

TRAFFICKED AND EXPLOITED MINORS BETWEEN VULNERABILITY AND ILLEGALITY.

FRANCE & EUROPE

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Human trafficking phenomenon

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Background

Legal framework

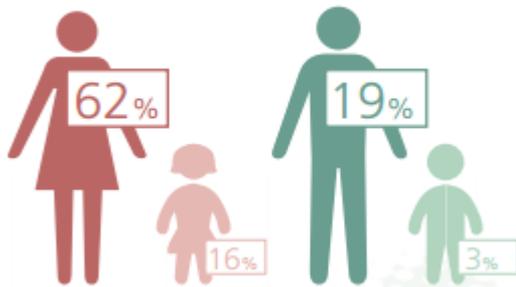
Criminal forced activities as a new form of trafficking

The research methodology and sources

Human trafficking background

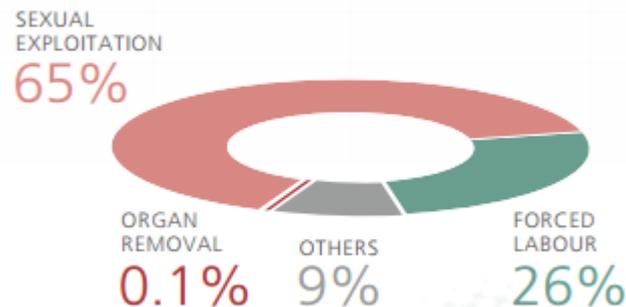
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FIG. 34: Gender and age profiles of victims detected in Western and Central Europe, 2010-2012 (or more recent)



Source: UNODC elaboration on national data.

FIG. 35: Forms of exploitation detected in Western and Central Europe, 2010-2012 (or more recent)



Source: UNODC elaboration on national data.

- **Palermo protocol (2000)**
- **Warsaw convention (2005)**
- ✓ « the recruitment, transportation, transfer, harbouring or receipt of persons, [**an action**]
- ✓ 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, [**a mean**]
- ✓ for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs »). [**a purpose**]
- **Directive 2011/36/UE**

Legal framework in France

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- Modification of the penal code
- Law n°2013-711 5th August 2013 transposition of the directive 2011/36/UE
- Harmonization of the definition taking into account all forms of exploitation

Article 225-4-1 Human trafficking definition

Articles 225-4-2 to 225-4-4
Aggravating circumstances

Article 225-5 Pimping definition

Article 225-12-5 Forced begging

Articles 225-13 and 225-14

Working and housing conditions incompatible with human dignity

Article 224-1 A Reduction into slavery

Article 224-1 B Exploitation of an enslaved person

Article 511-2 Organs trafficking

France

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- January 2013 creation of the Inter-ministerial co-ordination network named mission for the protection of women victims of violence and for the fight against human trafficking (MIPROF)
- May 2014 announcement of the national plan 2014-2016 to fight human trafficking. 3 priorities and 23 measures have been identified :
 - Priority I - Identify and support the victims of human trafficking
 - Priority II - Prosecute and dismantle the criminal networks
 - Priority III - Make the fight against human trafficking a public policy in its own right

Criminal forced activities

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- Metal theft
- Forced begging
- ATM theft
- Pickpocketing
- Bag-snatching
- Shoplifting
- Forced sham marriage
- Sexual exploitation
- Smuggling cigarettes
- Being made to apply for benefits
- Drug offences
- Counterfeit goods
- Burglary

Constant evolution and
adaption of the traffickers
in order to avoid
prosecution

General overview on the criminal groups using minors coming from Romania in France

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General overview on the criminal groups using minors coming from Romania in France

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- A precise geographical origin limited to a few neighbourhoods or to a narrow number of towns
- A family and community basis used for the psychological hold/influence of the victims,
- A *modus operandi* specific to each group (theft by the Automated Teller Machines or ATMs, theft of mobile phones, pick pocketing using fake petitions etc.),
- Ramifications in different Western European countries fostering children movements or transfers.

Focus on 2 children groups who are forced to commit crimes in France, Spain, Italy and Germany

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- Exploited in Paris from 2009 and in Spain and Italy from 2005
- From Constanta and Tandarei (Romania)
- Around 70 children boys and girls, 10 to 16 years old
- Pick-pocketing, mobile phones theft, ATM theft

Structuring & Recruitment

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- Family base 15 (Constanta) to 50 families (Tandarei)
- No hierarchy structure, opportunistic alliances (Constanta)
- Families including in the network by a *camata* system or “taxes” (Tandarei)
- Girls are more vulnerable (no school, early marriage)
- Daughters in law are the most exploited

Twisted codes around marriage customary

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- The profitability of the young girl is a preponderant criterion in the choice of the bride
- The dowry loses its symbolical value and becomes a “price of the bride”, sometimes as high as 10,000 euro
- The family in law converts symbolically the money paid at the marriage ceremony into a debt that must pay back through stealing activities.

Boys position

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- The pressures imposed on them are not as high as those imposed on the girls
- They help or survey their wives with phone stealing or ATMs theft
- Presence of enslavement situation for boys coming from violent families

Using the system's failures

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- Failing to register the births
- Aliases
- Fake filiations and cloning identity
- Regular children movement in other Western European countries

Factors determining minors to ask for protection

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- Mistreatment,
- Low level of personal benefits,
- The daughters in-law have no possibility to grow-up their children; most of the time, the child is entrusted to relatives in Romania;
- Several young girls who married very early fell in love with other boys who pushes them to break up with their husbands and so with their in-law families in order to live a teenager's life.
- A high quantity of stolen mobile phones demanded from them or high quantity of money
- The absence of perspective within the organisation.

