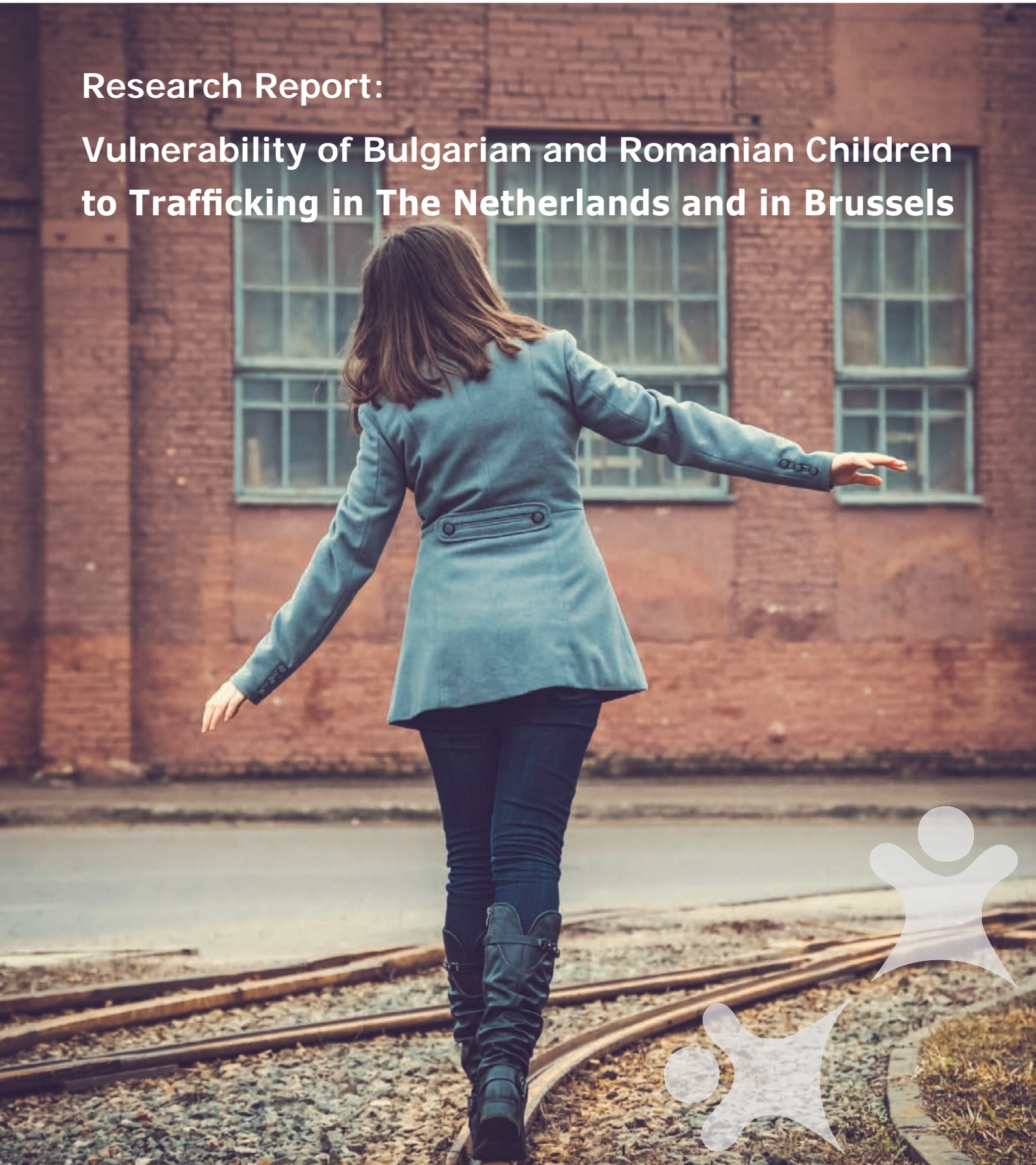


Protect children on the move



Research Report: Vulnerability of Bulgarian and Romanian Children to Trafficking in The Netherlands and in Brussels



Title: Vulnerability of Bulgarian and Romanian Children to Trafficking in The Netherlands and in Brussels

This research report was produced within the framework of the Mario project – co-funded by the Daphne III programme of the European Commission and the Oak Foundation. The contents of this publication do not necessarily reflect the views of the European Commission or the Oak Foundation, nor do they imply their endorsement of the views expressed herein. Any mistakes remain the sole responsibility of the authors.



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The study was coordinated by Defence for Children – ECPAT The Netherlands



*In The Netherlands Defence for Children and ECPAT
form one organisation that promotes children's rights*

Suggested quotation: "De Witte & Pehlivan, Vulnerability of Bulgarian and Romanian Children to Trafficking in The Netherlands and in Brussels, Mario project, Budapest, December 2014.

RESEARCH REPORT

VULNERABILITY OF BULGARIAN AND ROMANIAN CHILDREN TO TRAFFICKING IN THE NETHERLANDS AND IN BRUSSELS

Transnational Outreach Research

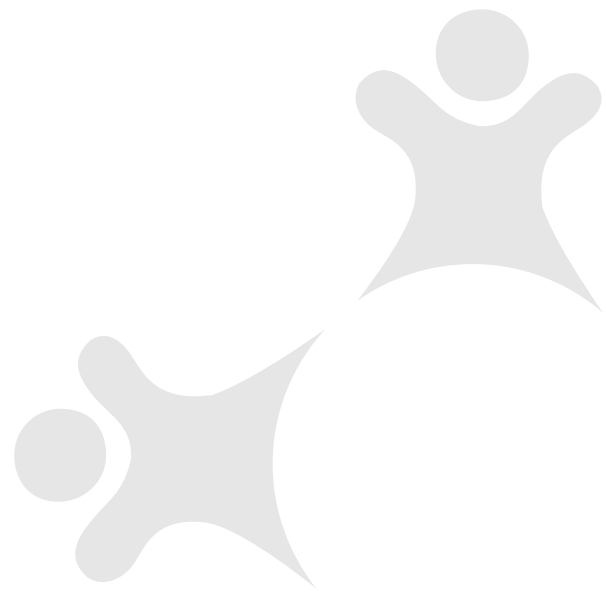


TABLE OF CONTENTS

Acknowledgements	5
1. Abbreviations, acronyms, concepts and organisations	7
2. Executive Summary	9
3. Introduction	13
3.1. Transnational outreach research	13
3.2. Definitions	14
3.3. Children's rights principles	16
3.4. Methodology	17
3.5. Structure of the report	20
4. Vulnerability of C/SEE migrant children in The Netherlands	21
4.1. Migration from C/SEE countries to The Netherlands	21
4.2. Social, economic and family vulnerability of C/SEE children and youth in The Netherlands	22
4.3. C/SEE minors vulnerable to exploitation	24
5. Overview of Trafficking in Human Beings in The Netherlands	27
5.1. Registration of potential victims in The Netherlands	27
5.2. Figures: nature and extent	28
5.3. Movement and entry into The Netherlands	31
5.4. Cases of exploitation of begging and criminal activities	32
<i>Case 1: labour exploitation</i>	33
<i>Case 2: exploitation of shoplifting</i>	34
<i>Case 3: exploitation of home burglary</i>	35
6. Street observations in The Netherlands and Belgium	37
6.1. Research activities and observations in The Netherlands	37
<i>Case 4: Romanian boy in Amsterdam</i>	38
6.2. Research activities and observations in Brussels, Belgium	39
6.3. Living and working conditions	40
6.4. Perception of begging by society and authorities	42
6.5. Closing remarks	42
7. Institutional care and protection: two types of systems	45
7.1. Obstacles and opportunities	46
8. Intervention in The Netherlands	49
8.1. Intervention in Den Bosch	49
8.2. The Amsterdam model: "Flow Chart Balkan Children"	50
8.3. Intervening bodies	52
<i>Case 5: Example of intervention involving all main actors</i>	53
8.4. Obstacles in intervention and effective protection	53
<i>Case 6: begging and stealing at a market</i>	54
<i>Case 7: false identities</i>	54
<i>Case 8: The Hague</i>	55
<i>Case 9: "Switcheroo"</i>	55
<i>Case 10: Romanian boys</i>	57
<i>Case 11: without a legal guardian</i>	58

<i>Case 12: running away</i>	58
<i>Case 13: Dropped out of the system several times</i>	59
<i>Case 14: found back in France</i>	59
<i>Case 15: disappearance from maternity clinics</i>	59
8.5. Proposals for improved intervention	59
9. Identification of a durable solution	63
<i>Case 16: return by Youth Care</i>	64
<i>Case 17: return by Nidos</i>	64
10. Conclusion and recommendations	67
<i>Annex 1. Bibliography</i>	71
<i>Annex 2. Flow Chart Balkan Children (Amsterdam)</i>	73
<i>Annex 3. Stakeholders</i>	77

Acknowledgements

This research project would not have been possible without the assistance and support of a range of individuals and actors. The desk research and interviews to stakeholders were carried out by Iara de Witte (Defence for Children – ECPAT The Netherlands). The field research was carried out by Leonard Andreescu (Save the Children Romania), Ulyana Matveeva (Alliance for Children and Youth, Bulgaria) and Iara de Witte (Defence for Children – ECPAT The Netherlands). Findings from the field research were processed and analysed by Tarik Pehlivan (Alexander Foundation – The Netherlands).

Many individuals and organisations provided very valuable insights and information about the issues covered by the research. Our special thanks goes to Nidos, the guardianship institution for unaccompanied foreign children in The Netherlands; the Youth Care Agency, especially the Crisis Team of the Region of Haaglanden; the Child Protection Board; the Rotterdam Police, especially the Department of Youth and Domestic Violence; the Amsterdam Police, especially the “Pickpockets Police Team”; the National Police and the Police Academy; the EMM, Centre of Expertise on Human Trafficking and Migrant Smuggling; the Barka Foundation, and especially Larisa Melinceanu, for facilitating contacts with homeless Romanian nationals in The Netherlands; AMOC, running drop-in centres in Amsterdam; the Salvation Army; the Municipality of Rotterdam; Emilia Bosma, who hosted the research team during her consultation work for Bulgarian nationals in Rotterdam; Foyer, a Belgian association amongst others running a special supporting service branch to assist Roma communities; and the Belgium Federal Police and the Brussels District Police. Particular thanks must be extended to Jola Vollebregt (formerly with Defence for Children – ECPAT The Netherlands) who contributed to raising awareness among Dutch child protection authorities on the issue of exploitation of criminal activities and begging. We would also like to thank Terre des Hommes Hungary for their ability to streamline the research, and Maria Antonia Di Maio, for her editorial work on the research report. Finally, we would like to thank the adults and children in The Netherlands and in Belgium who were willing to speak with us and who gave us valuable insight into their lives.

1. ABBREVIATIONS, ACRONYMS, CONCEPTS AND ORGANISATIONS

AMHK	Advies en Meldpunt Huiselijk Geweld en Kindermishandeling, "Advice and Reporting Centre Domestic Violence and Child Abuse", operating above the local level.
AMOC	For over 35 years The Rainbow Group has worked with the vulnerable people in Amsterdam. AMOC has nine drop-in centres for homeless people.
BARKA	Inspired by the activities of Barka Poland, a new foundation was established in The Netherlands on the 9th of May, 1994 named Barka NL. In 2012 Barka started with homeless Eastern European migrants support projects in The Netherlands.
CBS	Centraal Bureau voor de Statistiek, "Statistics Netherlands".
COA	Centraal Orgaan opvang asielzoekers, "Central Agency for the Reception of Asylum Seekers". Responsible for the reception, supervision and departure (from the reception location) of asylum seekers coming to The Netherlands.
CoMensha	Coördinatiecentrum Mensenhandel, "Coordination Centre Human Trafficking". Also known as La Strada Netherlands. Assigned to register identified potential victims of trafficking.
C/SEE	Central and South East Europe/an.
DT&V	Dienst Terugkeer en Vertrek, "Repatriation and Departure Service" of the Ministry of Justice. DT&V coordinates the actual departure of foreign nationals who do not have the right of residence in The Netherlands.
EMM	Expertisecentrum Mensenhandel en Mensensmokkel, "Centre of Expertise on Human Trafficking and Migrant Smuggling". Partnership between the National Crime Squad, Immigration and Naturalisation Service (IND), Social Security Investigation and Detection Service (SIOD), the Royal Constabulary, and the police Alien Administration.
EU	European Union
Foyer	Brussels NGO. Among others, has specific programmes for Roma integration, assistance, a school and food programme for children.
GGD	Municipal Health Service
GGZ	Mental Health Service
GRETA	Group of Experts on Action against Trafficking in Human Beings of the Council of Europe.
IND	Immigratie en Naturalisatiedienst, "Immigration and Naturalisation Service".
IOM	International Organization for Migration.
LEM	National Expert Group Human Trafficking
Loverboy	A boy that romantically seduces a girl to make her work for him in prostitution.

1. ABBREVIATIONS, ACRONYMS, CONCEPTS AND ORGANISATIONS

National rapporteur	(Bureau of the) National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. The Dutch Rapporteur works independently and reports to the Dutch government.
Nidos	Appointed as the Guardianship and Family Guardianship Organisation for refugees, asylum seekers and unaccompanied foreign minors.
ODIHR	Office for Democratic Institutions and Human Rights.
OP	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
OSCE	Organization for Security and Cooperation in Europe.
Procura	A Romanian travel document for children travelling without their parents/ other legal guardians. It is a notarised affidavit signed by parents/other legal guardians allowing a minor to exit and re-enter the country with other adults. The same system exists in Bulgaria: Декларация за самостоятелно пътуване на дете, "Declaration of independent travel of a child".
Protected Shelter	The Protected Shelter "Jade" was established in 2006 by Nidos as many minor potential victims of trafficking from Nigeria had disappeared from general reception centres with unknown destination. Since 2007, the Protected Shelter is run by COA.
RIEC	Regional Information and Expertise Centre.
UN CRC	United Nations Convention on the Rights of the Child

2. EXECUTIVE SUMMARY

'GRETA considers that the question of human trafficking for the purpose of forced begging or petty crimes which affects predominantly children, particularly of Roma origin, deserves further research in the Netherlands as this phenomenon has been witnessed in neighbouring countries where transnational networks have been operating and moving children from one country to another'¹.

The research "Vulnerability of Bulgarian and Romanian Children to Trafficking in The Netherlands and in Brussels (Belgium)" was conducted in the framework of the "Mario II Project", a European project aimed at improving the level of protection of migrant children from Central and South East European (C/SEE) countries who are vulnerable to abuse, exploitation and/or trafficking.

This report presents the main findings of the research that consisted of a desk review, supplemented by interviews with stakeholders, case studies, and street observations. Due to limited data on the research target-group available in The Netherlands, field activities were expanded to include the neighbouring city of Brussels in Belgium.

Children's involvement in begging-like activities in The Netherlands is very seldom reported, and seems to mostly relate to cases from the past (around the year 2007). There were also no indications of involvement of these children in other economic activities like selling souvenirs to tourists, or other forms of activities. Children's involvement in criminal activities appears to be a tangible problem, which raises several concerns in terms of child protection as well as crime control. However, due to the very nature of these activities (hidden and incidental), it was rather difficult to detect and approach the children involved during the field work.

Apparently, most of the children identified in these situations were children from C/SEE countries who were not residing at a permanent address and/or who were (temporarily or permanently) deprived of parental care. Indeed, the research found no indications that children from C/SEE countries who come together with their parents (typically in the framework of general labour migration patterns) were involved or exploited in begging, economic activities or criminal activities. These children can find themselves in socially vulnerable situations, but not to the extent that they fall victim of exploitation.

¹ GRETA, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Netherlands, First evaluation round, Adopted on 21 March 2014, Published on 18 June 2014, p. 29.; Similarly, the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children referred to European trends of trafficking for criminal and begging-like activities stating that 'it is time for a more firm approach against exploitation outside the sex industry. In practice, more and more other types of exploitation are being observed, both internationally and nationally. In the past, this category was limited to labour exploitation. Currently, examples include forced begging and benefit fraud.' (National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, *Ninth Report on Trafficking in Human Beings* (2013), The Hague, p. 318).

2. EXECUTIVE SUMMARY

The large majority of children begging in the streets observed by the research team were found in Brussels (Belgium), where this phenomenon is much more visible and frequent than in The Netherlands. Therefore, the majority of children targeted by street observation were located in Belgium.

One of the reasons that could explain the different prevalence of the phenomenon of child begging in the two countries targeted relates to a diverse approach undertaken by authorities among the two countries: in The Netherlands, the response from child protection and law enforcement authorities to cases of children begging with adults in the year 2007 was vigorous and apparently had a deterrent effect: by taking the children away from the streets, adults involving them could not rely on an additional source of income, and therefore might have moved to other locations outside the country. In Belgium, begging with children is generally tolerated by authorities, and there is a broader social acceptance of the phenomenon in general, facts that could explain the visible presence of children begging in the city of Brussels.

Conversely, both Belgium and The Netherlands have a similar approach to children's involvement in criminal activities (although, however, the approach in Belgium was not subject of in-depth review in the framework of the present study). Similarly, the features and prevalence of this phenomenon appear to be comparable in Belgium and in The Netherlands.

The research looked in greater depth at the responses to the involvement of children in begging, economic or criminal activities in The Netherlands. At national level, when it comes to adopting protection measures for migrant children from C/SEE countries, there is some degree of uncertainty about (and overlap among) the applicable child protection measures and competent authorities. Indeed, these children are both EU nationals (fact which triggers the application of protection measures designed for national children) and foreigners (their case thereby falling under the provisions of immigration law).

At local level, some cities developed referral systems and standard operating procedures to deal with cases of children involved in begging, economic and criminal activities, entailing a cooperation among law enforcement and child protection authorities. However, several gaps have been identified, which leave many of these children without adequate protection. These gaps concern primarily: the practical and legal impossibility to adopt protection measures when the child's parents do not reside at a permanent address; difficulties in assessing the relationships between the child and his/her (alleged) parent(s); gaps in the identification (and treatment) of children who are trafficked for begging, economic or criminal activities as victims of that crime; children's disappearance from the child protection systems (particularly from temporary alternative care); and difficulties in timely appointing a guardian (and in ensuring a sufficient extension of guardianship provisions).

The report recommends to adopt measures aimed to enhance the protection of children involved in begging, economic or criminal activities, to be always guided by rights-based, child-centred considerations. At local level, these measures mainly revolve around assessing in greater depth the relationships between the child and his/her parents or legal guardians, when doubts arise concerning the nature of such relationships. It is also recommended to systematically request the appointment of a guardian in cases of children deprived of adequate parental care. Legal and practical obstacles in intervening to protect children whose parents are not residing at a permanent address should be

overcome, and this circumstance (along with the child's lack of school attendance) should be considered as an additional risk factor.

At national level, among relevant recommendations, the need to enhance the protection of children involved in begging, economic or criminal activities from neglect and abuse, and particularly from exploitation, in cases where signs of these violations of fundamental children's rights are displayed is of utmost importance. In particular, cases of (potential) child trafficking for exploitation in the above-activities should be promptly detected and (potential) child victims should be referred to existing protection services and treated as children and as victims of a serious crime. The capacity of frontline professionals to identify these cases should be enhanced through regular training, in the framework of clear procedures embedded in the child protection system and in the (developing) national referral mechanisms for trafficked persons in The Netherlands.

Children belonging to the most vulnerable groups, particularly those (temporarily) deprived of adequate parental care, and/or not residing at a permanent address in the country, should be effectively reached by child protection services.

Clear procedures to identify a durable solution for each child concerned, based on his or her best interests, should be developed, with strict procedural safeguards and involving decision-makers with relevant areas of expertise, allowing a proper balancing of the different relevant factors to be considered. The process should facilitate adequate child participation and explore on equal grounds the possibilities to return the child to his or her country of origin, to allow the child to remain and integrate in The Netherlands, or to reunite the child with his or her family in a third country.

3. INTRODUCTION

3.1. Transnational outreach research

The research “Vulnerability of Bulgarian and Romanian Children to Trafficking in The Netherlands and in Brussels (Belgium)” was conducted in the framework of the Mario II Project, as part of a series of five transnational outreach researches on the situation of C/SEE migrant children living or working in the streets of major urban areas in four respective countries (Greece, Italy, Kosovo², Macedonia and The Netherlands). These researches were based on an initial mapping exercise that confirmed the presence of children from C/SEE region, particularly Albanian, Romanian and Bulgarian children, involved in begging, economic or criminal activities in some of the cities of these five countries.

The circumstances of the travel of children from C/SEE countries (is their movement forced by others or voluntary, is it part of a family migration strategy etc.) appear to be largely unexplored, while their situation in countries of transit and destination is raising major protection concern. The limited data and understanding of the situation of C/SEE migrant children in the four countries targeted by the transnational outreach researches is believed to hamper the protection response by government agencies and civil society organisations, and to prevent the formulation of adequate policies aimed to prevent unsafe movement and to ensure that these children benefit from protective services during their journey as well as once settled in another country.

