic, multi-disciplinary approach,** undertaken by **trained and qualified professionals working in the framework of effective child protection and with relevant expertise in the identification and protection of victims of exploitation and trafficking**.[583] All frontline services should have **appropriate expertise, clear mandates and understanding of how to react when they find a child begging or are informed about a case**. In addition to suitable legislation, relevant government ministries should issue **policy guidelines and give instructions to professionals** on the priority that they should accord to responding to cases of child begging.

2. In relation to institutional responses to child begging:[584]

(a) At a national and local level, EU Member States should develop **clear guidelines on institutional responsibilities for begging children, including identification, reporting and referral mechanisms and a national action plan to combat child begging**[585] in the cities/countries where child begging is prevalent (which are in place in very few of the countries/cities under study).
(b) The States should also ensure adequate targeted funding **for the police, State agencies and NGOs involved** in order to respond to child begging and implement specific strategies or national action plans to combat child begging.
(c) Working in cooperation with the institutions mentioned in 2(b), one authority should be appointed at a national level (in centralised States) or at a regional level (in decentralised States) as the **main reporting and referral authority** for all cases of child begging identified by institutions or citizens.
(d) Cities where child begging is prevalent should put **mobile identification teams** in place,[586] based on the indication of this research that children who beg generally do not or are not in a position to seek help from the authorities.[587]

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582 Save the Children Italy, Romania and Denmark contributed to the research undertaken for this Study and the production of this Report. The Recommendations contained in this Report do not necessarily reflect the position of Save the Children on child begging.

583 Cooperation among different professionals is reported to be insufficient in almost all the countries studied. Cooperation is, on the other hand, evident as a key to success in combating child begging in countries such as Denmark.

584 In all countries under study, gaps were identified in the implementation of existing legislation, rather than in the legislative framework itself, due to confusion among institutions in relation to their competences (e.g. Greece), confusion between city districts as to which district was responsible for the children (i.e. district of residence of the child or district where the child begs – e.g. UK) or insufficient or unsustainable institutional infrastructure to implement the law (e.g. Bulgaria).

585 Specifically in cases of child begging involving trafficking in children for the purpose of exploitation though begging, this is foreseen in Article 11 paragraph 4 of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, whereby EU "*Member States shall take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations*".

586 The effectiveness of tailored street identification teams in cities where child begging is prevalent, comprising police officers, social workers and/or NGO workers, is shown in many cases in this Report (e.g. Warsaw, Sofia – see relevant Country Sections).

587 The interviews with children for this Study showed that many begging children fear the authorities and do not seek help from them (see Chapter 5 above).

3. The involvement of children in begging should be dealt with, **in all relevant national legislation,** by taking a multi-faceted approach **– a human-rights-based, child-centred and gender-sensitive approach. This is valid both for legislation transposing international instruments and specific national legislation on THB, exploitation, child abuse and child protection.** Placing the best interests of every individual child concerned needs to be at the core of any action concerning him/her.[588] The following set of recommendations indicate both causes of child begging and risk factors in relation to the *future/potential* involvement of children in begging, as set out in the Typology. The recommendations also apply to both countries of origin and countries of destination of begging children:

a) Education Ministries should adopt **pro-active measures to ensure that all children of compulsory school age are able to attend school and actually do so**.[589] **Obstacles** – such as lack of affordable transport, of school materials, refusal to integrate children after a period of absence etc. - **should be removed**.

b) Ministries of Health and national and local health services are encouraged to remove all obstacles to accessing healthcare for begging children and guarantee to all children – including those involved in begging who come from other countries – **access to high-quality preventative and healthcare services,** implementing Directive 2011/24/EU on cross-border healthcare, Regulation (EC) 883/2004 on social security systems, their obligations on preventative healthcare and emergency care and children's rights to healthcare set out in the UN-CRC.[590]

c) All children have the right to live in housing of an adequate standard, with all public utilities and access to infrastructures. **Begging children should be seen as a particularly vulnerable group requiring States to guarantee access to this right** (as per Art. 27(3) of the UN-CRC) **and remove obstacles preventing it**.[591]

d) Where children are identified begging in the context of a family survival strategy, States should **ensure that their parents and family members of working age have access to decent employment or alternative income-generating opportunities,** as this should reduce the family's dependency on child begging.[592]

e) In view of the evidence available about the impact of discrimination and gross inequality[593] on the incidence of child begging, States should take proactive and **urgent action to eradicate discrimination and gross inequality in – among others – access to education, housing,**

588 All children involved in begging experience – and/or are at further risk of - violations of their fundamental rights, as per the UN-CRC and other international instruments detailed above in the Legal Analysis.

