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The locked metal door

Comparative perspective to preventive policies to exploitative child
begging in Croatia and Romania

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ABSTRACT

People involved in begging can be seen around the world. They are mostly children, young adults and women who pushed by different factor of vulnerability become invisibles in the urban landscape. Although begging is not always organized, on some occasions is the result of manipulation and abuse. When this happens, begging constitutes a form of exploitation that may involve human trafficking. In Europe, it has been observed that people who practice voluntary begging, people belonging to minority groups, people with disabilities, the elderly and children are particular vulnerable to exploitative begging due to their situation may involve one or more factors of vulnerability. Focusing on the case of children, their exploitation though begging involves several actors and imply the failure of the state at protecting them. Having this in mind, this work is aimed at discovering thought the examples of Croatia and Romania, which are the main gaps in preventive measures targeting children at risk to exploitative begging that are making possible the continuation of the exploitation prosses. Furthermore, the measures designed in the areas of awareness raising, education and social inclusion during the period 2012-2020 will be particularly examined. An effective policy making in these areas could have a direct effect into people's behaviour towards exploitative child begging and this could mean the first step to eradicate this practice.

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Last but not least, thanks to my parents. Thanks for raising me with love and patience. Thank you for showing me how important is to work hard and do it with passion.

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INTRODUCTION

When the 2008 economic crisis hit Spain, several construction companies had to stop their works and, as a result, a lot of sites for construction were left abandoned. The plot of land in front of my parent's place was not an exception. In fact, the owners, after renouncing to the possibility of building a five-floor house, decided to hide the site behind a wall. The only characteristic element on that grey wall was a locked metal door.

One night, I saw my father standing next to the window. He was staring at the site for construction. I asked him what he was looking at and, without saying anything, he pointed to the abandoned place on the other side of the street. Then, I realized that some people were living in two improvised tents made of plastics and cardboard boxes. The group comprised women and teenagers.

I felt confused, I did not know exactly what was happening, but I knew something was wrong. After a few days of observation, I identified a regular pattern. Every morning a black van was pulling over next to the locked metal door and taking everyone, at night the van was bringing them back.

The months passed, and despite my father reported the presence of young adults and the black van to the police nothing changed. A routine was established but one day the group, the van and the tents vanished. Neither do I know where all the people went nor what happened with the young adults.

Being a witness of this story had a big impact on me. My main concern was to understand what the story behind those young adults might have been. I had the impression that no one had been able to protect them from exploitation. I asked myself what was necessary to change people's behaviour towards exploitative child begging. The image of all the possible actors involved in the process was in my mind and, as a result, I had the need to discover what could be done on the local level to avoid this to happen.

Inspired by the curiosity, I started to read about the phenomenon of exploitative child begging, and I could see that the information about the topic is very irregular. This, together with the fact that the University of Zagreb welcomed me during the second semester, motivated me to focus on the case of Croatia, where the number of human trafficking victims identified every year is low and exploitative child begging seems not to be a problem, and Romania, where human trafficking and exploitative child begging are recognised as a problem and there are relevant reports about the topic.

Having said that, this thesis is aimed at discovering, through the examples of Croatia and Romania, which are the main gaps in preventive measures targeting children at risk to exploitative begging that are contributing to the continuity of the exploitation processes.

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In order to identify these gaps, this thesis, based on desk research and complemented with semi-structured interviews, is organised in six chapters.¹ This six chapters are divided into three parts.

The first part presents the theoretical framework and boundaries of this thesis. It addresses the conceptual framework, gives an introduction to risk factors and groups in situation of vulnerability and points at protection measures to prevent child begging.

The second part explores the phenomenon of exploitative child begging and the countermeasures designed in the context of anti-trafficking by referring to case study of the preventive measures targeting children at risk developed in Croatia and Romania. A special emphasis will be put on child protection and Roma inclusion national strategies and actions plans in Croatia and Romania during the period 2012- 2020.

The last part of this thesis is dedicated to analysis and comparison. It offers a dialogue between the existing policies and the people interviewed during the research. The final remarks summarize the most important findings of this thesis.

At this point, several limitations need to be mentioned in order to be able to comprehend the process behind this thesis. First, it is important to mention that I do not speak Croatian nor Romanian. This was a challenge and made me depended on the availability of documents translated into English. Second, the current Covid-19 crisis made field research impossible and complicated establishing a network of contacts. As a result, I had to cancel a field trip to Romania and compensate it with interviews conducted via Skype. Doubtless, a sample of eight interviews is not representative but helped me to transmit the complexity of the phenomenon and contrast some opinions.² Third, due to the limited extent of this thesis I had to adapt its content and compress some chapters that, as a result of my curiosity for the topic's scope and depth, had grown more than expected.