Thus, the research attempted to identify migration patterns and (general and specific) vulnerability factors that expose migrant children from C/SEE countries to risks of abuse, trafficking and/or exploitation, and to analyse the adequacy and effectiveness of the responses provided by authorities in the countries of destination and transit.

This report presents the findings related to the following main research question: What are the vulnerability factors that affect C/SEE migrant children during their migration path and once they have settled in; and how adequate and effective are the government responses to the protection needs of C/SEE migrant children, in The Netherlands?³

Combining information from desk-research, case studies, interviews with key-stakeholders and street observation, the research is intended to provide comprehensive, in-depth understanding of the situation of children from C/SEE countries involved in begging, economic and criminal activities in The Netherlands, and to offer a sound base upon which policy recommendations will be drawn.

² This designation is without prejudice to positions on status and in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

³ The research was originally intended to be conducted exclusively in The Netherlands. Due to indications from the desk research about an absence and/or inaccessibility of the target group in The Netherlands, and indications that the target group would be more visible in Brussels, this city was included in the research area. See also chapter 6.

The research presented in this report was carried out in The Netherlands and in Belgium. Due to the difficulty in identifying children involved in begging or other (economic or criminal) activities in the 3 cities targeted in The Netherlands (Amsterdam, The Hague, Rotterdam), street observation was extended to – and mainly took place in – Belgium (Brussels). While field research covered both countries, desk review and stakeholders interviews were confined to The Netherlands – the country initially and primarily targeted by the research.

The research was carried out by Defence for Children – ECPAT The Netherlands. Activities were undertaken between March and September 2014. Street observation in The Netherlands and in Belgium was carried out between the 7th and the 23rd of July 2014.

3.2. Definitions

Child

A child is a person below the age of eighteen years⁴.

Youth

Those persons between the ages of 15 and 24 years⁵.

Trafficked child

“Any person under eighteen who is recruited, transported, transferred, harbored or received for the purpose of exploitation, either within or outside a country, even if no element of coercion, deception, abuse of authority or any other form of abuse is used”⁶.

Begging

“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. People who are begging 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”⁷.

Economic activities

Economic activities in this research can mean inter alia making music in the streets, selling street papers, selling other items like souvenirs.

⁴ Art.1, UNCRC.

⁵ UN standard definition (<http://www.unesco.org/new/en/social-and-human-sciences/themes/youth/youth-definition/>).

⁶ SCEP/Save the Children, *Position Paper on Preventing and Responding to Trafficking of Children in Europe*, 2007. This definition is largely based on Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000).

⁷ ILO, *A rapid assessment of bonded labour in domestic work and begging in Pakistan*, 2004). Definition adapted from: European Commission, *Report for the Study on Typology and Policy Responses to Child Begging in the EU*, 2012, p.18.

Criminal activities

Criminal activities in the context of this report should be understood as the committing of, inter alia, pick-pocketing, shop-lifting, and other similar activities which are subject to penalties.

Children on the move

For the purposes of this research, children on the move shall be understood as “those children who have left their place of habitual residence and are either on the way towards a new destination, or have already reached such a destination”⁸. According to the above-definition, a child can move across State borders, or within a country. S/he can be on the move alone, with parents or other family members, with other adults and/or children, previously known or unknown to the child.

The definition includes the following categories of children:

- migrant children (internal or across borders; legal or illegal; accompanied or not),
- asylum seeking or refugee children,
- trafficked children (internal or across borders),
- internally displaced children or children outside a protective environment⁹.

The child should have already moved, may also be a returned migrant, may be moving or/and susceptible to impending migration. To be included in the focus of this research, a child should possess the citizenship or habitual residence in one of the Central and South Eastern European countries.

Child protection

Child protection refers to “preventing and responding to violence, exploitation and abuse against children”¹⁰.

Unaccompanied children

“Unaccompanied minors’ means third-country nationals or stateless persons below the age of 18, who arrive on the territory of the [EU] Member States unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person; it includes minors who are left unaccompanied after they have entered the territory of the Member States”¹¹.

⁸ Definition adopted by Terre des hommes, 2011.

⁹ Not all the “groups” of children covered by the definition are relevant for the purpose of this research. The definition of “children on the move” is more broadly discussed in the methodological guidelines for research and child consultation of the Project (Mario Methodological Guidelines for Research and Child Consultation, 2013, p. 5).

¹⁰ UNICEF, What is child protection?, 2006, http://www.unicef.org/protection/files/What_is_Child_Protection.pdf.

¹¹ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, Chapter 1, Article (2) (i), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:en:HTML>.

Separated children

Under 18 years of age, outside their country of origin and separated from both parents or their previous legal, or customary primary caregiver¹².

3.3. Children's rights principles

Children's rights should form the basis for all the work with children who are at risk (or victims) of abuse, trafficking and/or exploitation. In particular, the United Nations Convention on the Rights of the Child (UN CRC) and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography ('OP') set out clear principles and provisions to prevent trafficking as well as to protect at risk and trafficked children. These children should be perceived and treated as children first and foremost. The UN CRC sets out minimum standards that apply to all children within a State's jurisdiction, without **discrimination** based on nationality, immigration status, statelessness or other considerations¹³.

All children have an inherent **right to life, survival and development**¹⁴. This right implies that States are responsible for preventing trafficking and exploitation, since these endanger the survival and development of the child affected.

States have the duty to ensure **protection** to every child from any form of abuse and exploitation, including trafficking¹⁵. In particular, States have an obligation to promote social re/integration of any child victim of abuse and violence, which includes trafficking¹⁶. Special attention has to be paid to the safety of children involved as victims and/or witnesses in the investigation and prosecution of trafficking cases¹⁷. In the case of separated trafficked children, States need to provide special protection and assistance to children deprived of their family environment¹⁸.

The **best interests of the child** shall be a primary consideration in all actions concerning children, whether undertaken by public or private institutions, legal, administrative organs or legislative bodies¹⁹. For children outside their country, this principle must be respected during all decision-making stages, including in the search for durable solutions. According to the best interests principle, decisions and protection measures should be embedded in a broader, more comprehensive process, aimed to determine their best interests²⁰.

The views and wishes of children at risk or victims of abuse, trafficking and/or exploitation should be sought and taken into account whenever decisions affecting them are being made. According to the **right to participate** enshrined in the CRC, States should ensure to the child who is capable of forming his/her own views the right to express those

¹² Separated Children in Europe Programme ('SCEP'), *Statement of Good Practice, 4th Revised Edition*, 2009. This definition – largely adopted by the General Comment No 5, recognizes that some children may appear 'accompanied' but in practice the accompanying adult may be either unable or unsuitable to assume responsibility for their care.

¹³ Art. 2, CRC.

¹⁴ Art. 6, CRC.

¹⁵ Art. 32, 34, 35 and 36 CRC; Art. 1, 8, 9 OP.

¹⁶ Art. 39 CRC.

¹⁷ Art. 9 OP.

¹⁸ Article 20, CRC.

¹⁹ Art. 3 CRC.

²⁰ SCEP, *Statement of Good Practices. 4th Revised Edition*, 2009, D9.

views freely in all matters affecting the child, his/her views being given due weight in accordance with the child's age and maturity²¹. In particular, cultural and linguistic factors, which may act as a barrier to participation, must be addressed²².

The EU Trafficking Directive²³ recognises the need to grant special protection and assistance to trafficked children in accordance to key-human rights instruments, including the CRC²⁴. In the application of this Directive, the child's best interests must be a primary consideration, in accordance with the Charter of Fundamental Rights of the European Union (article 24, par. 2). The Directive provides for special protection measures for (child) victims of trafficking. Assistance and support for a victim should not be made conditional on the victim's willingness to cooperate in the criminal investigation, prosecution or trial. Victims have the right to assistance and support on the basis of an individual assessment, taking into account the circumstances, cultural context and needs of the person concerned. A durable solution must be found, based on the best interests of the child. The directive also provides for measures for the protection of (child) victims of trafficking in criminal investigations and proceedings. Furthermore, Member States have to take measures to prevent and reduce the risk of especially children to become victim of trafficking.²⁵

3.4. Methodology

The research described in this report consists of a desk review carried out by Defence for Children – ECPAT The Netherlands, supplemented by interviews with professionals, case studies, consultation of students, and street observations.

The **desk component** of the research aimed to analyse the current situation and latest developments in the field of trafficking of children from C/SEE countries in The Netherlands. Information was gathered from literature available at national and regional (C/SEE as well as EU) level from a range of different publications and grey literature. The full list of resources informing the desk review is provided below ('Sources').

The desk research was supplemented by information obtained from **interviews** and other exchanges with professionals from local and national institutions dealing with child protection, social protection, anti-trafficking and fight against other criminal activities, NGOs and IOs. A full list of respondents is provided above ('Acknowledgements').

Real stories of children on the move from C/SEE countries have been reviewed and analysed for this research. These **case studies** have been taken from national jurisprudence and have been also provided by the Child Protection Board, Nidos, the shelter Fier Fryslân, the police of Rotterdam region, and the Amsterdam "Pickpockets Police Team". Other practical cases were in more general terms accounted for by Staff members of the Crisis Team of the Youth Care Agency of The Hague region. For protection reasons, the cases are made anonymous. Information that may lead to identifying the children concerned have been removed, and fictional names are used.

²¹ Art.12, CRC.

²² SCEP, *Statement of Good Practice*, 4th Revised Edition, 2009, B4.

²³ This instrument applies to The Netherlands as Member of the European Union.

²⁴ EU Trafficking Directive, Preamble, (8), (22), (23), (25), (33).

²⁵ Directive 2011/36/EU, recitals 8, 18, 20, 22, 23, 24, 25, 33 and articles 11, 12, 13, 14, 15, 16, 18.

In response to the perceived lack of indications from the desk research on the prevalence and whereabouts of the target group in The Netherlands, it was first decided to include an additional step in preparation for the field work. In order to obtain information from the Romanian and Bulgarian communities in The Netherlands and their perspectives on the target group and the issues under scrutiny in this research, **consultations with students** from these communities were held, during which students were invited to participate in an open group discussion and exploration. With the assistance of a major institute for higher professional education, the research team approached eighty students from these communities. From this group, twelve accepted the invitation. One student actually showed up, and three other prospective participants afterwards submitted their answers to our questions in written form. The results of the student consultation have been integrated in the preparation of street observations.

Street observation sessions were jointly planned by researchers from Save the Children Romania, Alliance for Children and Youth (Bulgaria), Defence for Children – ECPAT The Netherlands and the Alexander Foundation. In preparing street observations potential sites in Amsterdam, Rotterdam, The Hague and later Brussels were mapped. Officials and NGO representatives dealing with the children from the target group in those cities were identified and contacted for consultation prior and during the field work. Furthermore, researchers met and consulted with several NGOs working with Bulgarian and Romanian citizens more broadly.

In Amsterdam, Rotterdam and The Hague researchers visited touristic areas, commercial areas, parks, central stations, and metro stations. Additionally, visits were made to other areas, known to be potentially frequented by members of the target groups, such as the library in Amsterdam, drop-in centres and playgrounds. These activities aimed at observing and approaching Romanian and Bulgarian children, with or without company by adults.

During the street observations in The Netherlands, the research team was able to speak with only one teenager from Romania who was living in the streets. Due to the invisibility or inaccessibility of the target group in Dutch cities, Belgium was included in the field research and the city of Brussels was targeted by street observations. Brussels is known for having adults with children begging in the streets. In Brussels, the research team were able to speak with several Romanian women who were begging with small children in the streets, on squares and in metro stations. During the field research, no Bulgarian children involved in begging, economic or criminal activities were identified. The researchers visited touristic areas such as Grand Place, Central Station, North Station, Gare du Midi and the commercial areas.

The research brings some **limitations**, which are described below.

Some challenges to the research are inherent to the nature of the phenomenon analysed. Trafficking in human beings, including children, is hidden in nature, taking place in illegal spheres. Furthermore, victims are known to fear repercussions when noticed by the authorities. Next, as the children and/or families are often on the move, it is not possible to observe them and keep in contact with them for a sufficient period of time in order to get a proper picture of the problem. In particular, the notion of exploitation of begging and criminal activities is a relatively new focus-area, and therefore not always recognised as such. For over a decade the emphasis has been on sexual exploitation and therefore the approach of anti-trafficking responses – including the availability of information and knowledge – has mainly focussed on this type of exploitation.

As highlighted above, this report is based on the findings of the research on the vulnerability of Bulgarian and Romanian children to exploitation in The Netherlands, and partly in Belgium. The research on exploitation of C/SEE children in The Netherlands focused on the exploitation of criminal activities as no indications were found that children were involved in other types of “economic activities”. In order to compensate for this gap and to provide a more articulated picture, street observations were also conducted in Brussels. The results of the street observations regard mostly the involvement of children in begging activities (children begging by themselves or children accompanying adults) as observed in Brussels.

Moreover, the literature review carried out throughout the desk-phase focused on The Netherlands (the country that was initially targeted) and does not provide a detailed analysis of the situation of C/SEE children in Belgium, nor of the responses adopted in this country. For the reasons highlighted above, the present research does not claim to provide a complete picture of the phenomenon analysed and further research should be devoted to understanding the reasons why Brussels – only a few hours by train from The Hague – is apparently more attractive for begging activities in general and for child begging in particular.

Finally, a number of issues that are very relevant to the protection of the children targeted by the research (and of children on the move more broadly) were not assessed and analysed in depth in the framework of the present research. These issues mainly include: different options provided to these children in terms of alternative (temporary) care placements and their appropriateness; and procedures in place in order to identify durable solutions and to implement them, and their adequacy to uphold the best interests of each individual child concerned as a primary consideration.

Dealing with a sensitive topic and directly involving children who were in vulnerable situations entailed a range of **ethical concerns**, that were addressed throughout the research.

In order to ensure the utmost protection of children, their families and communities, Project partners and social workers involved in the research were systematically informed on how to act in accordance to clear child safeguarding policies. All social workers who carried out the field research confirmed to have read, understood and signed the policy and related code of conduct of the organisation s/he was working for. If such policy was not in place, the person read, signed and committed to complying with Terre des hommes (Tdh) Child Protection Policy and Code of Conduct.

In line with the UNCRC and Tdh Child Protection Policy, research teams were asked to pay particular attention to using a child-friendly and non-judgmental approach, ensuring maximum child participation during street outreach, parties and analysis of findings/recommendations of research, reporting suspected cases of abuse/exploitation, performing interviews and group discussions on a strictly voluntary and informed basis, ensuring confidentiality of information provided by children, youth and caregivers and being responsive and adapting to the various changes in the local environment/context. Research team members were asked to ensure that the best interests of the child remained of paramount importance throughout the entire research process.

Confidentiality and anonymity of information collected during the research has been ensured and all stakeholders were informed of this before any interaction took place. Efforts have been made to ensure that any data collected on hard or soft copies is stored as safely as possible.

No audio recordings were made and no photos of children were taken. A few pictures of their surroundings and equipment for economic activities were taken with their permission and have been included in the report to give the reader a better picture of the conditions in which the children live and work. Detailed guidelines were provided to field researchers in order to guide their work with the target group²⁶.

3.5. Structure of the report

The report is divided into three main parts, according to three complementing lines of research.

The first part illustrates the main findings of the desk review and interviews with key-stakeholders concerning the factors that expose children from C/SEE countries to risks of abuse, trafficking and/or exploitation in The Netherlands (chapter 4). It then analyses in greater depth information concerning the victims of trafficking identified in The Netherlands, as well as the legal framework in place to address trafficking in children. It reviews case law from the past few years concerning cases of child trafficking for the purpose of begging, economic and criminal activities in the country (chapter 5).

The second part of the report presents the main findings of the field-research, namely street observations carried out in The Netherlands and in Brussels (Belgium) – chapter 6. Policy and practical responses adopted at national as well as at local level are presented, and suggestions for strengthening the protection of children concerned are proposed therein (chapters 7 and 8). Chapter 9 briefly investigates procedures in place for identifying a durable solution for each child from C/SEE countries who is involved in begging, economic or criminal activities in The Netherlands.

A series of conclusions and recommendations, following from the main research findings, are presented at the end of the report (chapter 10). Annexes deal with conceptual and organisational, rights frameworks that inform the research.

²⁶ Guidelines for Street Outreach. Mario Project Transnational Research on C/SEE migrant children, May 2014.

PART I

INFORMATION FROM LITERATURE REVIEW AND INTERVIEWS WITH STAKEHOLDERS

4. VULNERABILITY OF C/SEE MIGRANT CHILDREN IN THE NETHERLANDS

Over the past twenty years, substantial numbers of individuals from the new Eastern European EU countries have moved to The Netherlands, including children. These children (and families) are often affected by social, economic and family circumstances that could expose them to increased risks of abuse, exploitation and trafficking in The Netherlands. While the research could not identify vulnerability factors that are displayed by this group of children only – that is children from C/SEE countries – one element that appears to increase the risk of exposure to abuse, exploitation and trafficking among these children is their being (temporarily or permanently) deprived of parental care, and their not residing at a permanent address. While this risk factor could not be considered as specific to them, virtually all stakeholders interviewed stated that children belonging to the Roma communities in The Netherlands often find themselves in these circumstances, and are sometimes involved in begging-like and criminal activities, cases that often present signals of supervision, direction or control by adults.

Based on the available literature and information provided by key-stakeholders, this chapter is intended to provide a brief overview of the presence of C/SEE migrant children in The Netherlands and to analyse the vulnerability factors raising protection concerns for these children. It then examines in details the situation of trafficking and exploitation potentially affecting these children in the country.

4.1. Migration from C/SEE countries to The Netherlands

After the breakdown of the former Soviet Union and the fall of socialist systems in the neighbouring countries, migration from Eastern Europe to Western Europe, including The Netherlands, took off. In 1996, there were 50,290 people from Eastern European – now EU – countries in The Netherlands. Until the year 2003, their number has been steadily rising to reach 68,291 individuals officially recorded. After the enlargement of the EU in May 2004, the number rose considerably to 77,686 in 2005. In 2007, after the requirement of employment permit for the new Eastern European EU members (who acceded EU in 2004) was abolished, and after the enlargement of the EU to Romania and Bulgaria, the number of citizens from Central and Eastern European EU member states in The Netherlands rose further to 92,639.²⁷ At the beginning of 2011, there

²⁷ J. de Boom e.a., *Oost-Europeanen in Nederland: Een verkenning van de maatschappelijke positie van migranten uit Oost-Europa en migranten uit voormalig Joegoslavië*, RISBO Contractresearch BV / Erasmus Universiteit, Rotterdam, April 2008, p. 27.

were almost 200,000 Central and Eastern European citizens registered as resident or employed in The Netherlands, of which roughly 25,000 were Bulgarian and Romanian nationals.²⁸ In 2012, the rise of the immigration from Central and Eastern Europe came to an end.²⁹ However, until 2013, the number of registered migrants from Bulgaria and Romania increased considerably. In particular, the number of Bulgarian nationals present in The Netherlands between 2007 and May 2012 was twice as large as the number of Romanian nationals, although Romania has three times more inhabitants than Bulgaria. Also family migration from Bulgaria and Romania consistently showed an upward trend, and results to be higher than family migration from Morocco (the traditional country of origin of migrants in The Netherlands) since 2007.³⁰ However, the above-figures do not reflect the total number of individuals from the new Eastern European EU member states living in The Netherlands, as allegedly many of them do not register themselves at the municipality.³¹

4.2. Social, economic and family vulnerability of C/SEE children and youth in The Netherlands

A report from 2013 on Central and Eastern European (C/SEE) youth in The Hague, their situation and use of services³² shows that the number of C/SEE children aged between zero and 20 years has grown with about 500 children/youth per year, and since 2010 has risen from 2,082 to 3,658 in 2013 (+76%). As it can be derived from the number of children that are not registered at the municipality, but are registered at local schools, the real number is estimated to be over 4,000. Polish and Bulgarian children/youth represent the largest groups, followed by the Romanian, Lithuanian, and Hungarian children.³³

According to the schools, children from C/SEE countries do not show specific problems or vulnerability factors, but rather share those also affecting migrant children from other countries living in The Netherlands. However, some features are specific to the Eastern European migrants. Their geographical mobility is high. Families move frequently, often out of economic reasons. Because of this, many children (sometimes a third of one class group) leave the school during the year.³⁴ Also the health clinics for new-borns and toddlers note that due to high mobility it is often not possible to ensure continuity in preventative health care on families and young children. Often, families cannot be found because they have moved, or are not registered. Among Bulgarian nationals, as well as among other C/SEE nationals belonging to the Roma minority, sometimes only the father

28 CBS. Aantal Midden- en Oost-Europeanen in vijf jaar tijd verdubbeld. Retrieved from: <http://www.cbs.nl/nl-NL/menu/themas/bevolking/publicaties/artikelen/archief/2011/2011-3442-wm.htm>.