589 The national and local research results presented in this Report indicate that children involved in begging generally have a low level of education. It is clear that in many countries under study, children who beg are not in school, are illiterate, or their results at school are negatively impacted by their begging activity and often, by discrimination at school and in access to schooling due to their ethnic origins (e.g. Roma/Sinti/Ashkali/*Egyptian*).

590 Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare and Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems. The children observed and interviewed during this Study often presented clear problems in their health status. This is a direct consequence of – and/or is aggravated by – their involvement in begging, due to long working hours, exposure to detrimental weather and/or sanitary conditions, insufficient or unhealthy nutrition, etc., compounded by the fact that this research shows that their housing conditions are poor due to large families living in single rooms, makeshift accommodation, homelessness and housing together with other THB victims. Furthermore, it emerges that children who beg are often subject to physical and emotional violence at the hands of their parents, exploiters and traffickers. Moreover, due to their migration or ethnic minority status, they often they lack birth certificates, identity documents, regular permits for entry and stay, or other required administrative documentation to fully access health services (e.g. Bulgaria, Kosovo).

591 Many children involved in begging were assessed in this research to live in very poor conditions. Not having a proper or registered residence, in turn, causes difficulties in accessing social services and other services and goods for children and their families. Moreover, some of these children are technically homeless (according to the ETHOS definition) and live on the street.

592 As the examples from Graz (run by a private charitable organisation) and Poznań (see Good Practices) suggest.

593 Children involved in begging, as well as their families and communities, very often belong to groups of the population who are discriminated against in access to employment, education, healthcare and housing. In particular, many of the children who beg and adults accompanying them are Roma, a group for which severe discrimination and human rights abuses in Europe have been documented – see: Commissioner for Human Rights, *Human Rights of Roma and Travellers in Europe*, Council of Europe 2012, p.11.

health, employment and social and other services and goods against children belonging to certain groups of the population, including Roma and other ethnic minorities. States should particularly **investigate instances of discrimination and harassment, and its nature**, experienced at school (at the hands of the school administration, teachers or other children) and **take pro-active measures** accordingly. Although States have more limited obligations in regard to irregularly migrating families, they should, in line with obligations under international human rights law, ensure that all children have access to public services and goods – such as education and healthcare and, in so doing, should consider children as children first in accordance with Article 3 of the UN-CRC.[594]

f) Among population groups and in countries where this is an issue,[595] States shall make *birth registration* immediately after birth obligatory as well as accessible and available, and in cases where this has not taken place, should **make all efforts, including registration campaigns, to promote free birth registration and fair procedures for providing official identity documents within their territories**.[596]

4. The **EU should make targeted funds available for the measures** listed above in Recommendation 3, in order to ensure that EU Member States with less economic resources can implement these measures.

5. The situation of each begging child identified should be **analysed and addressed on a case-by-case basis by one or more qualified professionals, whereby a formal determination of the best interests of the child (or a less formal assessment of the child's best interests) is a primary objective**.[597]

6. This Study demonstrates the necessity for all actors to make a **clear distinction, on a case-by-case basis, between children who are trafficked for the purpose of exploitation through begging and children who are exploited through begging, on the one hand, and children who beg outside of these situations on the other**. Whereas **both require a child protection response**, the first certainly requires a law enforcement response.