¹ A total of eight interviews were conducted during this research. These interviews are by no means representative but an approximation to the topic and different points of view.

² See Annex E

1.

CONCEPTUAL FRAMEWORK

Men, women and children begging can be seen across the world. Some do it voluntarily and others are forced or manipulated to do it, becoming vulnerable to human trafficking and other related activities.³

The United Nations Office on Drugs and Crime (UNODC) confirms that 7% of the total detected victims of human trafficking in 2016 were exploited for “other purposes”⁴, which include all practices other than sexual and labour exploitation. In examining this 7%, around 1% of the amount are victims of exploitative begging and 2% correspond to victims of “mixed forms”, which means a combination of different types of exploitation⁵. An example of the mixed form could be a victim of forced marriage plus forced begging or forced marriage plus sexual exploitation.

Moreover, the trafficking of persons for the purpose of exploitation through begging is considered to be one of the types with lowest levels of detection.⁶ It mostly remains invisible due to the general acceptance of begging and its relationship with poverty, exclusion and discrimination.

Having said that and with the intention of establishing a common base for this study, in this chapter begging, forced begging, exploitative begging and human trafficking for the purpose of exploitation through begging are going to be defined.⁷

1.1 Conceptualizing begging

In 2004 the International Labour Organization (ILO) considered begging as an activity from the “vast and complex informal work sector”⁸ that “encompasses a range of activities

³ E Delap and C Turner, *Begging for Change. Research Findings and Recommendations n Forced Child Begging in Albania/Greece, India And Senegal* (Anti- Slavery International 2009) 6.

⁴ United Nations Office on Crimes and Drugs, ‘Global Report on Trafficking in Persons 2018’ (United Nations publication DATE) <https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_small.pdf> accessed 2 August 2020 29.

⁵ Ibid 29-31.

⁶ Ibid 31.

⁷ United Nations Office on Drugs and Crime ‘Human Trafficking’ (2020) <<https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>> accessed 2 August 2020. See ‘Annex A: Human trafficking for exploitative begging’ and ‘Annex B: Legal developments in Human Trafficking’.

⁸ A Khan, *A Rapid Assessment of Bonded Labour in Domestic Work and Begging in Pakistan* (International Labour Organisation, 2004) 2.

whereby an individual asks strangers for money on the basis of being poor or in need of charitable donations for health or religious reasons. Persons involved in 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. Begging activities are not always organized by group, caste or mafia, and there may or may not be an intermediary involved”⁹.

The definition distinguishes between the form of “classic” begging, which can be motivated by poverty or a particular need, and auxiliary activities as selling items, collecting materials, offering services or illegal activities.¹⁰

1.2 Conceptualizing forced begging and exploitative begging

After the definition of given by the ILO, forced begging involves the act of obliging a person “to beg through violence, the threat of violence or other forms of physical or psychological coercion”¹¹.

In the case of children, the term forced begging will be substitute for exploitative begging because when the victim is a child, there is no need of an element of criminal means. Having this in mind, children exploited by third parties can be under the scope of “slavery, servitude or a practice similar to slavery”¹², which may be considered a form of human trafficking.¹³

The existence of a wide range of definitions reflects how begging has adopted many forms depending on the context. Therefore, depending on the authors or scholars, begging has been typified and separated in several categories.

As an example, authors as Emily Delap believe that begging can be classified in voluntary begging, understood as a survival strategy, and forced begging. Regarding forced begging, two groups have been distinguished.¹⁴ On the one hand, she distinguished the cases of forced begging by third parties as “criminal gangs or networks, religious teachers, extended family members, family ‘friends’ or the children’s own ‘friends’”¹⁵. On the other hand, there are the victims of forced begging exploited by parents or guardians, which generally involve the use of “techniques that go beyond usual or acceptable means of family discipline, including the use of violence or threats of violence and psychological coercion”¹⁶.

⁹ Ibid 22.

¹⁰ C Healy and M Rogoz, 'Report for the Study on Typology and Policy Responses to Child Begging in the EU' (European Commission 2012) <https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/report_for_the_study_on_typology_and_policy_responses_to_child_begging_in_the_eu_0.pdf> accessed 1 April 2020 19-20.

¹¹ Delap (n 3) 3.

¹² Ibid.

¹³ Ibid.

¹⁴ Delap (n 3) 6.

¹⁵ Ibid.

¹⁶ Ibid.

Eventually this definition requires the consideration of the relationship between “voluntary begging” and “survival strategy”, which can be seen as contradictory. This brings up the question of how voluntary an act can be when behind of it there is a strong need. In other words, there is a strong chance that someone who is in need reconsiders his or her situation and willingness. As a result of the problematic aspects of the definition and the need of additional explanation, the figure of voluntary beggars will be discussed in *Chapter 2: Risk factors and groups in situation of vulnerability*.