29 CBS. Bevolkingsgroei in 2012 ingezakt. Retrieved from: <http://www.cbs.nl/nl-NL/menu/themas/bevolking/publicaties/artikelen/archief/2013/2013-007-pb.htm>.

30 R. Jennissen and H. Nicolaas (eds.), *Cahier 2014-8, De Nederlandse Migratiekaart 2013: Achtergronden en ontwikkelingen in internationale migratiestromen in de periode vanaf 2000*, WODC, CBS, p. 76.

31 Ibid., p. 50-51.

32 J. Starrenburg (eds.), *Midden- en Oost-Europese jeugd in Den Haag, 2013: situatie en gebruik voorzieningen*, Gemeente Den Haag, December 2013, p. 1-37. Just before publication of the Mario research, on 23 September 2014, The Netherlands Institute for Social Research published the research "Polish, Bulgarian and Romanian children in the Netherlands: An exploratory study". It can be downloaded in English via www.scp.nl/english/Publications/Summaries_by_year/Summaries_2014/Polish_Bulgarian_and_Romanian_children_in_the_Netherlands. The results of the study are comparable to the results of the study of municipality The Hague.

33 Ibid., p. 5 and 8.

34 Ibid., p. 5, 19-20.

is registered at the municipality, while the mother and children are not. In some cases, the mother is herself still a child.

Often older children have a lot of responsibilities with regard to doing household chores and looking after their siblings because their parents have to work. Bad housing conditions, overcrowding, and poverty are signalled. Apparently, many Eastern European citizens have limited awareness about the rights and services they are entitled to in The Netherlands, and/or limited capacity to access social aid and services.³⁵ In addition, according to reports from the secondary schools, many children and youth have problematic family situations, namely problems in their relationships with parents (attachment problems due to long separation from parents who are away often for their work), as well as parents' alcohol abuse, domestic violence, poverty, bad housing conditions, etc.. A high rate of school non-attendance is recorded among these children, along with problematic and sometimes aggressive behaviour towards other students, alcohol and drug abuse, and little involvement of parents in the school life of their children.³⁶

Also the Youth Care Agency of The Hague region ³⁷ receives increasing numbers of clients from Central and Eastern Europe. These numbers have risen from 46 in 2009 to 66 in 2012³⁸. Cases of children from C/SEE referred to the Youth Care Agency often suffer from domestic violence, parents' alcohol abuse, poverty, bad housing conditions, unhealthy or problematic family relations. No cases of suspect trafficking or exploitation of children from C/SEE countries in general have been reported by this Agency.

According to the available literature and statements by several stakeholders interviewed, children and families from C/SEE countries belonging to the Roma communities in The Netherlands suffer from additional problems, compounding the social, economic and family problems affecting C/SEE migrant children more generally³⁹. Roma children are often referred to the Youth Care Agency by the police (according to some reports⁴⁰ around three cases per year, while a stakeholder stated that they record one or two cases every month⁴¹). According to the Youth Care Agency, the difficulty in providing protection and assistance to Roma children and their families is increased by a general reluctance to have contacts with institutions and to receive services shown by parents and by children themselves. The Crisis Team of the Youth Care Agency in The Hague region also referred to cases of children from Roma families migrating from C/SEE countries apparently involved in begging and/or in criminal activities.⁴²

³⁵ Ibid., p. 5, 19–20, 27–29.

³⁶ Ibid., p. 24–25.

³⁷ The provincial Youth Care Agencies are access points for the provincial youth care services. These independent agencies assess the needs and the situation of children and families with serious development and/or parenting problems and refer them to these services. The provincial Youth Care Agencies are also responsible for the coordination of care, youth protection and youth probation (<http://www.youthpolicy.nl/yp/Youth-Policy/Youth-Policy-subjects/Child-protection-and-welfare/Child-welfare-policy>).

³⁸ The number of clients belonging to the Roma ethnic minority are often not included in these figures, as these people are sometimes stateless or their nationality is unknown.

³⁹ This situation mostly concerns groups and individuals who have entered the country since the year 2004 – rather than “older” Roma communities who have since long time settled in The Netherlands.

⁴⁰ Ibid., p. 32.

⁴¹ Based on an interview with the Crisis Team of Youth Care Region Haaglanden, 28 April 2014.

⁴² Ibid.

4.3. C/SEE minors vulnerable to exploitation

In this paragraph, several characteristics and circumstances that could make migrant children from C/SEE countries vulnerable to exploitation in The Netherlands are outlined, based on information gathered from literature review and stakeholder interviews. Sometimes, data available are also compared to information collected in Brussels (Belgium) from interviews and informal discussions with local stakeholders.

In The Netherlands, (mostly separated or unaccompanied) children from C/SEE countries are in some cases identified as victims of sexual exploitation (see below, paragraph 5.2.). The phenomenon of trafficking for exploitation of criminal activities and begging is only recently receiving more attention and a lot is still unknown about this type of exploitation. According to a report released by Europol some years ago, the main nationality of child victims of trafficking in Europe is Romanian. These children are mainly trafficked for exploitation in begging and criminal activities.⁴³ According to the police, children generally involved in begging in The Netherlands are mainly Romanian nationals, whereas no begging children from Bulgaria or other C/SEE countries are encountered⁴⁴.

According to several stakeholders interviewed in The Netherlands (and in Brussels), among the children from C/SEE countries that appear to be vulnerable to exploitation and trafficking, Roma children are a particularly vulnerable group, due to a number of factors that expose them to increased risk. Generally, they are the largest and often the poorest ethnic minority group in Europe. Roma communities and individuals are often confronted with discrimination and exclusion, both in The Netherlands and in other countries in Europe where they might have come from⁴⁵. These children (and their families) very often lack of appropriate housing conditions and show a high geographical mobility. In Bulgaria, Romania and Slovakia, but also in France, Spain and Italy, for example, Roma live under very difficult conditions in ghettos or settlements in the proximity of large cities, often without electricity and running water and with no appropriate sewage and garbage collection systems.⁴⁶ These circumstance foster high mobility, therefore making children (and families) more difficult to detect and assist by child and social protection services.

Further, lack of birth registration remains a problem among Roma children, due to a number of barriers, including internal migration, limited awareness of available services and low level of school education among parents.⁴⁷ This lack of official registration makes it easier for criminals to recruit victims and to transport, accommodate and exploit the them in countries of destination.

Moreover, according to an OSCE/ODIHR report,⁴⁸ Roma children may begin working at a very early age, as important contributors to family income. This work usually takes the

⁴³ EUROPOL, *Trafficking in Human Beings in the European Union, Knowledge product*, The Hague, 1 September 2011. Similar information was also provided to the research team in Belgium. This has been confirmed by a more recent report released by Eurostat, according to which "Of the registered victims confirmed as EU citizens, the top 5 countries of citizenship are Bulgaria, Romania, the Netherlands, Hungary and Poland". (Eurostat, *Trafficking in human beings*, 2014, p. 34.)

⁴⁴ Similarly, Children from C/SEE countries intercepted by the Belgian police who were involved in criminal activities were mostly Romanian and Bulgarian nationals.

⁴⁵ W. Hilhorst (2013), p. 32.

⁴⁶ Ibid.

⁴⁷ CESS (2012), p. 26.; For further reference on barriers to registration, see UNICEF, *Progress for Children: Achieving the MDGs with Equity*, No.9 September 2010.

⁴⁸ ODIHR, OSCE, *Awareness Raising for Roma Activists on the Issue of Trafficking in Human*

form of underpaid jobs or activities, including begging, washing cars, selling flowers, or gathering scrap metal. The children rarely keep the money for themselves. The report mentions that the custom of children supporting their immediate family does not stem only from poverty, but from the value seen in bringing up children to be strong and responsible towards their family group as early as possible, as a defence against social exclusion.⁴⁹

In addition, the practice of arranged child marriage (or pseudo fostering), involving a dowry system, which often takes place at a very early age for the bride (usually between twelve to fifteen years of age.⁵⁰), further increases girls' vulnerability to – among other child rights violations – trafficking, as exploiters could use this practice to “buy” them and force them into begging, committing petty crimes and sexual exploitation, as some research found.⁵¹ These marriages are informal (not registered), and go undetected and undocumented. Often they appear under the guise of informal fostering by the husband or parents of the husband. The trafficker will be in possession of an informal written statement, giving (provisional) guardianship over the child. The trafficker can also be in the possession of an official document allowing the child to travel abroad without her parents (see the case of ‘Julia’, paragraph 5.4).⁵² In some cases, early motherhood is used as a method of control. The “brides” become pregnant at regular intervals and at a very early age (sometimes as young as twelve). The baby may sometimes be involved in begging with the mother or an adult woman, in order to incite more compassion and money, but s/he can also function as a control measure over the teenage mother, as traffickers would threaten her about her baby's safety and life in case she did not comply to their instructions.⁵³

All these features may concur to exposing Roma children from C/SEE countries in The Netherlands (and in Belgium) to an increased risk of trafficking and exploitation⁵⁴.

While some children from C/SEE countries are apparently victims (or at increased risk) of exploitation in begging-like and criminal activities, this does not mean that all children from Romania and Bulgaria, nor that all children from the Roma population, are involved in such activities or exploited by adults. Children from C/SEE countries that are in The Netherlands with their family in the framework of general labour migration can

Beings in South-Eastern Europe, Position Paper, Contact Point for Roma and Sinti Issues Human Rights Department, Anti-Trafficking Programme, Warsaw, 2006. The Contact Point for Roma and Sinti Issues (CPRSI) and the Anti-Trafficking Programme (ATP) of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) sponsored research related to issues of trafficking in human beings in Roma communities.

⁴⁹ Ibid., p. 12.

⁵⁰ Ibid.

⁵¹ D. Siegel, *Mobiel Banditisme: Oost- en Centraal-Europese rondtrekkende criminele groepen in Nederland*, Politie en Wetenschap, June 2013, p. 42.

⁵² In the case of Julia (ECLI:RBNNE:2013:3920 and 3921), her mother gave a written consent (procura) that allowed the parents of Julia's husband to take her from Romania to other countries. When Julia was identified by the police, this document had already expired. The document was of use to establish at what time the exploitation had started. The same system exists in Bulgaria: Декларация за самостоятелно пътуване на дете, “Declaration of independent travel of a child”.

⁵³ Interview with Walter Hilhorst, author of *Aanpak multi-problematiek bij gezinnen met een Roma-achtergrond: Een kennisfundament voor professionals*, Boom Lemma uitgevers, The Hague, 2013, p. 1–147.

⁵⁴ From the interviews in Belgium with the women begging, it appears that children are vulnerable to be involved if the parents do not have a job, do not earn a sufficient income, or are not eligible to apply for state allowance. Two women interviewed stated that they do not let their daughter go to school as they were the ones making or generating the money.

find themselves in socially vulnerable situations, but they are not found in potentially exploitative situations. The vulnerability factors that expose these children to trafficking and exploitation can be also identified in other migrant groups of population and therefore are not specific to children from Romania and Bulgaria, nor to Roma populations, and not even to migrants from C/SEE more broadly.

Bulgarians in Rotterdam

In Rotterdam, Bloemhof, the Bulgarian Emilia Bosma⁵⁵ holds consultation hours for Bulgarian nationals. Sometimes also Romanians drop in. Most topics are related to translation and explanation of received bills for water, electricity, the rent, letters from the Tax Administration, etc. The majority of people coming to the consultation hour are from Roma communities. In the experience of Emilia Bosma, the children of these families are not at risk, and children are not being exploited. The families are willing and trying to integrate, children are attending school, and people are trying to build a good life. In any case, according to Emilia Bosma, adults would not even have the opportunity to let children work or beg, and to keep them away from school, as this is not accepted in The Netherlands by the general public and authorities.⁵⁶

⁵⁵ She is a Bulgarian citizen who volunteers at a religious community centre, offering advices and cultural mediation to Bulgarian citizens in Rotterdam.

⁵⁶ Interview with Emilia Bosma, 9 July 2014.

5. OVERVIEW OF TRAFFICKING IN HUMAN BEINGS IN THE NETHERLANDS

The Netherlands adopted the definition of child trafficking from the Palermo Protocol⁵⁷. According to Dutch law, trafficking in human beings is punishable under article 273f of the Criminal Code. The definition of trafficking in children is laid down in paragraph 1, sub. 2 of article 273f, according to which a trafficker is " [any person who] recruits, transports, transfers, accommodates or shelters a person, including the exchange or transfer of control over that person, with the intention of exploiting that other person or removing his or her organs, if that person has not yet reached the age of eighteen years". According to the law, "exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced or compulsory labour or services, including begging, slavery or practices comparable to slavery or servitude, servitude or the exploitation of criminal activities" (article 273f, paragraph 2).

With the transposition of the EU Anti-trafficking Directive (2011/36/EU), article 273f of the Dutch Criminal Code was amended. Before, exploitation of a person younger than sixteen counted as an aggravating circumstance. After implementation of the Directive, it is provided that exploitation of a person younger than eighteen years should be considered as an aggravating circumstance (leading to a maximum conviction to fifteen years of imprisonment), thus covering all cases in which the victims are children. Furthermore, following the transposition of the above-Directive, the exploitation of begging (under "services") and the exploitation of criminal activities are included in what should be considered exploitation amounting to trafficking.⁵⁸

5.1. Registration of potential victims in The Netherlands

In The Netherlands, the organisation CoMensha (Coördinatiecentrum Mensenhandel, Coordination Centre Human Trafficking), member of the European NGO Network against trafficking "La Strada International",⁵⁹ is mandated by the law to register identified potential⁶⁰ victims of trafficking. The Police, the Royal Constabulary⁶¹ and the Inspection Department of the Ministry of Social Affairs and Labour (ISZW) are obliged to report

⁵⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), art.3 (a).

⁵⁸ The amendment of article 273f entered into force on 12 November 2013.

⁵⁹ CoMensha is a non-governmental organisation that provides other organisations with specialised information and knowledge on trafficking in human beings. One of the main tasks of CoMensha is to register the total amount of identified (potential) victims of trafficking in The Netherlands. CoMensha also coordinates shelter and care for adult victims.

⁶⁰ When the number of victims is mentioned in this report, it is always meant *potential* victims, as established by e.g. the police, social work, lawyers, etc. Registration is not based on a formal assessment, as it is not always possible to provide proof of being a victim. Only conviction of the trafficker generally counts as official proof. However, as also laid down in the EU Anti-trafficking Directive, a person should be provided with assistance and support as soon as there is a *reasonable-grounds indication* for believing that he or she might have been trafficked.

⁶¹ The royal military police, also implementing functions of border police.

identified potential victims to CoMensha (obligation defined in section B8/3 of the Aliens Act 2000). Other organisations or people that report to CoMensha do this voluntarily and usually include social workers from reception centres, shelters, Youth Care and Nidos, lawyers, and victims themselves.

It is unknown how many people are victims of trafficking in The Netherlands. Because CoMensha registers reported cases of potential victims, it might be that a person is registered to be a victim of trafficking, but is later not confirmed to be so. This may increase the actual number of victims who are registered. At the same time, though, many victims of trafficking remain unreported and unregistered for a number of reasons. Firstly, as the Dutch National Rapporteur on Trafficking in Human Beings⁶² indicates, the above-mentioned investigation services do not always comply with their obligation to report cases of trafficking victims to CoMensha.⁶³ Secondly, many recognised victims of trafficking are not reported and registered since other relevant organisations that come into contact with them are not obligated to report. Thirdly, and most importantly, it is assumed that a large number of victims of trafficking are not identified at all, due to a large number of reasons, including inter alia the hidden nature of trafficking as criminal activity, the reluctance of the victim to come forward due to fears of retaliation, mistrust in authorities, limited freedom of movement and of basic knowledge of the context, lack of self-perception as victim of a crime, and the limited capacity of authorities to recognise victims, which particularly affects forms of exploitation other than sexual – including in begging, economic and criminal activities. Therefore, as stated by the Dutch National Rapporteur, the number of (especially child) cases registered by CoMensha only represents a small part of the total number of trafficked persons in the country.⁶⁴

5.2. Figures: nature and extent

Due to the reasons highlighted above, figures concerning (child) victims of trafficking differ among service providers. In the following paragraph, data concerning children who have been identified as potential victims of trafficking in The Netherlands made available to the researchers are briefly illustrated.

Figures provided by CoMensha

In 2013, 1,437 potential victims were registered by CoMensha, of which 260 were children (228 girls and 32 boys). The top five countries of origin of these children were: The Netherlands (165),⁶⁵ Guinea (23), Sierra Leone (13), Mongolia (6), China (4), and Bulgaria (4).⁶⁶

⁶² National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. English website and reports: <http://www.dutchrapporteur.nl/>.

⁶³ National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (2012c). *Mensenhandel in en uit beeld. Cijfermatige rapportage 2007–2011*, The Hague, p. 225.

⁶⁴ Ibid., *inter alia* p. 50, 62.

⁶⁵ Victims of domestic trafficking, for example victims of *Loverboys* (a boy that romantically seduces a girl to make her work for him in prostitution).

⁶⁶ Numbers of registered child potential victims by CoMensha, mail to Defence for Children on 8 April 2014. The number of registered potential child victims has been constantly rising in the past five years: 2009 – 118; 2010 – 152; 2011 – 195; 2012 – 223; 2013 – 260.

Zooming in on potential child victims from C/SEE countries provides the following picture:

Nationality	Registered	Type of exploitation
Belarus	1 (male)	Unknown
Bulgaria	4 (female)	Commercial Sexual Exploitation (2) Intervention before the exploitation could start (1) Unknown (1)
Poland	1 (female)	Commercial Sexual Exploitation
Romania	3 (female)	Intervention before the exploitation could start (2) Commercial Sexual Exploitation (1)
Unknown	1 (male)	Unknown
Total	10	

Police

As mentioned earlier, the police is obligated to report cases of trafficking to CoMensha. However, cases of children involved in criminal activities are often not recognised as potential trafficking cases, and therefore not reported (see above, paragraph 5.1).

For the purpose of this research, the Rotterdam and Amsterdam Police were asked for “figures on Eastern European children involved in petty crimes (theft, pickpocketing, shoplifting, burglary, etc.)”. According to the information provided by the Rotterdam Police, between 2010 and 2013, their office registered around twenty single cases of children from C/SEE countries involved in petty crimes and scams. Their nationality is registered as “Romanian”. However, the data analyst did not rule out that some colleagues may assume that children belonging to the Roma ethnic group, as children themselves sometimes declared to be, means that they are of Romanian nationality, therefore inflating the actual number of Romanian nationals among these children. Moreover, it was registered that these children had no permanent place of residence. However, this could also be an assumption. In all of the twenty cases, there were suspicions that children were controlled and directed by adults.⁶⁷

The Youth Department of the Rotterdam Police reported that they deal with several cases of children involved in petty crimes every month, and according to them this problem in Rotterdam is increasing every year.⁶⁸

In the city centre of Amsterdam, during the last five years (July 2009 to June 2014) fifteen cases of petty crimes such as theft, shoplifting and pickpocketing were registered, in which children from Bulgaria, Romania or Bosnia and Herzegovina were involved, but this figure apparently does not account for the whole real number⁶⁹ For the Amsterdam

⁶⁷ Rotterdam Police, email exchange in May 2014.

⁶⁸ Based on interview with the Rotterdam Police, Youth Coordinator and Domestic Violence, 27 August 2014.; Email exchange in September 2014.

⁶⁹ Amsterdam Police, email exchange in September 2014. This figure seems rather low, but it should be noted that this number is not derived from the national or regional database. It only concerns the city centre area. Furthermore, some cases encountered in the city centre area are dealt with at other police stations and therewith not included in the figure (for example case 9, chapter 7.2.2). Moreover, in cases where adults operated with children below the age of twelve, the children do not appear in the database of children involved in criminal activities (for example case 11, chapter 7.2.2). Indeed, in these cases only the adult is recorded – not being the child criminally liable. Finally, several cases encountered at the Amsterdam Central Station are dealt with by the Railway Police (national police), and are therefore also not included in this figure.

5. OVERVIEW OF TRAFFICKING IN HUMAN BEINGS IN THE NETHERLANDS

region as a whole, the figures look rather different. It is not known whether adult involvement is suspected in these cases.⁷⁰

The following table presents the total number of C/SEE children suspected of having committed a crime as registered by the Police in the region of Amsterdam:

Nationality	Under 12	Above 12
Romania	1 (11 yrs)	144
Bulgaria	0	53
Poland	1 (9 yrs)	25
Lithuania	0	10
Bosnia and Herzegovina	1 (10 yrs)	4
Latvia	0	2
Hungary	0	1
Serbia	0	1
Croatia	0	1
Total	3	241

Youth Care and Nidos

As mentioned in chapter 4.1, several relevant organisations that come into contact with potential victims of trafficking are not obliged to report cases to CoMensha, even when these individuals are later recognised as actual victims. Therefore, the figures that they provide may not be included (or be just partially included) in those provided by CoMensha (above). Some of these organisations that receive noticeable numbers of cases are the Youth Care Agencies and Nidos (see above).