7. In order to implement Recommendation 6 above, State and municipal police should carefully investigate the situation of any child identified as begging, in order to identify those cases where third parties or organised criminal networks are involved, as identified according to indicators in many countries under study, and/or when it entails other abuses of children's rights criminalised under national law. **Adequate resources and specialised training** should be provided to law enforcement authorities on the investigative methods to be used.[598] Related to this is the necessity, where an adult accompanies

594 On the rights of irregular migrants, see: FRA (2011), *Fundamental rights of irregular migrants in the European Union*. Luxembourg: Publications Office of the European Union, online at http://fra.europa.eu/fraWebsite/attachments/FRA_2011_Migrants_in_an_irregular_situation_EN.pdf, *passim*.

595 The research shows that this is a significant issue in Albania and Kosovo.

596 Numerous children involved in begging observed and interviewed in this research do not have valid identification documents, because they are in an irregular migration situation, stateless, not registered at birth, or had their documents confiscated or lost. These situations in turn limit their capacity to access fundamental services. Both national and non-national children have the right to be registered immediately after birth and to a have name, as well as to have their identity protected and speedily restored (as per Arts. 7(1) and 8(1) of the UN-CRC). UNICEF (2012). *Progress for Children: Achieving the MDGs with Equity*, No. 9, p44, highlights the problem of birth registration and that it is a human right.

597 As it emerges from this Report and particularly the Typology, the involvement of children in begging across Europe is a complex phenomenon, encompassing a variety of different situations, ranging from situations of exploitation, international and internal THB to (individual and/or family) survival strategies. Children may be exploited through begging by traffickers or exploiters who are members of their own families or third parties, or may be living in a situation where begging is a means of survival (particularly for children in street situations). In every case, however, it is a clear child protection concern. On Best Interests Determinations and Best Interests Assessments, see: *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008, accessed 2012 at http://www.unhcr.org/refworld/pdfid/48480c342.pdf.

598 This Study shows that currently such investigations are not prioritised, leading to a statistically low number of cases

a begging child, for the police and/or social services to **establish the nature of the relationship between the child and the adult in order to ascertain whether the adult is genuinely the child's primary caregiver** (or a third party to whom the child has been transferred for his/her exploitation).[599]

8. Law enforcement responses to child begging cases should **always be carried out in view of the best interests of the child** (in line with Article 3 of the UN-CRC), regardless of whether the child is a national of the country in which they are found begging, or whether the child is a member of an ethnic minority.[600] States should reaffirm their obligation that, in cases of exploitation of children through begging, or trafficking of children for the purposes of begging, **child protection measures are put in place regardless of the possibility of prosecuting exploiters/offenders**.[601]

9. Relevant State officials and other institutions and organisations should **work in close consultation with the families and communities of children who beg** in the design, implementation, impact assessment and evaluation of strategies, policies and **programmes aimed to reduce begging among children, and involve them in the implementation of these, to ensure the effectiveness of policies and interventions aimed at this group.**[602] **Safe, meaningful and effective participation of children involved in - or exposed to - begging should be ensured**.[603]

10. Before adopting laws and policies specifically targeting begging as such, it is appropriate to carry

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brought to Court and of victims assisted, and also subsequently the necessary resources are not allocated and cases are often dropped or not further investigated. Law enforcement authorities interviewed for this Study expressed their interest in receiving more support in terms of investigative methods to be used.

599 This emerged as a difficulty in many of the countries under study, with the risk of leading to the re-trafficking or re-exploitation of the child by a third party.

600 Decreases in the number of children begging have been associated by some stakeholders interviewed for this Study with the adoption and enforcement of restrictive policies and legal provisions, mainly towards Roma groups, migrants without regular permits for entry and stay or on public security grounds (as observed in, e.g., Denmark, Austria and Italy). However, this Study shows a high and unacceptable risk that such measures leave children unprotected and expose them and their families to greater risks, for example by pushing them towards locations that are less safe (e.g. from central districts to suburbs of big cities, other European countries where child protection is less effective, etc.). Further, some measures constitute a violation of human rights by the States concerned, such as the administrative detention of children who have been found begging in one country and/or return to their country of origin without access to effective legal remedies for the children, their parents, guardians or legal representatives and in the absence of formal Best Interests Determination (BID) procedures.

601 This Study has found that in many countries, child protection measures are often activated only in relation to identified cases of trafficking and organised crime.