Procedures and Practices

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Anti-trafficking Policies with a specific focus on forced criminal activities and minors

Practices / Operational Procedures adopted with regards to human trafficking with a specific focus on forced criminal activities and minors

Specific measures for minors

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- Two specific measures have been established by the MIPROF in order to improve response to children trafficking:
- **Measure 10: Ensure a specialized support for the minors victims of human trafficking within child protection**

Improve information sharing and coordination among frontline professionals in France.

European platform creation in order to improve information sharing on the minors (identification, protection) to guarantee a better coherence of their socio-educational follow up in the European countries.

It shall also enable to mutualize the good practices.

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

In accordance with the European engagements the minors forced to commit criminal activities must benefit an adapted housing in order to keep them out of reach from the exploiters and they must not be considered as criminals but as victims.

For that purpose, the creation of an experimental shelter offering to the minor authors-victims a safe place is planned.

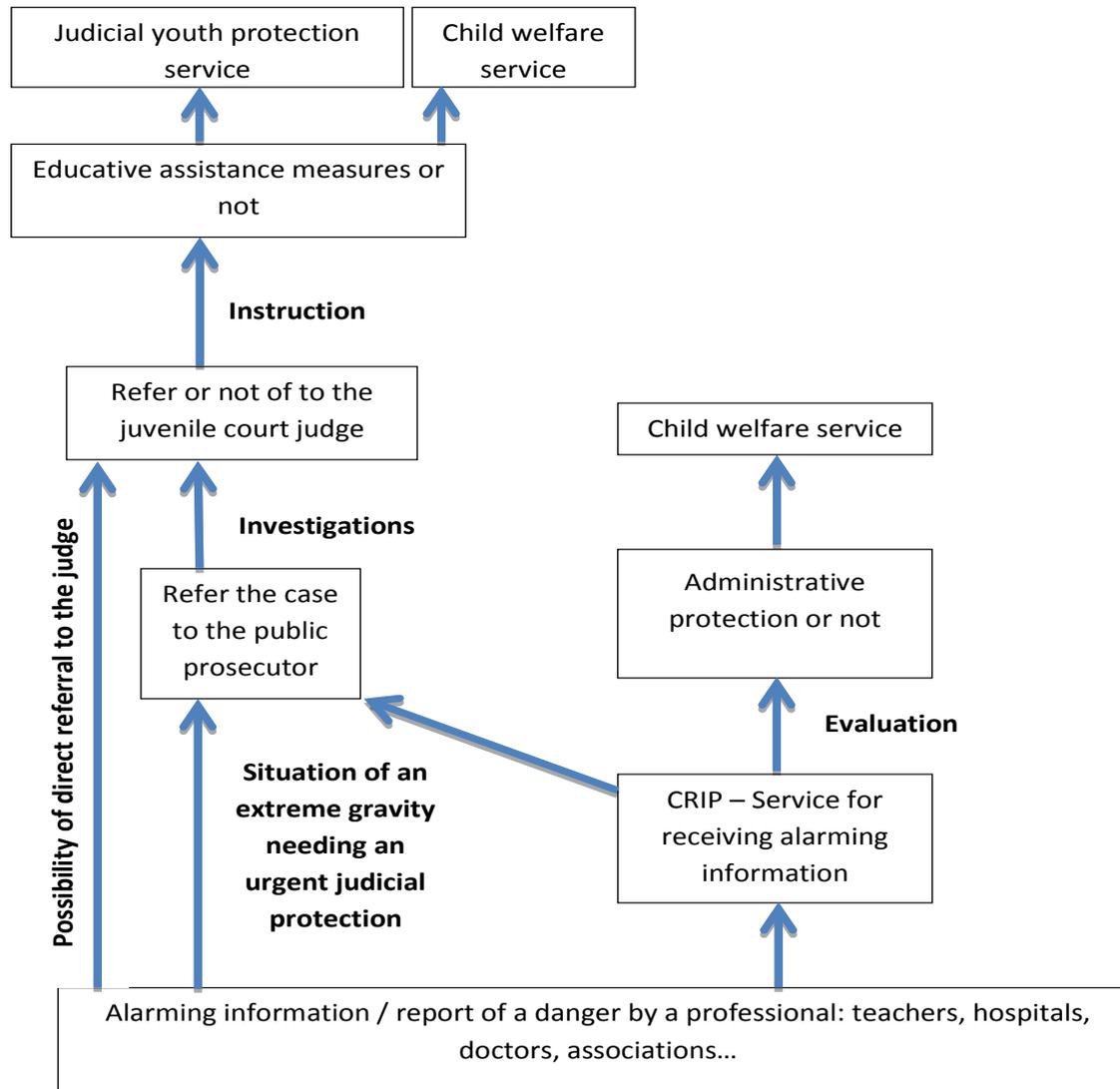
Child protection in France

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- Identification of the minors in danger
 - Creation of a service receiving alarming information (law of the 5th March 2007)
- Administrative protection
 - Decentralized system
 - President of the departmental council in charge of Child welfare services
- Judicial protection
 - Juvenile court judge
 - Judicial youth protection service

Child protection in France

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Malfunctions of the minor victims protection

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- ❑ Lack of detailed statistics
- ❑ Difficulties to monitor and analyse trends
- ❑ Delays concerning the implementation of the national plan against human trafficking
- ❑ Lack of training for frontline professionals
- ❑ Absence of protected places and an organized relocation system.
- ❑ Failure of the identification mechanism and lack of an access to a status
- ❑ Absence of minor victims identification and lack of prosecution against the authors

Solutions researches

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- Presentation of improvements, solutions for a better system in recognition-identification, referral and assistance related to criminal forced activities
- You have the floor ...

Thank you very much for your attention