The Crisis Teams of the Youth Care Agencies in Amsterdam, The Hague, and Rotterdam consistently stated that they receive a case of potential child victim of trafficking once or twice a month on average.⁷¹ In 2013, Nidos reported to have children in the Protected Shelter (a special shelter for foreign children who are potential victims of trafficking) from the following countries of origin in Central and South Eastern Europe: Belarus (1); Bulgaria (2); Romania (1); Russia (1).⁷² Furthermore, in 2013 and 2014, fourteen and (at the time of writing) six cases respectively of Eastern European children involved in criminal activities were referred to Nidos Haarlem (which receives cases from the region of Amsterdam) by the Child Protection Board. However, not all of them were necessarily identified as potential victims of trafficking and placed in the Protected Shelter.

⁷⁰ Amsterdam Police, telephone call 17 September 2014. Also in this case, in cases of adults operating with children below the age of twelve, these children do not appear in the database as involved in criminal activities (for example case 11, chapter 7.2.2) and are not included in the table.

⁷¹ Based on telephone calls with Youth Care Region Rijnland and Youth Care Agglomeration Amsterdam, May 2014.; Interview with the Crisis Team of Youth Care Region Haaglanden, 28 April 2014.

⁷² Email from Nidos to Defence for Children – ECPAT, 22 May 2014. In addition to the above-figure, one child in the Protected Shelter that year was registered as stateless.

5.3. Movement and entry into The Netherlands

The Dutch Expertise Centre on Human Trafficking and Migrant Smuggling (EMM), involving a cooperation between the national police, the border guards and the immigration service, provided the research team with some data available to them on the movements of children from C/SEE countries to The Netherlands. Data collected by the EMM⁷³ concern exclusively cases of trafficking, therefore they do not provide a complete overview on children from C/SEE countries involved in begging-like and criminal activities, as only trafficking-related cases reach their database, while – as mentioned earlier – begging-like and criminal activities in which these children are involved are often not yet recognised as cases of potential exploitation. These cases are rather considered as theft, shoplifting, pickpocketing, etc. and consequently not collected at the national level as potential trafficking-related cases.

According to the data provided by the EMM, cases of children involved in criminal activities in The Netherlands relate to children without a permanent address or actual parental care. Reportedly, these children usually cross the Dutch border over land. It is a straightforward activity as there is no routine and systematic border control in the Schengen Travel Area. In many cases the child travels on genuine or forged passports of adults (as if s/he was their child) who are not her/his real parents.⁷⁴ They enter The Netherlands by car, van or minibus via Germany, Belgium or United Kingdom, usually in the company of one or more adults – depending on the purpose and duration of their stay. There have been cases where a group of children was driven by an older teenage boy (with no driving license). Sometimes adults with children settle down in The Netherlands for a while. Information provided by the EMM confirms that often children from C/SEE countries involved in criminal activities belong to the Roma minority. They live in the neighbouring countries, mainly Germany and Belgium, fact which could also explain the area where they are usually seen in The Netherlands – namely in the Southern and Eastern provinces close to the borders. These children apparently do not have a permanent address in those countries, but stay with alleged family members.⁷⁵

It appears that these children are mostly from Tandarei, Romania. During police interviews, children usually state that their parents are still in Romania, and that they are living with their uncles and aunts. There are doubts that this information matches their real situation.⁷⁶

According to the Aliens Police of Limburg (a province located between Belgium and Germany), some children identified by the police mentioned the address of an ill-famed⁷⁷ dilapidated apartment block in Duisburg, Germany, where other Roma families used to

⁷³ The EMM facilitates data collection and exchange with the aim to build knowledge and expertise, to bring information together, to link information and to build cases if there seem to exist trends and similarities in cases.

⁷⁴ EUROPOL (2011), p. 8.

⁷⁵ Interview with the EMM, 24 January 2014.; and email exchange, May 2014.

⁷⁶ Email exchange with the EMM, May 2014.

⁷⁷ Der Spiegel. Roma-Zuwanderung: Das Haus des Schreckens. 6 December 2012. Retrieved from: <http://www.spiegel.de/panorama/justiz/problemhaus-in-duisburg-roma-hausen-untermenschlichen-bedingungen-a-870340.html>.; The Local. Concern rises over Roma slum apartment block. 6 December 2012. Retrieved from: <http://www.thelocal.de/20121206/46613>.; Daily Mail. 'They leave rubbish mountains taller than I am': Left-wing German mayor's rant at Bulgarian and Romanian immigrants who he says have sent town's crime soaring. 1 March 2013. Retrieved from: <http://www.dailymail.co.uk/news/article-2286534/Left-wing-mayor-German-town-warns-Bulgarian-Romanian-immigrants-sent-crime-soaring.html#ixzz3B2jt25u6>.

live. According to the Limburg Police, children are brought to The Netherlands to different places, either in the South-East region as it is close to the border, or to other places, like the major cities, and also to other places in the Northern regions. They are brought to all those places even for just a day.⁷⁸

As they can move rather easily within the Schengen area, if children are noticed by the authorities, they will be relocated to continue activities in a different city or country.⁷⁹ Rotations or movements reportedly take place via countries such as Spain, Italy, France, Germany, Belgium and the United Kingdom.⁸⁰

5.4. Cases of exploitation of begging and criminal activities

In The Netherlands, three cases have served in court on exploitation of begging and economic or criminal activities involving children. The first case concerns a Romanian girl that was forced to sell street newspapers and subjected to other forms of abuse and violence following an early forced marriage. Despite the fact that people were giving the girl some money without really buying the paper (therefore suggesting a begging-like situation), the judge identified this as exploitation of labour, not of begging. The second case concerns a grandfather, resident in The Netherlands, who made his ten-year-old granddaughter commit shoplifting. The family was already in the radar screen of the authorities in the framework of the Dutch “approach to multi-problem families with a Roma background”.⁸¹ It is the first time that an apparently simple case of shoplifting was recognised as constituting a serious crime like trafficking. The third case, which recently served in Court, concerns two boys of Croatian nationality, apparently under the control of a man, resident in The Netherlands, who were caught during a home burglary. The above-cases are briefly summarized below.

⁷⁸ Telephone call with the Limburg Police, May 2014.

⁷⁹ D. Siegel (2013), p. 38, 86.

⁸⁰ See for example case 3 (chapter 5.4), cases 6, 7, 10, 13 and 14 (chapter 8.4).

⁸¹ “The approach to multi-problem families with a Roma background” (“Aanpak van multi-problematiek bij gezinnen met een Roma-achtergrond”) does not specifically concern the group that is targeted in this research. It rather concerns the Roma families who came from former Yugoslavia to The Netherlands in the Seventies, of which many were “naturalised” after a “general pardon” in 1978. Several municipalities were prepared to integrate these families. To date, integration policies do not seem to be very effective. The problems that used to affect these families (named “multi-problem families” due to the combination of social and economic problems that they suffer, such as dependency on social welfare benefits, , poverty, school absence of children and involvement in criminal activities) are not yet significantly reduced. In particular, certain families seem to be engaged in criminal activities such as petty crimes, fraud, and illegal trade. There are also signals of male children being involved in thefts, and girls in prostitution, allegedly to contribute to family income. See also: W. Hilhorst (eds.), *Aanpak multi-problematiek bij gezinnen met een Roma-achtergrond: Een kennisfundament voor professionals*, Boom Lemma uitgevers, The Hague, 2013, p. 1–147.

Case 1: labour exploitation⁸²

In 2010, a thirteen-year-old Romanian girl, Julia, lived with her mother in a small Roma community in Romania. Her mother arranged for Julia a marriage with a 24-year-old Romanian man, orchestrated by the man's mother. In December 2010, several months after getting married, Julia left with her husband and his family to The Netherlands. Because Julia was still a child, her mother provided the family with a mandate,⁸³ valid for a year, allowing the family to take Julia abroad. Shortly after arriving at The Netherlands, her father-in-law took Julia to Spain where they stayed with some of his relatives. Six months later, in July 2011, he took Julia back to The Netherlands, where she then lived with her husband and his parents. In the house where they used to stay, there were a number of other Romanian nationals, selling street papers, including another young Romanian girl. Julia was told to sell street papers as well. Her father-in-law used to procure the newspapers and to drive her to the supermarkets where she was made to sell newspapers six days a week, come rain or shine, even when she was ill. She was hardly allowed any breaks, nor was she permitted to spend part of the earned money to buy food or drinks for herself. Numerous times a day the father-in-law or her husband would check whether she remained at the appointed location. She worked long hours and was picked up each night by her father-in-law or by her husband. She had to give them all the money she earned. If she did not bring home enough money, the father-in-law shouted at her. She was beaten by both the father-in-law and her husband on a regular basis. Upon returning home, together with the other girl, she was required to cook and do the housekeeping. She also had to have sex with her husband. She was not allowed to leave the house (only the family members had the door-key). One day while Julia was selling street papers, a passer-by noticed that Julia was very young and asked her why she was not at school. Julia told him something about her situation and the police was warned.

In January 2012, one year and seven months after her recruitment, Julia was rescued from the house where she was living by the police. A criminal investigation started. In June 2013, the husband's family was convicted for trafficking in human beings. The court considered the selling of street papers as exploitation of labour, not of begging. Several family members were also convicted for inciting or committing sexual abuse of a child and for physical abuse. Julia's husband was sentenced to six years of imprisonment. Her father-in-law was convicted to three years of imprisonment, and her mother-in-law to two years. As part of the criminal proceedings, Julia was given 9,480 Euro as compensation for the damages suffered, to be paid by her father-in-law, and 10,320 Euro to be paid by her husband.

Julia was placed at a special shelter for victims of dependency relations like victims of trafficking (located in Fier Fryslân). Controversies among institutions potentially responsible for her guardianship have aroused. The judge in charge appointed the Salvation Army, as they are normally assigned with guardianship tasks for itinerant people. However, Nidos appealed such decision. At the time of the research, Julia resided in a long-term shelter in The Netherlands.

⁸² Judgements Court Noord-Nederland, 25 June 2013, ECLI:NL:RBNNE:2013:3918 to 3921.; Information received from Fier Fryslân.

⁸³ A Romanian "procura" or "declarație notarială" is a notarised affidavit signed by parents allowing a child to exit and re-enter the country without one or both holders of parental responsibility. It is a necessary travel document for children. According to Article 30 of the Law 248/2005 on freedom of movement for Romanian citizens, children are not allowed to travel with none of their parents unless the latter signed this authorisation.

Case 2: exploitation of shoplifting⁸⁴

A fifty-year-old man, born in former Yugoslavia, resident in The Netherlands went with his ten-year-old granddaughter to a supermarket. Apart from each other, they entered the shop. The girl took a trolley with her. On camera records it can be seen how the grandfather approaches his granddaughter every now and then to give her instructions on which goods she has to take. The grandfather himself also put some things in the trolley. Then, the grandfather distracted the cashier and his granddaughter was able to pass. They walked quietly to the exit. The value of the stolen goods was of approximately 60 Euro.

Without the girl having to testify, the Court considered it sufficiently proven that the man 'transported and transferred' his granddaughter to the supermarket, with the purpose of exploiting her for theft (shoplifting). The court found that the fundamental rights of the girl had been violated. In its sentence, the Court included the fact that the girl has being raised without the presence of her parents, that the care for her was entrusted to the grandmother, and that the girl had a low IQ and serious behavioural problems. The grandfather abused the vulnerable position of the girl.⁸⁵ The man was sentenced to eight months of imprisonment for trafficking in human beings. He was also found guilty of theft.

⁸⁴ Judgement Court Midden-Nederland, 9 July 2013, ECLI:NL:RBMNE:2013:2679.

⁸⁵ Note that the concept of Trafficking in Human Beings is composed of the constitutive elements *activity*, *means* and *purpose* (exploitation). Abuse of a position of vulnerability of the victim is one of the means that can be involved in trafficking. However, when the victim is a minor, only the *activity* and *purpose* are the necessary elements. Means like abuse of vulnerable position, use of force, coercion or deception are not necessary to prove exploitation of a minor. Despite this, in The Netherlands the judge often takes these means into consideration.

Case 3: exploitation of home burglary⁸⁶

In January 2014, a 49-year-old man, resident in The Netherlands, together with his two nephews, twelve and fourteen year old, of Croatian nationality, were apprehended by the police shortly after a home burglary. The man had driven his two nephews to a house to let them break in. The man had been waiting in his car (without a regular Dutch car plate) and driving rounds, upon which a neighbour got suspicious and called the police. All three were arrested and held in pre-trial detention.

The two boys, cousins, had stayed for a few days with their uncle and aunt in The Netherlands. The first boy declared to be born in Strasbourg, France, while the other boy in Germany. They stated that they normally lived with their grandmother in Liege, Belgium. They both spoke only French. From fingerprints check, it resulted that the fourteen-year-old boy was registered in Belgium under two different names. The uncle was registered in Belgium under 33 aliases.

The boys were appointed a temporary guardian and were held in pre-trial detention for several weeks. After that, the judge decided that they had to be released and that their guardian had to be a woman who claimed to be their grandmother. Although the social workers involved in the case could not assess the true nature of the relationship between the boys and the alleged grandmother, it was too late to extend the guardianship measure and to carry out further investigations on that. The identity of both the boys and the grandmother therefore remained uncertain.

When in May 2014 the lawyer of the suspect requested to interview the boys as witnesses, the Public Prosecutor was given three months to locate them. However, none of the boys was found at the given address in Belgium. They had apparently disappeared.

In August, the Court of The Hague found the man guilty of home burglary and of trafficking of the two boys. According to the Court, the boys' testimonies were not necessary to collect the necessary evidence. Among other things, it was considered that the ladies' jewellery that the boys had stolen was not of the natural interest of twelve and fourteen year old boys. Furthermore, the testimonies of the suspect were judged untruthful. He had stated, among other things, that he was to visit a friend in a reception centre. However, in the town where the burglary occurred, such centre does not exist anymore. The Court considered that the nephews were dependent upon the man because they were children, they were in The Netherlands for the first time, they were staying at their uncle, and did not speak any Dutch. Therewith, the man abused the vulnerable position of the boys.⁸⁷ He was sentenced to twelve months of imprisonment.

⁸⁶ Judgement Court The Hague, 26 August 2014, ECLI:NL:RBDHA:2014:10605.; Information provided to us by The Hague Police.

⁸⁷ See supra note 10.

PART II

FINDINGS FROM FIELD RESEARCH IN THE NETHERLANDS AND IN BRUSSELS (BELGIUM)

6. STREET OBSERVATIONS IN THE NETHERLANDS AND BELGIUM

In the framework of the research, fieldwork was carried out in The Netherlands and Brussels during the month of July 2014.

The desk review and interviews with stakeholders prior to the fieldwork had indicated that it would be difficult to encounter the target group of the research in The Netherlands. According to data available, in the year 2007 some municipalities in the country (namely Amsterdam, Leiden, Den Bosch, and Nijmegen) witnessed the presence of children from C/SEE countries, mostly Romania, playing music in the streets, often under the supervision of adults. Apparently, as law enforcement and child protection authorities reacted promptly, the phenomenon almost disappeared and is now very rarely encountered in The Netherlands. Still, children from C/SEE countries are found to be involved in criminal activities like shoplifting, pickpocketing and burglaries. However, it was not expected to easily encounter any of these children during the field research.

As children in the streets in The Netherlands belonging to the target group of the research were still considered to be largely invisible and inaccessible to the researchers, it was decided to conduct street observations in Brussels (Belgium). One of the possibilities explored was that children and adults involved in begging in The Netherlands in the past could have moved to Belgium after interventions by child protection and law enforcement authorities – although none of individuals interviewed in Brussels in the course of the research had apparently followed that path (see below, paragraph 6.2.).

6.1. Research activities and observations in The Netherlands

In the cities of Amsterdam, Rotterdam and The Hague researchers visited touristic areas, commercial areas, parks, central stations, and metro stations. Additionally, visits were made to other areas, known to be potentially frequented by members of the target groups, such as a library in Amsterdam, drop-in centres and playgrounds. These activities were aimed at observing and approaching Romanian and Bulgarian children, alone or accompanied by adults. Furthermore, researchers met and consulted with several NGOs working with Bulgarian and Romanian nationals more generally. A list of these organisations is provided in Annex 3.

'I think that some would like to bring children to The Netherlands, for example for begging, but the authorities are too strict.'

(Man from Romania in a drop-in centre for homeless people in Amsterdam)

During the field work in The Netherlands, almost exclusively adults from Romania belonging to the Roma ethnic minority were encountered – who are not falling directly within the scope of the present research: these were adults playing the accordion in the streets, adults in a drop-in centre for homeless people, and adults living in an informal settlement located in an industrial area outside Amsterdam. All these individuals stated that, to their knowledge, there were no children from the target group in The Netherlands. According to them, the social attitudes and the response from authorities in The Netherlands are not suitable to bring children for begging-like and criminal activities.

No Romanian or Bulgarian children involved in criminal activities on the streets were encountered in the cities where observation took place in The Netherlands, with the exception of one child. This was a sixteen-year-old boy, met by researchers through a social worker of the Barka Foundation⁸⁸. His case is briefly illustrated below.

Case 4: Romanian boy in Amsterdam

The sixteen-year-old boy met during street observation in one of the major cities in The Netherlands was from Central-Eastern Romania. At the time of the observation, Ian did not attend school in Amsterdam. In Romania he had completed the sixth grade. Ian spoke Romanian and English. His mother and three brothers were in Romania, in his home village, which remained his favourite place to be and where he wished to return to. He arrived in Amsterdam six months earlier, together with his father, travelling by minivan. Travelling to Amsterdam was suggested by his father, motivated by the wish to make money.

They were in daily contact with family and friends from Romania through telephone and internet. Since his arrival in Amsterdam, Ian had not yet been back home – but a trip was being organised with the assistance of the Barka Foundation. The reasons for going back home were the inability to make sufficient money and the fact that the boy did not like it very much in Amsterdam.

Every day, all day long, was spent searching and collecting iron and wastes. This work was done together with other Romanian young adults, who were from other parts of Romania. In this way he earned an average of 10 Euro a day (20 Euro at most). Some sources also mentioned that the boy got (part of) his money through theft. The boy managed his own money, and spent it (mostly) on food. However, he was able to save a very little amount. Although Ian did not regard this as unsafe work, he repeatedly expressed his strong wish to go back home. He would usually spend the night in different places, moving around to find a place to sleep. The main problems he reported were not having sufficient money to buy food and confrontations with the police who sometimes did not allow him to sleep at a certain location. This circumstance forced him to move around continuously.

Ian seemed to be aware of NGO-service providers who could help and assist him when needed, to whom he addressed his request for support in going back home. At the time of the research, the boy was in contact with a shelter in Amsterdam (Tweede Mijl), suggested to him by someone who was already familiar with the shelter. He was offered a Dutch language course and vocational training, but he refused the services, apparently because his priority was to go back to Romania – although he did not explicitly mention that.

⁸⁸ This is an organisation dedicated to help homeless people from C/SEE to return to their home countries.

6.2. Research activities and observations in Brussels, Belgium

Most of the fieldwork, in terms of actual contacts with the potential target group of the research, took place in Brussels. The researchers went to the touristic areas such as the “Grand Place”⁸⁹, the Central Station, the North Station, the “Gare du Midi” and the main commercial areas. Whenever and wherever that was possible and appropriate, Romanian children and adults were observed and approached (whereas Bulgarian adults and children were not encountered). In addition, meetings took place with some relevant local stakeholders.

In Brussels, the researchers found a situation that was entirely different from the one observed in The Netherlands. At several locations in Brussels, they encountered eighteen children from Romania, accompanied by their mothers, and in one case by the grandmother. There were seven boys (between 0–5 years old), and eleven girls (nine of them between 0–5 years old; two of them between 6–12 years old). The families of the children were from different cities in Romania: Alexandria, Bihor, Bucharest, Bistrita, Clug, Deva, Hunedoara, Oradea, and Orastie.

Researchers observed that the adults were all begging together with the children, at different sites, like the metro and train stations, shopping streets, squares, and sometimes at traffic lights. Besides observing the women and children, researchers conducted eleven snapshot interviews, and two full interviews with women. Whenever possible a questionnaire was filled in by the social worker. Most of the interaction took place with children’s mothers, as the children themselves were too young (some of them babies) to be able to speak.