602 In its recent General Comment No. 12 on Art. 12 of the UN-CRC – the child's right to be heard – the Committee on the Rights of the Child recognised that "*certain groups of children, including younger boys and girls, as well as children belonging to marginalized and disadvantaged groups, face particular barriers in the realization of this right*". Referring to the right of the child to be protected from all forms of violence and the responsibility of States parties to ensure this right for every child without any discrimination, the Committee encouraged States "*to consult with children in the development and implementation of legislative, policy, educational and other measures to address all forms of violence*" and to pay "*particular attention…to ensuring that marginalized and disadvantaged children, such as exploited children, street children or refugee children, are not excluded from consultative processes designed to elicit views on relevant legislation and policy processes***".** The Committee's explicit reference to "exploited children" and "street children" should be interpreted by relevant government ministries and officials as a strong suggestion that they consult children who are or have been involved in begging about their experience, about the effect of measures previously taken to address child begging, about possible gaps in child protection mechanisms and about the measures that the children deem appropriate to be taken in the future. Furthermore, this is in line with the EU Agenda on the Rights of the Child (COM (2011) 60 final), which states that "*children must be given a chance to voice their opinions and participate in the making of decisions that affect them*". In relation to Roma communities in particular, the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992), in its Art. 2.3, states that "*Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.*"

603 This is not only a fundamental right and a good programming practice, but it also brings invaluable contribution to understanding, preventing and addressing child begging in its various forms. It will be important that such consultations be carried out sensitively by individuals with appropriate experience.

out an **assessment of whether all institutions and organisations who are responsible for child protection at different levels are applying the full scope of their respective mandates** according to the existing legal provisions, in order to prevent begging by or with children and to ensure protection of children already involved in begging.

11. **Children should never be considered as offenders or subjected to administrative sanctions for their mere involvement in begging.**[604] In addition, in cases of exploitation or trafficking where the child who has been exploited or trafficked into a situation where they commit a crime, **victims** should never be penalised.[605]

12. **Independent processes to oversee the situation of children involved in begging and scrutinise the protection measures** granted to them, taking into account age and gender, (e.g. led by Children's Ombudspersons or general Ombudspersons) should be in place in each country.

B. Trafficking and Exploitation of Begging Children

13. In relation to trafficking and exploitation legislation:[606]

(a) Adults who control children who beg take advantage of freedom of movement rights and the differences in the justice systems, law enforcement priorities and State agency and child protection responses to child begging in different jurisdictions. It would consequently be helpful for EU Member States to adopt common standards with respect to national legislation and responses to child begging. Member States should also ensure that their national **legislative framework on trafficking and exploitation covers the criminalisation of exploitation of children through begging and child trafficking for the purpose of exploitation through begging** in line with their obligations under Directive 2011/36/EU.[607] To ensure that this is the case, the definition of the criminal offence of trafficking in human beings should explicitly refer to exploitation for the purpose of begging. Member States should also criminalise exploitation of children through begging. Furthermore, each State should clearly **define both classic begging and auxiliary begging activities** (as defined in this Study), in order to provide guidance in responding to child begging cases.[608]

(b) Legislation should also address the specific situations in which children begging are accompanied by an adult who has been ascertained as being their parent/legal guardian, making explicit reference to the authorities' legal obligation under the Convention on the Rights of the Child to make the child's best interests a primary consideration in responses to such situations. This requires the specific circumstances of each child's case to be investigated, rather than standard penalties being imposed.[609]

604 As is currently the case in, e.g. Greece and the UK.

605 A difference in the treatment of older children – those aged 14/15-18 was noted in some of the Country Chapters (e.g. UK, France, Austria), whereby they could be held criminally responsible for begging activities. In relation to non-prosecution or non-application of penalties to victims, Directive 2011/36/EU does not expressly establish non-penalisation of victims, stating that States should "ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to commit […]."

606 In many of the cases of child begging and child begging situations identified in this Study according to indicators, the involvement of children in begging constitutes child trafficking and/or exploitation, yet in the majority of these cases, trafficking cases were not taken to the Courts. This is due to the difficulty in investigating and prosecuting trafficking cases, as cited by many of the relevant interviewees for this Study and as suggested by the low statistics on trafficking cases taken to court in the countries under study.