Six out of the 18 children encountered belonged to the Roma minority. The researchers observed that some of the children encountered spoke only Roma language, and were not able to speak Romanian. As confirmed and accounted for in greater depth by the local actors interviewed as part of the research, there seem to be a relatively large group of Roma families with children from Romania (mainly from the city of Timisoara) begging in the streets of Brussels. Some of the children approached by researchers came to Brussels with their entire families, and in some cases the whole family was involved in begging. Other families left some children back in Romania, where some of them attend school and others are involved in begging activities. However, not all children who were in Brussels with their families seemed to come along during the begging. Some of the children would stay at home (in Brussels) with other family members. Via telephone and internet, they were generally in regular contact with family members back home in Romania. According to some interviewees, while in Brussels, these children and their family members manage to move around, travelling for free on buses and metros, which is apparently tolerated by public transport personnel. When they are begging, authorities very rarely approach them. Sometimes they do so in order to check their identity, which they are able to confirm by showing their Romanian identity cards.

Only few of the women interviewed provided the researchers with information on their geographical movements and the duration of their stay in Brussels. This apparently varied between one week to seven years. They had travelled by (mini)bus, either on their own or with their children, sometimes with the entire family. Some of them had joined other family members who were already staying in Brussels. Some of interviewees travelled back home, by minibus and together with other people from the same village. Some of

⁸⁹ This is the main square in the city centre of Brussels.

them managed to visit their own country as often as every two to three months, while others did so more seldom. One of the women interviewed mentioned that the children's grandmother used to travel to Brussels regularly in order to help the family in taking care of the children. In another case, the family had come to Brussels ten years earlier, and had also spent two months in Italy and a few months in the United Kingdom. None of the women and children had resided in The Netherlands prior to staying in Belgium.

6.3. Living and working conditions

For most interviewees and their families in Brussels begging was the main activity they were involved in, and their main or only source of income. The begging usually takes place between 9 a.m. and 5 p.m., but sometimes up to 10 p.m. The choice of the time of the day during which the begging takes place seems to mostly depend on the presence of tourists. During the research period it was also observed that some interviewees were dressed in Muslim attire, probably as a way to increase their chances to receive alms from Muslims during the holy month of Ramadan. Whereas some of the children observed by the researchers were not doing the begging themselves, some mothers stated that the children were either actively begging, or just accompanying their mothers in order to generate compassion from givers. When the mothers beg until late in the evening, children usually stay with them, whereas other family members are at home doing the cooking.

As mentioned above, begging was apparently the main or only source of income for these families. Occasionally, husbands and grandfathers are temporarily employed in construction, house painting, cleaning, or selling newspapers, and through those jobs they generate the main income. One interviewee received vocational training in Brussels for four years and obtained a diploma in cleaning. Before, she relied on social aid for a year, after which this was terminated because she obtained her diploma and was considered able to enrol in a paid job. While waiting for a response on a job application, she was involved in begging.

Interviewees were generally reluctant to provide information about their income. Few of them stated that the earnings from begging usually vary between 5 and 10 Euro per day, and the whole family can generate up to 700 Euro per month (in this case, family members involved in begging included the children, their mother, father and grandfather). An interviewee mentioned that she was occasionally able to save some money and send it to her family in Romania.

The income generated by the begging activities was used to cover a range of expenses. These, according to the interviewees, mainly included food, housing (an average of 500 Euros per month) and travel between Brussels and Romania (varying between 50 and 200 Euro, by bus).

Expenses for medical consultation or treatment and debts were mentioned in a few cases⁹⁰. Some families apparently incurred in debts by borrowing money in Romania to cover their travel to Brussels, and were not succeeding to repay the money back.

Interviewees pointed to several daily problems that they were facing, most of which primarily related to the lack of sufficient income (and no social aid to compensate for that). In particular, they mentioned: lack of food, difficulties to pay the rent or to pay

⁹⁰ A medical consultation costs 30 to 40 Euro.

back their debts, and very limited possibilities to go back home regularly (they would like to visit their home country at least every year) or permanently. One interviewee mentioned that her husband used to spend all the money on drinking. In one case, the interviewee stated that she needed to collect food from garbage.

Children's opportunities to regularly attend school appeared to be very limited. Two mothers stated that they did not send their children – of around seven years old – to school, as they were the ones generating a large share of money. Some other women stated that their children were going to school or pre-school except for the period of summer holidays (during which the street observations took place).

Interviewees expressed safety concerns as well. One woman stated that she was compelled to take her baby with her while begging, as nobody else would be able to look after him otherwise. Some women even felt that their safety was threatened by authorities. This concern refers in particular to cases when police chased them away or incarcerated them for several hours, and to the fear that police can take the children away from them. They also felt threatened by other Romanian nationals, due to the competition over "working sites" for begging. .

Despite these serious daily problems, none of the interviewees showed any familiarity with supporting networks or agencies, and seem to entirely rely on their own families for help. Only one woman mentioned the fact that she and her husband obtained a Belgian identity card and were planning to apply for a state allowance for all their children. When they were mentioned the existence of NGOs⁹¹ implementing programmes to foster Roma integration⁹² to provide socially vulnerable families and communities with material assistance, to facilitate children's school attendance – the women interviewed declared that they were not intending to apply for such programmes.

Despite the difficult situation experienced by children and their families described above, and the subsequent child protection concerns that it raised, no signs of exploitation of children involved in begging by criminal networks emerged during the fieldwork. However, a local stakeholder, the District Police of Brussels (Youth Department), believes that there are cases of exploitation among children involved in begging. In their understanding of the situation, children are involved in begging activities from the age zero to eight. From the age of eight, they slowly get involved in petty crimes. From the age of twelve, children start to act in peer groups, or work together with the older children or adults.

Although the women accompanying them stated to be the children's mothers, sometimes researchers had the impression that women were providing them with stereotyped "stories" that they had possibly arranged beforehand.

⁹¹ Regional Integration Centre Foyer is a Belgian association aiming at finding solutions at municipal, regional and international level for the challenges of integrating communities of foreigners. They also run a special supporting service branch to assist Roma, including through Roma intermediaries. See also: <http://www.foyer.be>.

⁹² The NGO Foyer, in particular, approaches adults who are for example playing accordion in the metro, and whose children are collecting the money. They inform them on what assistance Foyer could offer, and that in Belgium children are obliged to go to school.

6.4. Perception of begging by society and authorities

According to jurisprudence in Belgium from 2010 onwards⁹³, the situations in which parents beg together with their children are not to be considered as exploitation.⁹⁴ Policy initiatives adopted in 2011–2013 to criminalise begging with children did not get off the ground. Furthermore, according to the police, the issue of children involved in begging is not a priority for the Public Prosecution.⁹⁵ It was reported that the Mayor of Brussels opposed the police's practice to check the identity of the women and children involved in begging. Sometimes, when women are considered to be harassing people, or in winter because it is cold, the women and children are taken from the streets for a few hours by the police. Apart from law enforcement measures, child protection measures are not adopted often. According to the police it is impossible for child protection authorities to intervene in all of these cases.

The lack of an "interventionist" approach to begging with children in Belgium is also reflected in the available literature on the topic. Cases of families begging with children are generally regarded as a survival strategy, stemming from a situation of vulnerability, social exclusion and poverty.⁹⁶ Some authors⁹⁷ also state that begging with children does not generate more money than begging without children, so it must not be thought that children are used to generate a higher income.⁹⁸ Rather, adults take the children out in the streets because of practical reasons, for instance because they need to breastfeed them, or because there are no other trusted adults who could look after the children while parents are begging.⁹⁹ These studies also mention that begging is generally regarded by the Belgian society as a "cultural practice", therefore not considered exploitative.¹⁰⁰ This is particularly thought about Roma people, as they are regarded as having no other possibilities in life. Furthermore, it is accepted as if it were a traditional way of living among Roma people. However this is not confirmed by other authors, according to which adults from Roma communities involved in begging with their children do feel embarrassed, as they perceive that child begging is looked at in a negative light in Belgium.¹⁰¹

6.5. Closing remarks

As illustrated in this chapter, during street observation in The Netherlands, only one case of a child belonging to the target group was encountered. The other people involved in begging met by the researchers included adults of Romanian nationality. They were involved in begging as well as in other activities. The singularity of the case of the Romanian boy (above), who however expressed a strong will to return to his family in Romania permanently, seems to confirm the findings from literature review and

⁹³ Interview with the Brussels District Police, 16 July 2014.; Interview with Foyer, 16 July 2014.

⁹⁴ Judgement of the Court of Appeal Brussels, 26 May 2010.

⁹⁵ The fact that police investigations to begging children are being dismissed by the Public Prosecution is also mentioned in Foyer, "Bedelende Roma-kinderen in Brussel", extract from De Roma van Brussel, 2004, updated in 2006, p. 3. Retrieved from: http://www.foyer.be/IMG/pdf/Bedelende_Roma-kinderen_in_Brussel.pdf.

⁹⁶ Foyer, "De Roma van Brussel", 2004, updated in 2006.

⁹⁷ A. Clé, *Bedelarij onderzocht*, Katholieke Universiteit Brussel, 2007.; A. Clé, *Bedelarij onderzocht: Een beknopte samenvatting van het onderzoek*, Katholieke Universiteit Brussel, 2007, p. 5–7. Retrieved from: http://www.foyer.be/IMG/pdf/KUB_Studie_Bedelen_Samenvatting.pdf.

⁹⁸ Foyer (2006, extract), p. 2.; A. Clé, (2007, summary), p. 5.

⁹⁹ A. Clé, (2007, summary), p. 5.

¹⁰⁰ Foyer (2006, extract), p. 3.

¹⁰¹ A. Clé, (2007, summary), p. 7.

stakeholders' interviews, according to which cases of child begging are incidental and exceptional in The Netherlands.

All the adults that were interviewed in The Netherlands stated that the 'climate' there is not suitable to bring children for begging. They mainly referred to the social climate and the strict approach of authorities. Social workers from various non-profit organisations in Amsterdam and Rotterdam also mentioned these factors as reasons why there were no begging children in the streets.

Although from the desk research it emerged that children from C/SEE countries, particularly from Roma communities, are involved in criminal activities, such cases could not be identified during the street observations.

The situation encountered in Brussels was remarkably different in terms of actual – as well as potential – presence of the target group. During the street observations, eighteen cases of children from Romania were encountered, involved specifically in begging activities. The children were visible and approachable. Despite the problems faced by children and their families (including lack of income to cover basic material needs and safety concerns), the research found that these families found much larger opportunities in Belgium (namely in Brussels, the location targeted by the research in the country) to engage in begging with children as a primary source of income, to arrange for housing and boarding for themselves, their children and other/new family members, as well as to travel between Brussels and their home country – provided they have the financial means to cover travel expenses (which some families seem to have).

As for migration patterns, the travel between Romania and Brussels seems to have taken place directly, with the exception of one family who travelled to Italy and the United Kingdom first. None of the persons interviewed had stayed in The Netherlands prior to Brussels. Thus, the initial idea that some children and families might have moved to Belgium from The Netherlands because of the intervention of authorities and the lack of acceptance of this practice was not confirmed by the field work carried out in the framework of this research.

In Belgium, while information obtained from the police suggests that there are suspicions of exploitation of both children and adults, either by a criminal group or by members of the larger family and community themselves, the field research did not find evidence of these suspicions – although in some cases (part of) the stories collected seem to be somehow fictitious. What has been observed is that children's fundamental rights, primarily their right to education, appropriate housing, healthy living conditions, leisure and play were not enjoyed in practice by these children, and their future development appeared to be under serious threat.

7. INSTITUTIONAL CARE AND PROTECTION: TWO TYPES OF SYSTEMS

Children from Central and South Eastern EU countries have a special status; they are citizen of the European Union, yet foreign nationals. Therefore, if a child protection measure is needed, they fit in both types of protection systems in The Netherlands: the system for Dutch children and the system for foreign children, each envisaging different protection bodies and operating procedures. For all third country national children that need protection, the Child Protection Board is responsible for requesting a child protection measure.

Being EU citizens, formally children from Bulgaria and Romania fall under the same care system as Dutch children. This means that the Youth Care Agency is responsible for their protection, after identification of a situation that threatens or hampers the wellbeing and development of a child. Families can be supervised by a family guardian, or children can be placed in a foster family or in residential care. The Youth Care Agency can be appointed as the guardian of the child in case s/he is unaccompanied. Sometimes the Salvation Army is appointed as a (family) guardian, particularly in cases involving children from the Roma communities who settled in The Netherlands in the late seventies,¹⁰² as this agency is responsible for offering care services to 'itinerant people'.

As Bulgarian and Romanian children are EU citizens but non-Dutch nationals at the same time, their cases have a transnational dimension and migration law comes into play. Therefore, these cases can also be taken up by the protection system for (unaccompanied) foreign minors. Nidos is formally appointed as the guardianship institution for third-country families and unaccompanied children. However, because Nidos is specialised in offering protection to unaccompanied foreign children, also specifically to those who are potential victims of trafficking, and because they can rely upon a large international network, the Child Protection Board can also ask Nidos to be appointed as the legal guardian of C/SEE children. C/SEE unaccompanied children who are identified as potential victims of trafficking may receive shelter in the Protected Shelter¹⁰³ for foreign child victims of trafficking run by the COA (the central agency responsible for the reception, supervision and departure from reception of asylum seekers coming to The Netherlands).

A child from other EU countries is allowed to stay in The Netherlands for three months without his/her parents or other legal guardian. As derived from jurisprudence, legal guardianship/parental authority can be exercised from distance. This means that within or after these three months it is not always necessary for the Child Protection Board to take a measure on the (provisional) guardianship for the child concerned. When the parents or other legal guardians are difficult to reach, seem absent, or withdraw from their responsibilities, if necessary the Child Protection Board will take measures to provide

¹⁰² As opposed to C/SEE Roma communities who entered The Netherlands relatively recently.

¹⁰³ The Protected Shelter was established in 2006 by Nidos because many minor potential victims of trafficking from Nigeria had disappeared from general reception centres with unknown destination. Since 2007, the Protected Shelter is run by COA. Since a few years, mainly unaccompanied minors from Guinea and Sierra Leone are placed in this shelter.

the child with a (provisional) guardian (either from the Youth Care Agency or from Nidos). In case a child is not registered at the Immigration and Naturalisation Service (IND) and/or at the municipality, after the initial three months it is difficult to arrange for support services and provisions, such as housing, for them. Sometimes, people from Central and South Eastern EU countries who are potential victims of trafficking are granted a temporary residence permit for third-country victims as laid down in the Aliens Act (Chapter B8/3). The B8/3 residence permit is ex officio granted if victims file a complaint and cooperate in the criminal investigation against their trafficker. Although this provision is meant for third-country national victims, the above-permit is also in some cases granted to trafficked persons from Central and South Eastern EU countries, if municipalities require this for registration,¹⁰⁴ as they are formally not allowed to stay in The Netherlands if they cannot provide for themselves.

7.1. Obstacles and opportunities

A protection gap exists for child victims of trafficking from other EU countries after identification. Their special status as EU citizen, and yet foreign nationals, makes them a “misfit” for both the existing protection systems (the one for third-country national children, and the protection system for Dutch children).

Being a citizen of another EU country, children from Central and South Eastern EU countries formally fall under the national Youth Care system. However, with regard to potential victims of trafficking from these countries, the Youth Care system is not fully equipped with capacity to deal with this group of children (due to their specific problems, as well as administrative and legal issues that need to be addressed). Furthermore, the priority of Youth Care in the coming year is the implementation of improved protection of domestic victims of trafficking (i.e. sexual exploitation of a Dutch girl by a loverboy). Lastly, in The Netherlands, the care provision system is – at the time of the writing – in the process of decentralisation. The system of Youth Care, operating at the provincial/regional level, from 2015 will operate at municipal and sub-municipal (cluster of neighbourhoods) level, and will deal with cases within that area only. This will further reduce the capacity to take up cases with a transnational dimension. In the absence of clear provisions to determine the municipality in charge, the responsibility to protect migrant children, as well as children belonging to the Roma minority, who are not always registered, will be probably shifted back and forth.

Moreover, from 2015 the municipality will be directly responsible for financing and purchasing care provisions from its own budget. This fact might result in some services and facilities to disappear. Furthermore, the focus of social work will shift to early prevention, early signalling, and “own strength” (an appeal is made to people and their families to arrange care and assistance more by themselves instead of relying on social services). While this approach appears not to be very suitable for child victims of trafficking, concerns arise on the future availability of services for them in the country.

The AMHK (advice and reporting centre domestic violence and child abuse of municipalities) will hopefully fill in these gaps, operating above the local level. This is, however, yet to be determined. At the same time, while the protection of foreign victims of trafficking

¹⁰⁴ Recently the Ministry of Justice informed us that municipalities are made aware that C/SEE EU nationals that are (potential) victims of trafficking have the same rights as Dutch nationals. The B8/3 should be exclusively granted to third-country potential victims, as it is intended for.

is governed under migration law and policies and is therefore not really suitable for EU citizens, the organisations involved (like Nidos) have the required experience and capacity to deal with all foreign victims of trafficking. Moreover, Nidos is not subject to the decentralisation process described above, and will continue to operate at the national level.

Finally, while the national referral mechanism for trafficked persons that is currently being developed in The Netherlands does not specifically address the protection of EU (child) victims of trafficking, there is the opportunity to develop procedures and to envisage protection measures that take into account their specific status as well.

8. INTERVENTION IN THE NETHERLANDS

As mentioned above (chapter 6), in the year 2007 several cases of children from C/SEE countries (mainly Romania) , involved in pickpocketing, shoplifting, burglaries, begging, selling newspapers or playing music in the streets, were intercepted by authorities. While children involved in begging (or activities similar to begging) have not been observed in the following years, cases of children involved in criminal activities continued to occur and were still reported at the time of the research. Some of these are children in school-age who are not regularly attending school. In some cases, it is unclear whether the adults accompanying the child are suitable to care for him/her, while sometimes the child seems to be deprived of parental care.

When first confronted with this phenomenon, law enforcement and child protection authorities were rather concerned, and a lot of doubts arose on how to intervene. At that time, in two municipalities specific intervention policies and procedures were developed; these are the cases of Den Bosch and Amsterdam. As they represent the most structured responses adopted at the local level in The Netherlands in order to respond to cases of children involved in begging, economic and criminal activities (whose large part was, and apparently still is, from C/SEE countries), they are illustrated below.

8.1. Intervention in Den Bosch

In the city of Den Bosch, when a child is found making music in the street during school hours and times, and if the child is unable to present a document showing that s/he is not required to attend school in the country of origin, the case is reported to the School Attendance Officer. The School Attendance Officer enquires whether the child is registered with a school in the municipality and whether s/he is regularly attending it. If this is not the case, the School Attendance Officer requires the Child Protection Board to conduct an investigation. They register the child's identification data, fact which should also help local authorities in other cities to track him/her, in case s/he moves elsewhere and continue working. If parental authority is being exercised, but the child's situation raises protection concerns, a request is made to the juvenile judge by the Child Protection Board, and the Youth Care Agency is mandated to exercise provisional supervision over the child. If the child is (temporarily) deprived of parental care, the Child Protection Board requests the juvenile judge to issue a provisional guardianship order, whereupon the Youth Care Agency is appointed as the child's legal guardian. The Youth Care Agency investigates whether the child can stay in The Netherlands and which assistance is required, or whether the child should be accompanied back to the country of origin.

Reportedly, since the phenomenon emerged, professionals of the Child Protection Board Den Bosch investigated the cases of children making music in the streets. It turned out that the families planned to stay in The Netherlands only for three months. Then they would return to Romania again. Proof, such as return tickets, were shown and the families actually disappeared after these three months. According to the Child Protection Board, every three months new families arrive. As EU citizens are allowed to stay in another EU country for three months without registration and without the children being obliged to

attend school, intervention was not possible. According to some stakeholders, more than one year of constant interference and checks of the Child Protection Board caused the phenomenon of children playing music in the streets to disappear. However, sometimes children can be observed engaging in begging or similar activities in the streets of Den Bosch on Wednesday afternoons (when school finishes early in The Netherlands) and during summer holidays.

8.2. The Amsterdam model: “Flow Chart Balkan Children”

In 2007 in Amsterdam, on initiative of the municipal Child Protection Board, several stakeholders came together to discuss the situation of children from C/SEE countries involved in begging-like and criminal activities. Several issues were discussed among these stakeholders, mainly revolving around the difficulties in establishing parental relationships faced by police officers, in finding appropriate temporary placement for children who need this measure, and in preventing children’s disappearance from the child protection system, as well as in envisaging long-term solutions in the best interests of each child concerned.

In response to the above-concerns, the following objectives were set out:

1. “As quickly and as effectively as possible, investigating in which situation the child finds himself, whether offering shelter and protection is necessary, and how can this be best achieved;
2. In those cases where it is necessary, offering shelter and protection in a voluntary or compulsory framework with the aim of repatriating the child to a protected situation in the country of origin;
3. If it is not appropriate to offer shelter and protection, raising parents’ (or other caregivers’) awareness about the fact that in The Netherlands it is undesirable and inappropriate to let children perform begging-like activities”¹⁰⁵.

In order to implement the objectives mentioned above, a set of procedures was developed, with the aim to coordinate interventions among different actors according to the case in which children would be found.

The starting point of the procedure is the identification by the police of a child in begging-like or criminal activities. The police investigates the child’s situation and takes the following actions:

1. If the child is below the age of 12 (and therefore not criminally liable), and the genuine parents or other official caretakers are present but the child is in need of protection, the Youth Care Agency is notified the case. The Youth Care Agency then assesses the case and decides whether the child should be referred to the Child Protection Board. The Child Protection Board assesses whether a (provisional) supervision measure is needed, which would be implemented by Nidos, and makes a request to the juvenile judge.

¹⁰⁵ Stroomschema Balkan kinderen (Flow Chart Balkan Children), on the initiative of the Child Protection Board of the Ministry of Justice, Amsterdam region, 2007.

2. If the child appears to be deprived of parental care, or if the identity of the child's caretaker cannot be established, the police notifies the Youth Care Agency and this institution assesses whether the child should be referred to the Child Protection Board. The Board assesses whether the child is deprived of adequate parental care, and if necessary asks the juvenile judge for the appointment of a (provisional) guardian, implemented by Nidos. Nidos collects information in order to investigate whether it is in the child's best interests to be returned to his/her country of origin.
3. If none of the interventions above are suitable, namely when the parents/child do not reside at a permanent address, conversations are held with the child and the parents with the aim to raise awareness about risks and dangers associated to child begging, and the way this practice is regarded and acted upon by authorities in The Netherlands.
4. If there is a suspicion that a child has committed a criminal offence and s/he is twelve years or older, the police notifies the case to the Child Protection Board, whereupon the Board initiates an assessment and notifies the Public Prosecution Service.

A flow chart was developed in order to provide visual representation of the four different procedures briefly described above, based on different scenarios (see Annex 2). The flow chart used in Amsterdam is currently being revised by Nidos Haarlem and the Child Protection Board as contacts of partners need to be updated and lines became much shorter. Other cities in The Netherlands, namely Rotterdam and The Hague, have adopted similar procedures, although these are not codified in details as in the case of Amsterdam.

According to Nidos Haarlem, which receives the cases from the region of Amsterdam, the Amsterdam model described above is still in use. In 2013 and the first half year of 2014, fourteen and six cases respectively of Eastern European children involved in criminal activities were referred to Nidos Haarlem by the Child Protection Board. These children were identified by the police, and reported to the Child Protection Board because they were encountered while engaged in criminal activities several times, and/or there had been a suspicion of adult involvement in the criminal activities of the child.

However, the number of cases referred to Nidos Haarlem is not a representation of the real number of C/SEE children involved in criminal activities encountered by the police in Amsterdam. Indeed, such cases do not always pass the "pre-selecting agencies", that are the police and the Youth Care Agency, and it is only after a request from the Child Protection Board, and a positive decision from the juvenile judge, that Nidos gets involved. At the time of writing this report, the research team was made aware of several cases in which none of the actions envisaged in the "model" was taken, despite the fact that doubts could have legitimately existed on the identity of the child's caretakers, their suitability to ensure adequate care to him/her, as well as overall concerns about the wellbeing of the child. The obstacles in intervening in practice are further discussed in paragraph 7.1.

The Flow Chart applied in Amsterdam, and similar interventions developed in other cities and regions in The Netherlands, do not address the situation or the risk of exploitation of children in begging and criminal activities. This MIGHT BE due to the fact that the cases encountered by local authorities in 2007 were NOT regarded as cases of potential exploitation of children. Moreover, when concerns exist about the parenting situation and the wellbeing of the child, but the parents do not reside at a permanent address, no intervention from authorities is apparently possible, due to both legal (difficulties in determining responsible authorities) and practical obstacles. Hence, in that case the

authorities let the children (and the adults accompanying them) go without taking any child protection measure.

Since October 2013, under the lead of the Ministry of Justice, and as recommended by the National Rapporteur on Trafficking in Human Beings, a referral mechanism to assist and protect trafficked persons is being developed. Its outline was presented in June 2014. As in practice the focus of trafficking in human beings in The Netherlands tends to still be on sexual exploitation and on victims from third countries, the conceptual framework of the National Referral Mechanism does not specifically address the protection of (child) victims of trafficking from EU countries, nor does it address exploitation in begging-like and criminal activities. Therewith, the steps to take in the protection of this group of children remain rather unclear. Several NGOs, as well as the National Rapporteur, advocated to pay specific attention to this form of trafficking and its victims. Hopefully, these recommendations will be taken into consideration in the further development of the above-referral mechanism.

8.3. Intervening bodies

The police and the Youth Care Agency are the “pre-selecting agencies”. They encounter children involved in begging-like and criminal activities and make an initial assessment of the case, deciding upon the necessity to refer the child to other relevant actors.

In The Netherlands, begging is not criminalised in the penal code. By local ordinance, begging and begging-like activities such as making music in the streets are forbidden in several municipalities. Therefore, the police will normally intervene in these cases. With regard to criminal activities, a child is criminally liable in The Netherlands from the age of twelve. It is assessed by the Public Prosecution Service whether a case is to be prosecuted. If the criminal activity is committed by a child below the age of twelve, the child is also brought to the police station and the police waits for someone to pick up the child.

As outlined in the four types of intervention described earlier (paragraph 8.2), if the police encounters a child in the above-mentioned circumstances, it considers it to be “a crisis situation” and the Crisis Team of the Youth Care Agency will be involved. The Youth Care Agency assesses whether the child should be referred to the Child Protection Board. The Board assesses whether a child protection measure is necessary, and makes a request to the juvenile judge accordingly. Depending on the municipality or region, either the Youth Care Agency, Nidos or the Salvation Army, though only seldom, are tasked with the implementation of the child protection measures required (supervision or legal guardianship).

Case 5: Example of intervention involving all main actors

At the time of this research, Nidos was involved in the protection of a Croatian girl, Anna. When Anna (16 year old) was arrested in Amsterdam for pickpocketing, she was eight months pregnant. According to the police, during the interview Anna gave contradictory statements about her pregnancy (which she first claimed not to be aware of, while later she stated that she had no contact anymore with the baby's father), her place of residence (she first stated that she was living with a friend, later that she resided in a hotel, then she stated to live with her uncle, who later was allegedly her husband), and her parents (she stated that her parents were dead, but later that she just did not have contacts with them, then it emerged that her father had probably brought her to The Netherlands). During the interview, Anna was called on her mobile phone many times. The police officer called the number that appeared on her screen and spoke with a woman who stated to be her aunt. The registration of the girl at the municipality and the guardianship had still to be arranged, the woman claimed. Also the woman gave contradictory statements about the parents of the girl. The police officer could hear another voice at the background giving instructions. The police were concerned about Anna's wellbeing and safety, particularly in relation to the suitability as caretaker of the woman who declared to be her aunt, and her living conditions. The Juvenile Probation Service suggested that Anna might be a potential victim of trafficking for criminal activities. One week later the juvenile judge appointed Nidos as the provisional guardian and Anna was placed in the Protected Shelter of Nidos. Anna's aunt was informed about the guardianship measure, while the location where Anna was staying was not disclosed to her for safety reasons.

8.4. Obstacles in intervention and effective protection

Despite the articulateness of the intervention models described in this chapter, several obstacles exist in practice to their effective implementation, and to ensure adequate protection to the children concerned. The referral chain is often interrupted and a case is not taken beyond the initial stages (that is, the police does not always involve the Youth Care Agency; this Agency in turn does not always involve the Child Protection Board; and the Child Protection Board does not always request a child protection measure to the juvenile judge). For this reason, both the police and Youth Care Agency believe that it is sometimes useless to refer the case and that the child concerned is not provided with adequate protection also in light of the heavy administrative work that it implies.

A major obstacle in ensuring effective protection to children from C/SEE countries is a general policy of “**no action possible**” (as already described in paragraph 8.2). This is the case when there are concerns about the suitability of parental care and the wellbeing of the child, but the parents do not reside at a permanent address. According to the Rotterdam Police, this case occurs often in practice. Even if they find a child under the age of twelve involved in criminal activities, frequently in presence of, or in cooperation with adults who turn out to be the parents or other official guardians of the child, they cannot involve the Youth Care Agency. If there are serious concerns about the wellbeing of the child, in principle a child protection measure could be adopted (provisional supervision). However, because the adults involved are on the move, they do not stay at one place long enough to make such supervision possible. The Child Protection Board is therefore reluctant to request a measure of (provisional) supervision if adults involved in begging or stealing with children declare that they reside in a given place only temporarily, and that they want to return to their home-country.

Case 6: begging and stealing at a market

In Amsterdam, the "Pickpockets Police Team" was notified that there was a woman with three children at the Farmer's Market, stealing and begging. The oldest children were eight and six year old, and the woman had a baby in a carriage. When the police arrested her, she had several stolen goods in the baby carriage. The two other children had been begging the vendors and the shopping public. The woman was born in Austria, the two oldest children in Brussels, and the baby in Strasbourg. They were in the possession of a Dutch passport, but they did not speak Dutch. The woman claimed that she temporarily resided in a hotel. She had 30 English Pounds and 366 Euro in her pocket. The woman had to pay a fine and, together with the three children, she was released.

Another relevant challenge in the protection of the children from C/SEE countries involved in begging, economic or criminal activities is the lack of guidance and standard procedures to check the identity of adults who pick up the child from the police station, and to **assess parental relationships**¹⁰⁶. If the alleged caretaker of the child turns up, the police does not check whether the identity or family relationships are genuine, even when there are well-founded reasons to doubt about that, therefore the child (if s/he is not criminally liable or if it is decided not to prosecute him/her) is entrusted back to his/her alleged caretaker. Furthermore, according to the police, often adults who come to pick up the children involved in criminal activities show an informal written statement with which the parents of the child transferred the guardianship to them. Some police teams take the informal documents for granted and hand the child over to the supposed temporary guardian.

Case 7: false identities

In May 2014, two Bosnian Roma girls were arrested in Amsterdam for pickpocketing during an ordinary school day. They were in possession of a D-visa indicating that they were ten and twelve year old. The girls were admittedly children, but they looked older than the stated age. They did not speak Dutch and were interviewed by the police via a Bosnian interpreter. They stated to have travelled from Bosnia-Herzegovina to The Netherlands in April 2014 and that they were living in a reception centre for asylum seekers in an Eastern province with their mother, brothers and sisters. Previously, they were apprehended twice in other places. They were not registered with any school. The oldest girl stated that they had to steal because they were poor. She was arraigned and the case was reported to the Youth Care Agency of Noord-Brabant. The ten-year-old girl was picked up by a woman who claimed to be her mother. The police had serious doubts about the identity of the girls and of their mother, and called the Immigration Service. The Aliens Police reported that they had just arrived several weeks earlier. They also expressed doubts about the stated age of the mother and girls, but there were no official documents to hand over. As the Aliens Police at that time was very busy, they took the statements of the family for granted and provided them with a D-visa mentioning the age and identity declared. Later, the National Police found out that the oldest girl had been previously arrested in Switzerland for pickpocketing. She was registered there under another name. Also her parents were registered under different names. According to the Swiss registration, the girl was fifteen year old. In October the girls were arrested for the fifth time in Amsterdam. The "Pickpockets Police Team" called Defence for Children – ECPAT because they had encountered difficulties in getting the case on a child protection track. Defence for Children – ECPAT was able to establish where the girls were residing at that moment, and which child protection measures had been taken. It appeared that after an arrest in August, Nidos was appointed to execute the supervision measure. The twelve-year-old disappeared in August. In November stakeholders, including Defence for Children – ECPAT The Netherlands, met to discuss the case.

¹⁰⁶ This challenge also affects Dutch children.

The Rotterdam Youth Police does check the identity documents and family relationships when adults come to pick up a child. If doubts exist, the Crisis Team of Youth Care is involved for the provisional care of the child. However, the children often run away within a few hours (even very young children of around five years old).

Case 8: The Hague

According to the Crisis Team of the Youth Care Agency of the region of The Hague, they are alert to crisis situations that involve C/SEE migrant children. With the police they have the arrangement that the Youth Care is involved in these situations. When the child is handed over to the Youth Care, the caretaker that shows up has to prove family ties by means of passports and birth certificates. Often, this may take a while. Their approach apparently has a deterrent effect: it is not sufficiently lucrative to let children beg or commit criminal acts in The Hague region as the children are taken away by Youth Care every once in a while. However, Youth Care admits it is deterrent at most, and not solving anything as the problem just shifts to other places.

Most cases of children from C/SEE countries involved in criminal activities concern petty crimes like theft, shoplifting, pickpocketing, "chat trick" (scam), etc. Therefore, they are being dealt with as so-called "6-hour cases" by – generally – the community police or the burglariesteam. Only a few cases have been dealt with as cases of trafficking in human beings.

Case 9: "Switcheroo"

In Amsterdam, during the month of May 2014, a man, a woman and a boy from Romania went into a restaurant and ordered some meals. They had ordered for about 70 Euro, and paid with a 500 Euro banknote. They got 430 Euro back. At the end of the meal, they stated that they did not agree about what they had ordered and asked their money back. The waitress gave the 500 Euro back, and the man gave the 430 Euro back. While the waitress was counting the money, the three persons walked away. The waitress noticed that 200 Euro were missing. The owner of the restaurant went after them and called for the police. The owner saw the boy throwing away four banknotes of 50 Euro. Therewith, the owner got his money back. Some times after, by description, the boy and the woman could be arrested. The man was not found anymore. It was decided not to prosecute the twelve-year-old-boy, and he was sent away. The woman, thirty years old, was convicted through "tit for tat" justice for scams/switcheroo.

In general, there is a limited knowledge on the issue of potential exploitation of a child for begging or criminal activities among institutions, as this phenomenon just recently received more attention. Therefore, children who are exploited in these activities easily fall through the safety net and **are not identified as (potential) victims of trafficking**, nor treated as such.

According to the Trafficking in Human Beings Expert of the Rotterdam police region, during the past years, no investigation was conducted on trafficking in human beings in which Bulgarian or Romanian children were involved. Several years ago, the Rotterdam Police encountered cases of begging in the streets, involving children with their mothers. However, these lasted only for about half a year. The adults and children were always taken to the police station, and the Crisis Team of the Youth Care Agency was regularly involved. If the adult turned out to be the real mother, they let the mother and child go together. However, according to the police, as identities and addresses were being verified, and the police kept an eye on them, they probably felt observed. Therefore, the children and families involved in begging left Rotterdam.

The Rotterdam Police increasingly encounters cases of pickpocketing, shoplifting, and scams. According to them, these activities are typically performed by Romanian and Bulgarian nationals, who are working in groups of about two to four people, adults and children together. The cases are not dealt with as trafficking cases, even though supervision and control by adults are suspected. According to the Rotterdam Police, it is not rare to see on cameras how the adults and children arrested committed criminal activities together.

The Council of Europe Convention on Action against Trafficking provides for the obligation of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so as victims of exploitation. The EU Anti-trafficking Directive provides for the possibility not even to prosecute the victim in this case. These are called, respectively, the **non-punishment principle** and **non-prosecution principle**. Nonetheless, children from C/SEE countries involved in criminal activities are often identified as criminals and not as potential victims of trafficking. Even if the case is recognised as trafficking, the above-principles are not applied.

A serious problem reported by stakeholders interviewed concerns **children's disappearance** from the temporary care placements.

In case the minor is held in pre-trial detention, and a provisional legal guardian is appointed, the Child Protection Board sometimes asks the juvenile judge for more time to investigate the situation of the child, and whether offering shelter and protection is necessary and possible. The juvenile judge often rejects this request on advice of the Public Prosecutor as the period of pre-trial detention might then exceed the total possible period of detention for minor offences. When leaving the court, the child just runs away.

Reportedly, the Rotterdam Police encounters mostly girls, also as young as below the age of twelve. These children show an urge to go back to their families and they seem pressured by need to bring a sufficient amount of money. Similarly, the Youth Department of the Rotterdam Police reported similar cases involving older boys, around the age of seventeen or eighteen. (In contrast to the younger children, the teenagers and young adults look very well, wear expensive shoes, and travel with their own car).

Case 10: Romanian boys

In 2007, five boys from Romania, aged between nine and twelve year old and belonging to the Roma minority were apprehended at different locations in The Hague, Amsterdam, and Dordrecht committing petty crimes. The children did not want to make any statement on who looked after them, who brought them here, or who benefitted from their activities. All they wanted was to go to Belgium. Later, from their statements it became clear that the boys belonged to a larger group of eleven boys roaming in Europe, pickpocketing under the supervision of one or more adults. They were sent out each morning with the task to steal for the amount of 1,000 Euro. If unsuccessful, the adults would beat them. Some boys knew some basic Italian and stated to have worked in Milan previously.

The five boys were placed in residential care. They opposed placement in the institution so vehemently that they completely isolated themselves and refused to participate in any of the (educational or social) activities. One of the boys spent the entire day crying. Two of the boys ran away but were traced again. The boys were hence placed in a closed institution to prevent them running away.

In the meantime, several adults appeared, stating to be relatives of the children, wanting to take them to the city of Antwerp (Belgium). None of these adults could provide any evidence that they were related to the children. The Romanian Embassy offered its services to establish the identity of the children and trace their family/ies in Romania. The Embassy established that their parents lived in Romania, that the children were fluent in Italian and that they had relatives in Belgium. In consultation with the Romanian child protection services, it was decided that the children would return to Romania and that they would be handed over to the child protection services. For fear that they might abscond, they were repatriated under the supervision of the Royal Constabulary.

When the children are twelve years or older, hence criminally liable, the Public Prosecutor sometimes decides to keep them in pre-trial detention in order to gain more time in investigating the identity of the child and to establish the legal guardianship over the child. In the meantime, provisional guardianship is arranged by the Child Protection Board. The children sometimes stay in detention for a few days up to even a few weeks until the parents are able to prove their identities. According to the Rotterdam Police, it would be helpful if the lines of arranging a guardianship measure were shorter, in order to avoid that the child disappears in the meantime.

While it was not in the scope of the present research, further analysis of the alternative placement options applied to the cases of C/SEE migrant children would be beneficial to cast light on the frequent occurrence of disappearance of these children from the child protection system in The Netherlands.

When the community police identifies a child in a "crisis situation", generally the Crisis Team of the regional Youth Care Agency is involved. If there are no caretakers present to whom the child can be handed over, the child is placed in foster or residential care. The Youth Care Agency has to request the Child Protection Board to arrange a (provisional) **guardianship** measure, on which the juvenile judge decides. As caretakers often show up within more or less a week, sometimes the Child Protection Board decides to wait before arranging a guardianship measure in order to avoid a lot of administrative work. However, this means that for several days there is a void in legal responsibility over the child.

Case 11: without a legal guardian

Nidos Haarlem region reported a trend according to which children are picked up from the police station by young adults that just turned eighteen. In August 2014, a fourteen-year-old Polish boy, was caught by the police for theft. The boy was in The Netherlands without his parents. Because his eighteen-year-old brother in law came to get him from the police station, and because they said they would return to Poland together, the Child Protection Board decided not to request the juvenile judge to appoint a legal guardian. When it turned out that he had to pay the fine, the brother in law said that he would go and get the money. However, he did not show up anymore. Subsequently, the boy was released. Within one week, he was found again involved in criminal activities. This time, the Child Protection Board requested the juvenile judge to appoint Nidos as the provisional guardian of the boy. After the court hearing, the guardian of Nidos and the boy together went to a camping site in Amsterdam where he had resided to pick up the boy's belongings. Once they arrived near the camping site, the boy said to his guardian that he felt he wanted to run, and that he would see his guardian the next day at nine. The boy did not show up again.

If there seems to be no caretakers present to which the child can be handed over, contact is sought with the country of origin of the child, to trace and assess the family or to look for suitable alternative placement. Based on the guardian's assessment of the situation, the child can be either reunited to his/her family, or handed over to the authorities of the country of origin. Although this happens very rarely in practice, the child could be also allowed to remain in The Netherlands (see below, chapter 9).

Generally, the children identified in the above mentioned "crisis situations" do not stay long in alternative care, and are given back to their families within a short period of time, or they are sent back to the country of origin. Furthermore, there have been many cases of children who run away from alternative care facilities, also harming themselves by jumping out of the window. Other children strongly protested about such placement, by committing self-harming acts, such as smashing themselves against the walls or refusing to eat.

Case 12: running away

As accounted by a criminal investigator of the Rotterdam regional police, they found three Bulgarian boys of around twelve years of age. They were apprehended for home burglaries and theft. Because the true relationship between the adults who came to pick them up and the children was in doubt, they were handed over to the Youth Care Agency. Within a very short time they ran away from the temporary placement facility and authorities lost track of them. Presumably they have been reunited to their "family". Apparently, other stakeholders accounted for similar cases of children involved in criminal activities. The Aliens Police confirmed that these children are usually picked up by alleged family members who are aware of the authorities' responses and are able to escape from them, in order to continue involving children in their activities.