607 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims: (11) Preamble; Article 2 (3).

608 In many of the countries under study, child begging is treated under provisions for child abuse or neglect, which often do not specify or define a parent or primary caregiver instructing a child to beg, resulting in a lack of clarity among police officers, prosecutors and judges dealing with this issue.

609 Children being exploited or trafficked for begging by their parent(s)/guardian(s) emerges as a very common case in the countries under study, yet the legislation and jurisprudence in these countries often does not cover this situation. In the particular case of Spain, a related problem is that children can only be interviewed by the police or authorities in the presence of their

14. National authorities should involve relevant civil society organisations in responding to cases of child begging in order to understand the **child protection needs and ensure that cases of child trafficking for the purposes of exploitation through begging, and child exploitation through begging without the elements of trafficking, are identified by law enforcement authorities and duly prosecuted**.

15. **Removal of parental custody should always be regarded as a last resort measure,** to be applied only when this has been formally determined as in the best interests of the child concerned, as assessed by the competent authorities on a case-by-case basis, and never purely as a method of penalising the parents or due to the socio-economic situation of the family.[610] Social protection and support measures for the family should be undertaken as a means to indirectly ensure the protection of the child.

16. States have the obligation to provide for **special protection measures to children temporarily or permanently deprived of parental care**,[611] taking into consideration a gender perspective and the best interests of the child, in line with Article 13 of the 2011/36/EU Directive. This includes protecting them from risks of exploitation and from any activity that could endanger their well-being and limit their enjoyment of other fundamental rights, including becoming involved in begging.

17. This Study shows that many of the children involved in begging show high mobility, both within and outside a country, either due to trafficking or migration processes. Therefore:

(a) High mobility should be taken into account when designing effective protection services and, where necessary, prosecution measures, to ensure that services in the areas to which children move (or are moved) **do not discriminate against such children** on the grounds that they are foreign or undocumented and **do not shift responsibility to another agency/district/State**.

(b) **Cooperation between cities and States** must be engaged in, in order to effectively combat child trafficking for the purpose of exploitation through begging and prosecute child trafficking cases identified, based on the National Referral Mechanisms in place for trafficking or along the lines of the currently existing **transnational, bilateral and inter-city cooperation** identified in this Report.[612]

C. Awareness-Raising and Data Collection

18. **Awareness-raising activities** should be carried out, targeting families **whose children are involved in begging,** about, among other issues: the negative impact of begging on children's well-being; the importance of education and training; and the risks of trafficking and exploitation. These activities should seek the active involvement of relevant communities, including those Roma communities affected.

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parent/guardian, interfering in the ability to investigate cases of exploitation or trafficking by parents/guardians. With regard to cases of child trafficking for the purpose of exploitation through begging, where the children are exploited by their parent(s)/legal guardian(s), Art. 14(2) of Directive 2011/36/EU foresees that "Member States shall appoint a guardian or a representative for a child victim of trafficking in human beings from the moment the child is identified by the authorities where, by national law, the holders of parental responsibility are, as a result of a conflict of interest between them and the child victim, precluded from ensuring the child's best interest and/or from representing the child".

610 As set out in the Legal Analysis and evident from the results of this research, the involvement of children in begging often entails neglect, abuse, exploitation and/or trafficking by the child's parent(s) or other primary caregiver. These violations of children's rights should be addressed promptly and proactively though child protection measures and measures to penalise the parents only in cases where a crime has been committed.

611 See Article 20 of the UN-CRC. In a small number of countries under study, children involved in begging include separated children – "unaccompanied minors" - coming from both EU and third countries.

612 E.g. Romania-UK; France-Romania; Albania-Greece, Bulgaria internally, cooperation agreements of the municipality of Vienna with Bulgaria and Romania.