A fourteen-year-old boy from Lithuania apparently thought that he had travelled to The Netherlands for spending the holiday there. After arrival, it became clear that he had to work for a couple of Lithuanian citizens residing in Rotterdam, part of a gang of burglars that used young boys for their activities. After being intercepted by the police, he was placed in residential care, but he disappeared. Soon he was arrested by the police again. When asked about the reasons why he run away from the institution, he expressed concerns of retaliations against him. The boy was returned to his parents in Lithuania. The police was unable to start criminal investigations concerning his case, due to lack of sufficient allegations.

Case 13: Dropped out of the system several times

Three Romanian boys were arrested in March 2014 for scams. In a restaurant they approached several persons to tell a story, for example about being blind, or as asking support for a good cause. In the meantime, they managed to steal clients' wallets. One of the boys was seventeen years old, while the others were a few years older. They had been previously arrested in Amsterdam for pickpocketing. They were also registered by the police in Brussels. They stated that they were living alone in The Netherlands and that they came by car from Berlin. The boy stated that his father lived in Romania, and his mother and sister in Germany. The boy was handed over to the Youth Care Agency. He was to be returned to Romania by the Repatriation and Departure Service, as the Youth Care Agency had apparently assessed that his mother was not living in Germany, but in Romania. However, the boy had already disappeared. Earlier, in December, he had already to escape from a closed institution.

Case 14: found back in France

In February 2014, a boy and a girl, respectively seven and fifteen year old, were arrested while pickpocketing in Rotterdam. A man and woman went to pick up them up from the police station briefly after. The boy was claimed to be their nephew, the girl was claimed to be the daughter of the man. They did not have identity documents, but came back the next day with a copy of an unauthorised birth certificate. The Romanian consulate confirmed that the father indeed was the girl's father. The liaison officer in Romania was contacted, but the parents of the boy remained unknown. The boy was appointed a guardian, but he disappeared a few days later. After two months, the Interpol reported that the boy was found in France with the same birth certificate. However, the guardianship measure arranged in The Netherlands had already expired.

Children's disappearance from the child protection system sometimes places them at great risks for their safety and well-being.

Case 15: disappearance from maternity clinics

Around May 2014 Rotterdam authorities were suddenly confronted with several cases of young pregnant Romanian girls in the maternity clinics. The girls were between fourteen and sixteen year old. When the Youth Care Agencies intervened, in order to offer assistance and protection to the girls, they disappeared within one day. Authorities were unable to find them. Investigations started in order to ascertain whether these were exceptional cases or could highlight a new trend.

8.5. Proposals for improved intervention

As discussed above (paragraph 8.4), there are some gaps in the protection of C/SEE migrant children who are involved, or exploited, in begging-like or criminal activities. While recommendations for general improvement of the protection of children from C/SEE countries in The Netherlands are discussed at the end of this report (chapter 10), this paragraphs suggests some improvements that could be included in the models of local interventions illustrated in this chapter, in order to ensure effective protection to children concerned.

1. **When a criminal offence is committed by a child below the age of criminal responsibility (below 12), his/her parents or legal guardians are known but there are concerns about the wellbeing of the child and the parental care, and the family is residing at a permanent address**, the police should always contact the Youth Care Agency. Apart from the child being involved in these activities as a reason of concern in itself, if the child is not registered with school or is not attending school, this should be regarded as an additional element of concern and as an indication of vulnerability. If the parents or guardian are known and their identity is being confirmed, the Child Protection Board should request the juvenile judge to appoint Nidos or the Youth Care Agency to execute a (provisional) supervision measure.
2. **When a criminal act is committed by a child (either below or above the age of criminal responsibility), parents/guardian are unknown, or the child is deprived of parental care**, in case parents or other caretakers do not show up in the short term, or their identity is being questioned, the Child Protection Board should request the juvenile judge to appoint Nidos or Youth Care as the (provisional) legal guardian of the child. Nidos or Youth Care should investigate the identity of the child and of the parents or other caretaker that come to pick up the child. The Youth Care Agency or Nidos should investigate whether it is in the best interests of the child to return to his/her parents, either in The Netherlands or in the country of origin, or whether it is best to place the child in alternative care in The Netherlands
3. **If a criminal act is committed by a child who is not criminally liable, or if there is no decision to prosecute and no pre-trial detention order for a child who is criminally liable, parents/caretakers are known but there are concerns about the wellbeing of the child and the parental situation, and the family is not residing at a permanent address**, this latter circumstance should be regarded as an extra indication of vulnerability in this context, and protective interventions should be undertaken.
4. **When a criminal act committed by a child (who is criminally liable) and pre-trial detention is ordered, whether or not parents/caretakers are known, whether or not there are concerns about the wellbeing of the child and the parental situation, whether or not residing on permanent address**, if there are concerns about the wellbeing of the child and the parental situation, for example when there are indications that the adults have made the child to commit an offence, the Board should always start an investigation on the protection of the child. When the parents or other caretakers are not known, a request of appointing a legal guardian should be filed.

If, based on a decision of the juvenile judge as a measure of last resort, a child is held in pre-trial detention, Youth Care, Nidos and the Child Protection Board should make the best use of this time to establish the true identity of the child and the adults involved and to investigate the background of the offence committed, and to identify a durable solution that is in the child's best interests.

With regard to establishing the identity, the police and the Youth Care Agency experienced that the adults who come to pick up the child, often show informal statements on who the caretaker of the child is, or show questionable birth certificates. Sometimes documents are presented that are authorised, like real birth certificates and passports. However, sometimes doubts exist on the authenticity of data stated in that document. The validity of these documents is more difficult to establish. **In cases of well-founded doubts**

about the parental relationships, it is important to confirm the identity of the child and of the parents or other caretakers that come to pick up the child.

Both the identity of the child and the adults who come to pick up the child should be assessed. The police is the most appropriate authority to investigate identity documents. For example, the Anti-Trafficking Team could be involved, as they are experienced in checking such documents. Also the relevant embassy should be involved.

All the above investigations have to be carried out in full respect of the **child's right to preserve his family environment, and unnecessary, harmful family separations should be avoided in all cases.**

The police should also collect and register relevant information and data, including for example the telephone number the child mentions, in their database in order to gather information. If the children or adults show up again at the same place, in another city, or even in another country, information can be hence retrieved. In cooperation with Europol, international patterns could be highlighted and potential cases of trafficking could be identified. Systematic checks should be carried out upon adults who come to pick up a child who was involved in begging-like and criminal activities, is not registered with or attending school, not residing at a permanent address, and especially if the effective parental authority or legal guardianship over the child is doubted upon, or there are indications that the adults have caused the child to commit a criminal act.

9. IDENTIFICATION OF A DURABLE SOLUTION

The present research did not focus on procedures in place in The Netherlands for the identification of a durable solution for each child belonging to the target group. However, this issue was repeatedly mentioned by stakeholders during the interviews. It was hence decided to briefly expose information collected, and gaps highlighted, while pointing to the need to further assess existing mechanisms for determining the child's best interests in the process of identifying a durable solution, and authorities responsible for that.

For children from C/SEE countries placed temporarily in alternative care – or sometimes in detention, if involved in criminal activities and 12 years or older – durable solutions are normally explored. Options considered include either return to their family, to an alternative family or placement in residential care, either in The Netherlands or in the country of origin. Contact is sought with the embassy of the child's country of origin and the child protection authorities in that country, in order to facilitate a decision on whether returning the child to the country of origin would be the best solution. If the family of the child is living in his/her country of origin, a family assessment is carried out in order to establish whether the child's family is a suitable environment for the child to return to, and whether additional protection measures in the country of origin are necessary.

The responsibility to collect and analyse information and to determine which option is to be pursued for each individual child is assigned to the child's guardian (Nidos or Youth Care). The starting point of the assessment is to trace the child's family and to investigate on their suitability and willingness to take back the child and to ensure his/her wellbeing. In the country of origin, family investigations are usually carried out through the Child Protection Board, the Embassy, and the Central Authority of both countries (if a member of the Hague Convention on child protection.)¹⁰⁷ These institutions in turn involve the local child protection authorities to contact and assess the child's family situation in the country of origin. The child's views should inform the process aimed to determine a long-term solution.

If the child's family is not successfully traced, or if it is assessed as unsuitable to take proper care of him/her, the possibility to return the child to alternative care in the country of origin is explored. The possibility for the child to remain in The Netherlands is only explored after all the options above have been casted out.¹⁰⁸ In principle, it is possible that the child stays in The Netherlands.¹⁰⁹ In terms of obtaining a residence permit allowing the child to stay, a possibility is for the guardian to report to the police that the child is a victim of trafficking. However – besides the difficulties in recognizing cases of trafficking for exploitation in begging, economic or criminal activities (above, paragraph 4.3) – the child would be able to receive a permanent residence permit only if the crime

¹⁰⁷ Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.

¹⁰⁸ Apparently, authorities in The Netherlands decide based on the following considerations: a child should (1) live with his/her parents, (2) if this is not possible, the child should be cared for by the larger family, community, or network, and (3) if the first two options are not possible, the child protection services are responsible for the child care/protection.

¹⁰⁹ See also the case of "Julia".

of trafficking is proven in court. Otherwise, the child is allowed to stay for a three months' reflection period, and for the duration of criminal court procedures in case s/he decides to file a complaint against his/her alleged traffickers. Except for the residence permit granted to recognized trafficking victims, the appointment of a guardian to the unaccompanied foreign child in itself provides the right for the child to stay in NL. Upon request of the guardian, the judge can decide that it is in the child's best interests to remain in The Netherlands and extent the guardianship measure. However, this option rarely occurs in practice. In Nidos' experience, around 60% of separated and unaccompanied children are returned to their family in the country of origin, while the remaining 40% disappears.

The situation appears to be more complex for children from Central and Southern European Union countries, due to the lack of clarity about protection systems and measures applicable to them (see above, chapter 7). During interviews, local stakeholders have also highlighted the lack of clear procedures for identifying a durable solution in the best interests of each individual child that could apply to vulnerable children from C/SEE countries. They stressed that it is difficult to identify who is responsible for collecting, assessing and balancing the different elements, and for taking such decisions. The social workers interviewed expressed the concern that they have to "shop around" for help and assistance to deal with each case.¹¹⁰

Case 16: return by Youth Care¹¹¹

In the beginning of 2014, in The Hague, a Romanian girl (17) was found by the police at a clothes shop. She had stolen clothes worth 500 Euro in total in a special bag prepared with aluminium foil. Her case was referred to the crisis team of the Youth Care Agency of The Hague region. She was on her own in The Netherlands, and said she had no parents in Romania. She did not tell the police for whom she had to steal, and said she did it for herself. She wanted to return to Romania, but the Youth Care Agency could not find an organisation that was willing to assist in this case. Finally, her return was arranged by the Repatriation and Departure Service (Dienst Terugkeer en Vertrek, DT&V) of the Ministry of Justice in cooperation with the Romanian embassy. The return by DT&V can be assisted, also by the Royal Constabulary. She was handed over to the Romanian Child Protection Services. Controversies arouse in relation to the institution that would be responsible to cover the costs of the child's return. In this case, it was agreed that the Repatriation and Departure Service would pay for the return ticket of the girl. Also according to Nidos, DT&V pays for the return.¹¹² The Rotterdam Police stated that it is also often Youth Care itself that pays for the ticket.¹¹³

The Youth Care shelter Meisa in Amsterdam, offering shelter to children who are victims of sexual exploitation, has about one case per year of a child from C/SEE countries on average. In their experience, often these children want to return, unlike other children, for example those who are from China or from African countries. In their views, the return process is running smoothly.¹¹⁴ According to Fier Fryslân, running a shelter for victims trafficking, not all victims of trafficking from C/SEE countries want to return to their country of origin. In their experience, organising the return of victims of trafficking from these countries can be just as problematic as the return of victims from third countries, mainly

¹¹⁰ Interview with the Crisis Team of Youth Care Region Haaglanden, 28 April 2014.

¹¹¹ Ibid.

¹¹² Interview with Nidos Haarlem, 23 October 2014.

¹¹³ Interview with the Rotterdam Police, Youth Coordinator and Domestic Violence, 27 August 2014.

¹¹⁴ Email exchange with Meisa, May 2014.

due to difficulties in establishing cooperation with embassies, in collecting information from the countries of origin, and to identify suitable options for return.¹¹⁵

Based on a large experience in dealing with separated and unaccompanied children, Nidos expressed concerns about returning children to their country of origin, as in some countries the child protection authorities cannot offer the same quality of child protection services as The Netherlands.

Case 17: return by Nidos¹¹⁶

Together with a boy, Sofia was apprehended by the police several times at different places in The Netherlands for petty crimes like pickpocketing. Since they were unaccompanied, Nidos was appointed as the provisional guardian. The children stated to be twelve year old. They were placed in an open care facility, from which they escaped. The following week they were arrested again. This time, the juvenile judge disposed to place the children in a closed setting, deeming it necessary to prevent them from running away, and to allow relevant authorities to establish the children's identities, and to collect relevant information about their parents. The children made another attempt to escape. The boy succeeded, but the girl was found and brought back to the institution. The girl initially refused to talk, or made contradictory statements about the nature of her stay in The Netherlands, and about her parents. The only thing she repeatedly said was that she wanted to go home. Many adults from The Netherlands, Belgium, Germany and Croatia made attempts to pick up the girl, while authorities waited for her parents to show up. After nearly three months, the girl's mother from Croatia approached Nidos. They in turn contacted the Croatian child protection services for an assessment of the family situation, in light of a possible return. The Croatian authorities confirmed that this was the real family of the girl, and that return was in their view possible. Nidos asked whether the Croatian child protection authorities were able to support and monitor the girl after return and guarantee her safety. This was initially the case, but as it turned out that the girl was not twelve years old, but almost eighteen, there was not much the authorities could do for her in the future. Eventually, the girl was returned to her mother in Croatia. Until she was returned, Nidos maintained the legal guardianship over the girl and her telephone was being tapped to avoid her 'falling in the wrong hands'.

The International Organization for Migration (IOM) in The Netherlands is only allowed to organise the voluntary return of citizens of C/SEE countries (including children) if they are identified as potential victims of trafficking. However, IOM has not yet dealt with cases that concerned exploitation of begging or criminal activities. They deal with a low number of cases of voluntary returns to C/SEE countries that involve children (one or two per year). In these cases, IOM works in cooperation with the local child protection services.¹¹⁷

¹¹⁵ Email exchange with Fier Fryslân, June 2014.

¹¹⁶ Information received from the Amsterdam "Pickpockets Police Team" and Nidos via email and telephone.

¹¹⁷ E-mail correspondence with IOM The Netherlands, 7 May 2014.

10. CONCLUSION AND RECOMMENDATIONS

The research “Vulnerability of Bulgarian and Romanian Children to Trafficking in The Netherlands and in Brussels (Belgium)” intends to contribute to improving the level of protection of Central and South East European (C/SEE) migrant children who are vulnerable to abuse, exploitation and/or trafficking. This final chapter presents the report’s conclusions and recommendations that have been formulated on the basis of the main findings from desk-research, stakeholders’ interviews and street observations.

Among the key-findings, the research did not identify specific vulnerability factors that expose migrant children from C/SEE countries to increased risk of abuse, exploitation and trafficking in The Netherlands as a specific ‘group’ of children. Rather, these children can find themselves in socially vulnerable situations, but not to the extent that they fall victim of exploitation. While this – according to the research – holds true for C/SEE migrant children in general, it was found that a ‘sub-group’ of these children, those belonging to the Roma minority, present some elements that make them at higher risk of abuse, trafficking and/or exploitation. These elements primarily relate to the fact that they may not reside at a permanent address and/or may be without (adequate) parental care.

The research could barely identify any case of children from C/SEE countries involved in begging or begging-like activities in The Netherlands. For this reason, field-work was extended to Brussels (Belgium). The findings from the desk and field research point to a combination of factors that prevent or enable both the presence and involvement of C/SEE migrant children in begging activities in The Netherlands and Belgium. These factors mainly revolve around: a) the legal framework and jurisprudence concerning exploitation of children in economic activities; b) the approach and responsiveness of local public authorities; and c) the cultural approach and tolerance towards the involvement of children in begging and other street activities displayed by the society.

In particular, it might be inferred that this combination of laws, authorities’ responses and cultural perceptions has (partly) motivated adults, who involve children in activities like begging, to leave The Netherlands (and also to ‘spread the word’ about the risks and inconveniences of engaging in these activities in The Netherlands among their networks). This might also partially explain why Belgium (in particular Brussels) appears to be a more attractive location for adults involving C/SEE migrant children in begging, and in other lucrative activities.

According to several stakeholders and available data, in The Netherlands there are cases of C/SEE migrant children of Roma ethnicity exploited in criminal activities – while they are seldom involved in begging-like activities. The involvement of these children in criminal activities, mostly of a hidden nature, raises strong child protection and crime-control concerns. Contrary to begging, there seem to be favourable conditions for criminals to operate in The Netherlands with regard to the use of children for criminal activities, as it involves low risks. Indeed, cases of children trafficked for exploitation in criminal activities are usually not recognized as such, and the traffickers are rarely prosecuted. There is limited capacity and opportunities among authorities to assess parental or family relationships between these children and the adults accompanying them. Moreover, as

these children are often on the move, they cannot be monitored and authorities find it difficult to ensure them effective protection. Moreover, children performing this kind of activities who reached the age of criminal liability are often regarded as criminals, and not identified as potential victims of trafficking.

While the present report contains specific recommendations to enhance the protection of children involved in begging, economic or criminal activities at local level, based on the standard procedures in place in some cities in The Netherlands (See chapter 8), some more general recommendations on how to prevent children from becoming victims of abuse, exploitation and trafficking are presented below.

Child-rights approach

Children from C/SEE countries involved in begging, economic or criminal activities in The Netherlands in the vast majority of cases experience – and/or are at further risk of – violations of their fundamental rights, such as the right to protection, to education and training, to health, housing, family care and access to social services. Some or all of these violations are at the same time conducive to their involvement in the above mentioned activities. The UN CRC along with other international human rights instruments sets forth obligations for States to remove a series of factors that considerably foster the involvement of children in activities that prevent the realisation of their fundamental rights. Any intervention to address these children's situation shall take a human rights, child-centered approach, placing the best interests of every child concerned at the core of any action concerning him/her.

Providing concrete economic alternatives

When children are involved by their parents and families in begging and other economic activities as an additional source of income in the framework of a family-survival strategy, concrete, credible alternatives should be offered to children's parents, in order to encourage them not to involve their children in begging and economic activities. As the case of C/SEE children begging in The Netherlands suggests, pressure by public authorities and by the society at large might not have led to real eradication of the phenomenon, but may have simply "pushed" it to other countries.

Protecting children involved in begging from neglect, abuse and violence

Regretfully, as the research found, the involvement of children in begging may entail serious violations of their right to protection, including neglect or even abuse and violence, by the child's parent(s) or other primary caregiver. These violations of children's rights shall be addressed promptly and proactively through child protection measures and – where allegations of crimes against children exist – law enforcement responses. Measures undertaken should be proportionate and uphold the child's best interests as a primary consideration. In particular, measures limiting parental rights should be regarded as a last resort measure, to be applied only when this is in the best interests of the child concerned, as assessed by a specialized court on a case-by-case basis.

Identification of potential cases of child trafficking

Cases of children trafficked to The Netherlands for the purpose of exploitation in begging, economic or criminal activities, should be identified as such and dealt with according to the legal framework in place. In order to make this phenomenon more visible, it is

proposed to conduct research on the nature and extent of C/SEE children' involvement in criminal activities. Designated bodies are, among others, the Police Academy and the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. Such a research should pay extra attention to children who do not reside at a permanent address, and to children who are separated or unaccompanied, or where doubts exists on the identity of the adult claiming to be the child's parents or caregivers.

Law enforcement and child protection authorities should be trained, their awareness raised and knowledge enhanced, on the phenomenon of exploitation of C/SEE migrant children for criminal activities. Early identification by professionals who come into contact with these children in first place (Police, Youth Care Agencies, immigration authorities) is essential and should be improved.

Also in cases where the children enter the criminal law system, lawyers and the Public Prosecutors must know and apply the leading principles on the protection of these children. For example the non-punishment principle which provides that victims that committed crimes within the context of trafficking will not be punished.

Interagency cooperation

Apparently, the conditions in The Netherlands are such that C/SEE migrant children can be exploited for criminal activities and offenders go most often unpunished. Law enforcement and child protection procedures should be improved and adjusted, in order to close the gaps through which both children in need of protection and adults committing crimes may fall. Improved procedures acting as a barrier to neglect, abuse and exploitation should be in place at all stages, from the entry into the country through to detection by law enforcement and subsequent protection.

While at local level there are examples of standard operating procedures engaging different stakeholders to protect children involved in begging, economic or criminal activities, the research identified gaps in the national child protection systems in general. In particular, children that are not residing at a permanent address – identified among the most vulnerable ones – often do not receive protection due to administrative and logistical barriers. Referral of cases among authorities is not always effective.

In the national referral mechanism that is now being developed in The Netherlands, potential child victims of trafficking from EU countries, and exploitation of children for begging-like and criminal activities, should be included. The referral mechanism should outline when each of the stakeholders mentioned below come into play and what their specific role and responsibility is.

Stakeholders include inter alia the Public Prosecution Service, the Anti-Trafficking units of the police, the Aliens Police, the community police and youth departments, Juvenile Penitentiary institutions, the Child Protection Board, Youth Care, Nidos, the Salvation Army, the Probation Service and the IND (Immigration Service). Locally, the interagency cooperation should be orchestrated and headed by the relevant municipality.¹¹⁸

¹¹⁸ See also Annex 13.2.

Reaching out to and protecting the most vulnerable children

Several stakeholders interviewed in the framework of this research pointed to obstacles in ensuring effective protection to children from C/SEE countries belonging to the Roma minority. Expertise should be developed by child protection agencies to enhance protection of this specific group of children and to effectively reach out to them and their families.

Identification of durable solutions

Local authorities in The Netherlands expressed concerns about the lack of clear procedures to determine the child's best interests in the process of identification of a durable solution, applicable to children from C/SEE EU countries, which translate into difficulties in dealing with each case concerned. While further research is needed to assess in details existing procedures, it is recommended that the identification of a long-term solution is embedded in a broader "best interests determination" process, with strict procedural safeguards and involving decision-makers with relevant areas of expertise, and balance all relevant factors in order to assess the best option. The process should facilitate adequate child participation and explore the possibilities to return the child to his/her country of origin, to allow the child to remain and integrate in The Netherlands, or to reunite the child with his/her family in a third country on equal grounds. Return to the country of origin should in principle not take place if conditions are not favourable to the child's development and upbringing, especially in the absence of the availability of care provided by parents or members of the child's extended family.

Prosecution of offenders

At police level, procedures could also be improved to deal with cases of C/SEE migrant children involved in criminal activities, which would contain indications of adult involvement or control. Establishing the identity of the children and the adults who come to pick them up, are the most important measures to be improved in this regard. Often, adults (potential offenders) make themselves known when they come to pick up the children. Then, identities and other data of children and adults can be recorded so that the persons involved can be followed nationally and internationally. For this purpose, the police teams that first encounter the children should improve cooperation with the regional trafficking police team specialised in recognising exploitation, interviewing victims, investigating trafficking, and which could be of additional assistance when it comes to investigating the identity documents. The activities, movements, financial transactions and contradictory statements of offenders in relation to the victim may lead to sufficient evidence to come to a conviction.

ANNEX 1

BIBLIOGRAPHY

- J. de Boom e.a., Oost-Europeanen in Nederland: Een verkenning van de maatschappelijke positie van migranten uit Oost-Europa en migranten uit voormalig Joegoslavië, RISBO Contractresearch BV / Erasmus Universiteit, Rotterdam, April 2008.
- CBS. Aantal Midden- en Oost-Europeanen in vijf jaar tijd verdubbeld. Retrieved from: <http://www.cbs.nl/nl-NL/menu/themas/bevolking/publicaties/artikelen/archief/2011/2011-3442-wm.htm>.
- CBS. Bevolkingsgroei in 2012 ingezakt. Retrieved from: <http://www.cbs.nl/nl-NL/menu/themas/bevolking/publicaties/artikelen/archief/2013/2013-007-pb.htm>.
- Center for Economic and Social Studies (CESS), A Needs Assessment Study on Roma and Egyptian Communities in Albania, Tirana, 29 February 2012.
- A. Clé, Bedelarij onderzocht: Een beknopte samenvatting van het onderzoek, Katholieke Universiteit Brussel, 2007. Retrieved from: http://www.foyer.be/IMG/pdf/KUB_Studie_Bedelen_Samenvatting.pdf.
- Daily Mail. 'They leave rubbish mountains taller than I am': Left-wing German mayor's rant at Bulgarian and Romanian immigrants who he says have sent town's crime soaring. 1 March 2013. Retrieved from: <http://www.dailymail.co.uk/news/article-2286534/Left-wing-mayor-German-town-warns-Bulgarian-Romanian-immigrants-sent-crime-soaring.html#ixzz3B2jt25u6>.
- Der Spiegel. Roma-Zuwanderung: Das Haus des Schreckens. 6 December 2012. Retrieved from: <http://www.spiegel.de/panorama/justiz/problemhaus-in-duisburg-roma-hausen-unter-unmenschlichen-bedingungen-a-870340.html>.
- EUROPOL, Trafficking in Human Beings in the European Union, Knowledge product, The Hague, 1 September 2011.
- Foyer, "Bedelende Roma-kinderen in Brussel", extract from De Roma van Brussel, 2004, updated in 2006. Retrieved from: http://www.foyer.be/IMG/pdf/Bedelende_Roma-kinderen_in_Brussel.pdf.
- GRETA, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Netherlands, First evaluation round, Adopted on 21 March 2014, Published on 18 June 2014.
- W. Hilhorst (eds.), Aanpak multi-problematiek bij gezinnen met een Roma-achtergrond: Een kennisfundament voor professionals, Boom Lemma uitgevers, The Hague, 2013.
- R. Jennissen and H. Nicolaas (eds.), Cahier 2014-8, De Nederlandse Migratiekaart 2013: Achtergronden en ontwikkelingen in internationale migratiestromen in de periode vanaf 2000, WODC, CBS.
- M. Kaandorp and M. Blaak, Child Trafficking in the Netherlands: Combating child trafficking and protecting child victims in the Netherlands, Unicef, Defence for Children – ECPAT (2013, English translation May 2014).
- The Local. Concern rises over Roma slum apartment block. 6 December 2012. Retrieved from: <http://www.thelocal.de/20121206/46613>.
- National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. English website and reports: <http://www.dutchrapporteur.nl/>.

- National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, Ninth Report on Trafficking in Human Beings (2013), The Hague.
- National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, Human trafficking is happening here: Fact sheet accompanying the Ninth report of the Dutch Rapporteur. Retrieved from: http://www.nationaalrapporteur.nl/Images/factsheet-ninth-report-national-rapporteur_tcm63-513422.pdf.
- National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (2012c). Mensenhandel in en uit beeld. Cijfermatige rapportage 2007–2011, The Hague.
- National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, Seventh Report on Trafficking in Human Beings (2009), The Hague.
- ODIHR, OSCE, Awareness Raising for Roma Activists on the Issue of Trafficking in Human Beings in South-Eastern Europe, Position Paper, Contact Point for Roma and Sinti Issues Human Rights Department, Anti-Trafficking Programme, Warsaw, 2006.
- D. Siegel, Mobiel Banditisme: Oost- en Centraal-Europese rondtrekkende criminele groepen in Nederland, Politie en Wetenschap, June 2013.
- J. Starrenburg (eds.), Midden- en Oost-Europese jeugd in Den Haag, 2013: situatie en gebruik voorzieningen, Gemeente Den Haag, December 2013.
- A. Stiglmayer, Brussels Gets it Wrong on Balkan Asylum Seekers, Balkan Inside, 6 December 2013. Retrieved from: <http://www.balkaninsight.com/en/article/brussels-gets-it-wrong-on-balkan-asylum-seekers>.
- Trouw. 'Roemeense straatmuzikantjes blijven weg'. 6 August 2008. Retrieved from: <http://www.trouw.nl/tr/nl/4324/Nieuws/article/detail/1257696/2008/08/06/Roemeense-sstraatmuzikantjes-blijven-weg.d.html>.
- United States Department of State, Bosnia and Herzegovina 2013 Human Rights Report, Country Reports on Human Rights Practices for 2013, Bureau of Democracy, Human Rights and Labor.

Jurisprudence

- Judgements Court Noord-Nederland, 25 June 2013, ECLI:NL:RBNNE:2013:3918 to 3921.
- Judgement Court Midden-Nederland, 9 July 2013, ECLI:NL:RBMNE:2013:2679.
- Judgement Court The Hague, 26 August 2014, ECLI:NL:RBDHA:2014:10605.

ANNEX 2

FLOW CHART BALKAN CHILDREN (AMSTERDAM)

The following text (and related table) is literally taken from: "Stroomschema Balkan kinderen (Flow Chart Balkan Children), on the initiative of the Child Protection Board of the Ministry of Justice, Amsterdam region, 2007".

The flow chart is meant as a guideline. Note that this flow chart is developed specifically by and for Amsterdam. In for example Rotterdam and The Hague, such a flow chart does not exist, but procedures are alike. In Rotterdam and The Hague, the GGD and GGZ are not included in "the steps between"; the police contacts the Crisis Team of Youth Care immediately.

Possible actions and based on several scenarios

Action 1: investigate (provisional) supervision measure

Case: Crime or offence committed by a child (12-, not criminally liable), legal guardians (like parents) are known, there are concerns about the wellbeing of the child and the parental situation, residing on permanent address.

1. Registration by the police.
2. The child can be held at the police station for interrogations for a maximum of 6 hours, because children under 12 years of age cannot be prosecuted.
3. The police contacts the GGD.
4. The GGD screens and assesses the necessity of a protection measure.
5. The GGD reports the child at the Crisis Team of Youth Care or the Mobile Crisis Team of GGZ.
6. Youth Care assesses whether the child should be reported to the Child Protection Board of the Ministry of Justice.
7. If yes, the Board assesses whether a (provisional) supervision measure is necessary.
8. If yes, the Board asks the juvenile judge for a (provisional) supervision measure, executed by Nidos.
9. Nidos executes the necessary measures.
10. The Board briefs the contact person from the police on the state of affairs and how the case ended.
11. (If placement in alternative care is necessary, the dilemma exists on placement in an open or closed setting, and the risk of running away and waiting lists.)

Action 2: (provisional) guardianship measure (legal guardian unknown)

Case: Crime or offence committed by a child (18-), legal guardians (like parents) are unknown.

1 to 6: As above.

7. If yes, the Board assesses whether there exists a vacuum in who has and is performing custody over the child.

8. If so, the Board asks the juvenile judge for a (provisional) guardianship measure, executed by Nidos.

9. Nidos also arranges shelter for the child.

10 to 11: As above.

Nota bene: parents can show up at a later stage.

Action 3: no intervention possible

Case 1: Crime or offence committed by a child (12-, not criminally liable), legal guardians (like parents) are known, there are concerns or no concerns about the wellbeing of the child and the parental situation, residing or not residing on permanent address.

Case 2: Crime or offence committed by a child (12+), legal guardians (like parents) are known, there are concerns or no concerns about the wellbeing of the child and the parental situation, not residing on permanent address, pre-trial detention not possible.

1 to 4: As above.

5. The GGD has carries out corrective conversations with the child and the parents and checks whether the youth department can take up the case.

6. The child is being released, accompanied by its parents.

If there are serious concerns about the wellbeing of the child, go to action 1.

Action 4: criminal law approach

Case 1: Crime or offence committed by a child (12+), legal guardians (like parents) are known, there are concerns or no concerns about the wellbeing of the child and the parental situation, residing or not residing on permanent address, pre-trial detention possible.

1. Registration by the police.

2. As an early intervention, the Board performs a basic investigation if it might be the case that the child will be held in detention. If there exists serious concerns about the parenting situation, the basic investigation can be extended to investigating the necessity of a child protection measure.

3. The police discusses with the Public Prosecution Service the seriousness of the offence/ crime and the measures to take.

4. If the police wants to hold the minor (detention), it has to be decided within 6 hours by the Public Prosecution.

5. The minor has to be presented to the examining magistrate within 3 days and 15 hours from the time of arrest.

Tasks of the organisations

Police

- Performs arrest.
- Registers the children.
- If necessary draws an official police report.
- Contacts the GGD.
- Checks identity.

GGD

- On police request, comes to the police station.
- Checks identity child and parents.
- Screens and assesses the necessity of a protection measure.
- Refers the case to the youth department of the GGD (voluntary assistance), Youth Care, or the Child Protection Board. Outside office hours, refers to the Mobile Crisis Team of GGZ.

Youth Care

- Refers the case to the Child Protection Board or Nidos. Nidos is the guardianship institution appointed and specialised in cases of foreign children that need protection, as well as potential victims of trafficking. Although Youth Care is formally responsible for children of all EU nationalities, it lacks the knowledge, capacities and facilities for this group of children.
- Performs child protection measures like (provisional) supervision and guardianship that are not performed by Nidos.

Mobile Crisis Team (GGZ)

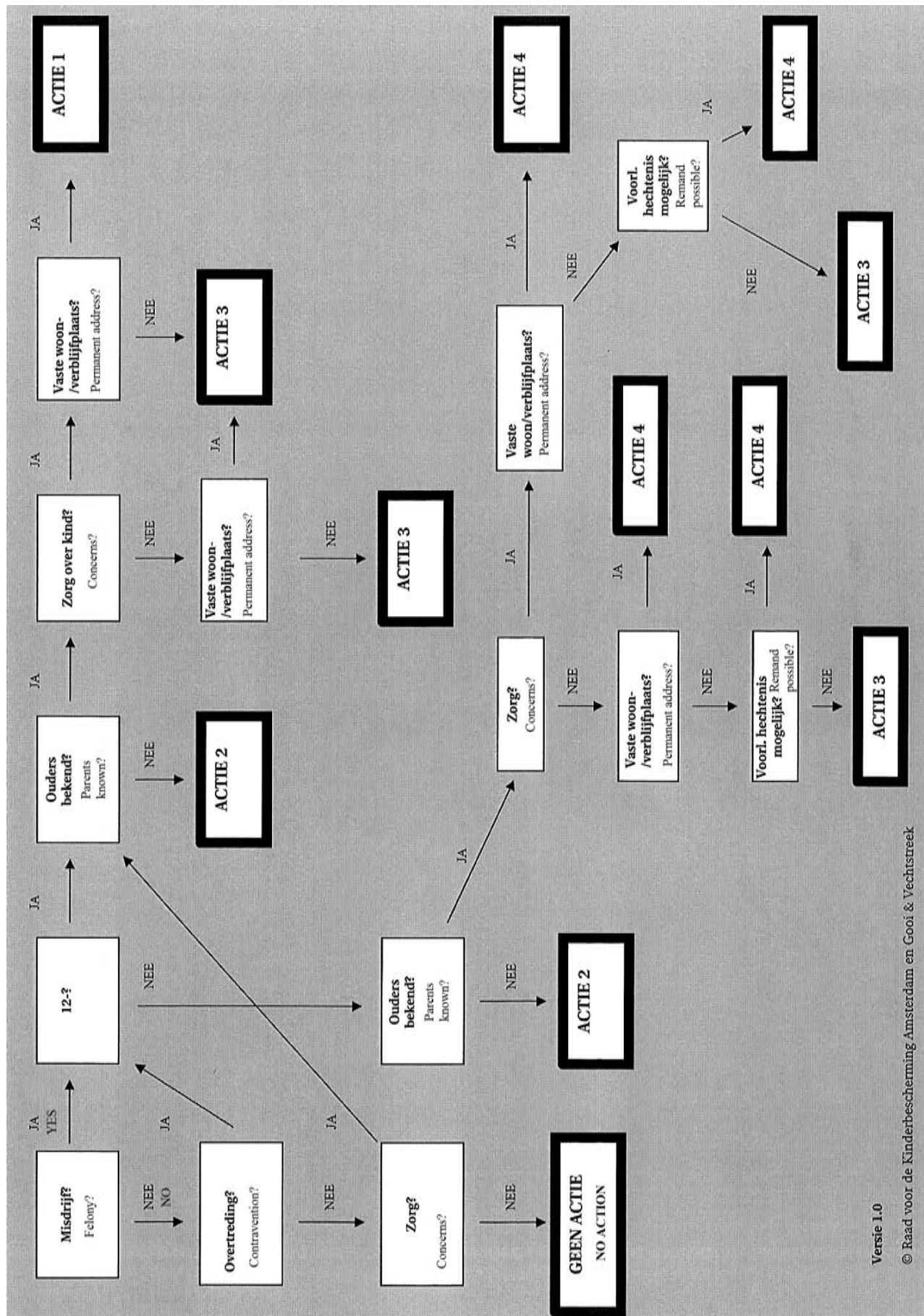
- Performs crisis interventions.
- Assesses whether it should be considered to place the child in alternative care if there exist concerns and the parents are present.
- Outside office hours, contacts the Child Protection Board and Nidos.

Child Protection Board

- Investigates the threatened development of the child.
- If necessary, asks the juvenile judge for a (provisional) supervision or guardianship measure.
- As an early intervention, the Board can conduct a basic investigation when a child from the Balkan region will be held in detention.

Nidos

- Performs child protection measures like (provisional) supervision and guardianship.
- Arranges placement for a child in case of a supervision measure (parents known) but placement in alternative care is necessary.



ANNEX 3

STAKEHOLDERS¹¹⁹

National level	Regional level
<i>Development of policies</i> National government Task Force Human Trafficking	<i>Investigation</i> Regional Information and Expertise Centre (RIEC)
<i>Monitoring of policies</i> National Rapporteur on Human Trafficking & Sexual violence against children	<i>Protection</i> Child Protection Board Nidos
<i>Investigation and prosecution</i> Expertise Centre on Human Trafficking and Migrant Smuggling (EMM) National Expert Group Human Trafficking (LEM) Investigation Services Public Prosecution Service	Local level
<i>Protection and assistance</i> Child Protection Board CoMensha – La Strada Nidos COA, incl. Protected Shelter Salvation Army	<i>Investigation/prevention</i> Municipalities
<i>Return</i> Embassy IOM DT&V Child Protection Board	<i>Detection</i> Police
	<i>Prevention/protection</i> Schools Shelter and social care ¹²⁰ Women's shelters, assistance by social workers, Youth Care Agency and institutions, Centres for Youth and Family, GGD

Task Force Human Trafficking: The National Task Force Trafficking in Human Beings (Nationale Task Force Mensenhandel) was created in 2008 by the Minister of Justice for a period of three years, assigned to combat trafficking. The term of the Task Force is prolonged twice until February 2017. The Task Force signals bottlenecks, initiates policy measures and creates and spreads best practices. The main aim of the Task Force is to promote an integrated approach of trafficking, that is a broad approach with all partners involved. This approach can involve care, prevention, and administrative or criminal approach, nationally and internationally. The basis of the approach is the barrier model. This model makes visible which steps traffickers make to practice their criminal activities

¹¹⁹ Partly based on M. Kaandorp and M. Blaak, *Child Trafficking in the Netherlands: Combating child trafficking and protecting child victims in the Netherlands*, Unicef, Defence for Children – ECPAT (2013, English translation May 2014), p. 40.

¹²⁰ Per 2015, care facilities are arranged at the municipal level primarily.

and which organisations play a role in hinder or sanctioning these activities. Stakeholders represented in the Task Force are inter alia: the Public Prosecution Service; the National Police; the Royal Constabulary; several municipalities; the Ministries of Security and Justice, Foreign Affairs, Health, Social Affairs and Employment; the National Rapporteur; CoMensha – La Strada; Immigration Service; and COA.

EMM: Collects information and knowledge in the area of human smuggling and human trafficking, and makes this available to investigation services and other stakeholders. The centre is a partnership between the National Crime Squad, Immigration and Naturalisation Service (IND), Social Security Investigation and Detection Service (SIOD), the Royal Constabulary, and the Aliens Police.

LEM: Develops policies in the area of investigation. Publishes the Korpsmonitor Prostitutie & Mensenhandel (Corps monitor Prostitution & Trafficking). In this report, the police identifies its own weaknesses. It is a steering instrument of and for the police. It provides insight into how the work within the police and cooperation with the chain partners proceeds and which improvements are possible. Four main areas are considered: organisation, supervision, information and investigation. Consists of the National Crime Squad, the Royal Constabulary, the Ministry of Justice, the Police Academy and the National rapporteur.

Investigation services: The police, the Royal Constabulary, the Immigration and Naturalisation Service, the Tax Investigation and Detection Service (FIOD), and the Inspection of Social Affairs and Employment.

RIEC: Regional partnerships. The RIECs are a expertise and information hub for (semi) governmental organisations in the field of combating organised crime. Partners in a RIEC may include municipalities, the Public Prosecution Service, the police, special investigation and tax authorities. The objective is to prevent that criminals are facilitated by the government; avoiding commixture of lower and upper world; breaking monopolies, which are constructed using criminally obtained capital. Combating human trafficking has been appointed as a priority for the RIECs. Certain RIECs participate in a pilot with the EMM on exchanging information.

Municipalities: The Mayor is responsible for public order and safety within the municipality, and therewith orchestrator of the local stakeholder approach.



JOINT ACTION TO PROTECT CHILDREN FROM EXPLOITATION IN EUROPE