19. Trafficking and exploitation victims should be informed of their rights as victims, in line with the European Commission's *Strategy to Eradicate Trafficking in Human Beings*.[613]
20. Individual States should **fund and promote campaigns that are tailored to the situation in that particular country, and are systematic, instead of once-off, to inform the public** about the connection between trafficking, exploitation and child begging, as well as the neglect and abuse connected with child begging. States should thereby disseminate the message that the public should **avoid giving money to begging children, and also report cases of child begging to the appropriate authorities** – the contacts of which should be listed in the campaign publicity.[614] Awareness-raising should be done in a way that **avoids stigmatisation, stereotyping and generalisations**, particularly about certain groups of the population (including Roma). Such campaigns should be linked with an assessment on their impact on begging children, taking into consideration a gender perspective and the best interests of the child. As a general recommendation, these campaigns should be accompanied by child protection measures for the begging children.

21. Institutions and organisations working with and for children involved in begging **should also engage in working pro-actively with the media** so that they avoid prejudices and distorted representations in presenting the issue to the public.[615] The media should be encouraged to **present child begging as first and foremost a child protection concern**.

22. Regular and effective **impact assessment and evaluations**[616] of policies concerning children involved in begging should be carried out.[617]

23. **In addition to data on cases of trafficking in children for the purpose of exploitation through begging, disaggregated data according to age, gender, origin, type of begging etc. on child begging cases that do not involve trafficking should be collected at a local and national level** (which is currently only the case in Bulgaria among the countries under study) by police, social workers and NGOs.[618] **Ongoing research** into the situation of these children should be promoted, notably to identify the factors exposing them to, or protecting them from, begging, trafficking and exploitation, including forms of exploitation other than begging (i.e., risk factors and resiliency factors), in order to substantiate **evidence-based** policies. Furthermore, proportionally even less **data is available**

613 This awareness-raising should be linked to the Strategy action: "*In 2014 the Commission will **launch EU-wide awareness-raising activities** targeting specific vulnerable groups, such as women and children at risk, domestic workers, Roma communities, undocumented workers and situations such as major sporting events, using the home affairs funding programme. The internet and social networks will be used as a means of effectively raising awareness in a targeted manner.*"

614 The Report cites instances of public campaigns to discourage the public from giving money to begging children (e.g. Poland, Kosovo) to combat the phenomenon and educate the public.

615 Even in countries where the scope of the involvement of children in begging (and begging in general) is limited, media coverage was identified in this study that often portrayed it in a sensational and exaggerated fashion (e.g. in Austria, Germany and Italy), conveying views that may contribute to reinforcing existing stereotypes towards certain groups of the population.

616 In order to improve existing policies, the *EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016* also states "*the Member States are encouraged to do their own evaluation and monitoring of national strategies and activities aimed at addressing human trafficking*".

617 Very limited efforts were identified at both national and local levels to assess the impact that measures aimed at preventing and responding to child begging had on the fundamental rights of children involved – as well as those of their families and communities. One exception is a campaign in Greece in 2004 targeting trafficking of Albanian children conducted by the ARSIS NGO in the context of the Greek Olympics. The evaluation found that members of the public were nervous about not donating to begging children, as they feared negative repercussions for the children, leading the ARSIS NGO to provide feedback to members of the public drawn from information from the children themselves. Also, evaluations were carried out among the public before and after the Kosovo public campaigns (see Country Section on Kosovo). Therefore evaluation and impact assessments of these campaigns are essential.

618 There is a general lack of data and evidence concerning children involved in begging in Europe as well as a particular lack of data on child trafficking for the purpose of exploitation through begging.

on other violations of child protection laws reported when children are found begging than on identified cases of trafficking, and the collection of data on this issue is also needed.

24. Actions targeting the prevention of begging by children and the protection of children already involved require the **routine collection of statistics and evidence**, as read in conjunction to Article 19 of Directive 2011/36/EU in cases of child trafficking. Where crimes are being committed, there should be **systematic sharing** of intelligence between Member States (and, when children come or are brought to EU Member States from outside the EU, the children's countries of origin). However, intelligence should relate to **crimes** that are committed, particularly crimes against children, **rather than activities that are not considered to be criminal** by some or most EU Member States.

25. The EU should consider setting up a long-term mechanism - perhaps within the framework of existing platforms such as the THB national rapporteurs and equivalent mechanisms - for the **identification and exchange of good practices and lessons learnt in the area of combating child begging** between cities, municipalities and Member States.