Another categorisation of the phenomenon is the one presented by Adelina Tamaş, Alina Moise, Claudia Preduţ and Nadia Medvichi in the report *Trafficking in Persons for Begging – Romania Study*.¹⁷ They distinguish between voluntary begging, exploitation of voluntary begging and trafficking in persons for forced begging.¹⁸ Even the difficulties to distinguish the second and third type of exploitation, exploitation of voluntary begging can be “defined as a person making profits in an exploitive manner of another person that is begging”¹⁹. In the context of trafficking in persons or forced begging, “trafficking someone to beg infers a coercion by one person over another to be forced to beg, with the exploitation framed in coerced or forced recruitment and the inclusion of threats or actions that oblige the beggar to ‘work’ for the trafficker (e.g. confiscation of identification documents)”²⁰.

In contrast to the definition offered by Delap, this one focuses on the different levels of exploitation and willingness of the persons involved in begging. Both examples are interesting in terms of deconstructing the concept of begging and considering the role of the different actors involved.

1.3 Conceptualizing human trafficking for the purpose of exploitation through begging

Before establishing what human trafficking for the purpose of exploitation through begging is, attention needs to be paid to the concept of human trafficking.

Human trafficking is framed by article 3 of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*, supplementing the *United Nations Convention against Transnational Organized Crime*. Article 3 says that

“(a) ‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the

¹⁷ A Tamaş and others, *Trafficking in Persons for Begging- Romania Study* (ANITP, DCAF 2013) <https://ec.europa.eu/anti-trafficking/publications/trafficking-persons-begging-%E2%80%93-romania-study-0_en> accessed 14 April 2020 12.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

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prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; ...”²¹

This definition mentions three constitutive elements, and those need to be present in a practice in order to be qualified as an act of human trafficking.²²

Firstly, attention needs to be paid to the ‘action’. In article 3 (a) of the *UN Trafficking Protocol* the ‘action’ in the context of human trafficking is defined as “recruitment, transportation, transfer, harbouring or receipt of persons.”²³ Nonetheless, a distinction has to be made between smuggling, which forcibly involves transportation and is a crime against the state and human trafficking, which is exploitation-based and constitutes a crime against the individual.²⁴ Following this, human trafficking does not always require the act of transportation. Besides, in cases where children are involved as victims, their recruitment can be interpreted as an action element by itself.²⁵

Secondly, article 3 (a) of the *UN Trafficking Protocol* defines means as the “threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.”²⁶ Again, these elements are not required in cases that involve children.

There are different reasons why it is so difficult to identify such means in the family sphere.²⁷ On the one hand, the forms of coercion are more subtle, generally considered as psychological coercion.²⁸ On the other hand, in the cases of child victims or people with disabilities the element of abuse of position of vulnerability intervenes.²⁹ The abuse of the position of vulnerability is defined by *Travaux Préparatoires* in a broad way. Consequently, what really specifies the situation in which this abuse is considered are the different frameworks that every national legislation presents.³⁰

Thirdly, there is the purpose of exploitation. In contrast to the clarity of the previous elements and the definition given by the *UN Trafficking Convention*, the purpose of exploitation is not that easy to apply to the cases of forced begging. Article 3 (1) considers that “[e]xploitation shall include, at a minimum, the exploitation of the prostitution of

²¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (adopted 15 November 2000, entered into force 25 December 2003) 2237 UNTS 319 (Protocol) art. 3.

²² UNODC (n 7).

²³ UN (n 21) art 3, para. 1.

²⁴ I Cherneva ‘Human Trafficking for Begging’ (2011) Buffalo Human Rights Law Review 25 36.

²⁵ Ibid 36.

²⁶ UN (n 21).

²⁷ Cherneva (n 24) 37.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”³¹

Here, “at minimum” becomes an unclear element. Even so, the *Travaux Préparatoires* exposed that slavery or practices similar to slavery “include illegal adoption in some circumstances; that forms of sexual exploitation other than in the context of trafficking in persons are not covered by the Protocol; and that the removal of a child’s organs for legitimate medical or therapeutic reasons cannot form an element of trafficking if a parent or guardian has validly consented. Since the latter two forms of exploitation were excluded from the scope of Article 3, and begging is not among them, it could be concluded that the drafters did not intend to exclude begging from the scope of the Protocol”.³²

Although neither the *UN Trafficking Protocol* nor the *Travaux Préparatoires* define forced begging as a type of human trafficking, other international instruments, reports and guidelines have considered forced begging as a form of trafficking-related exploitation.³³ This is the case of the European Union *Brussels Declaration on Preventing and Combating Trafficking in Human Beings*, the *Report of the 2009 UN Special Rapporteur on Trafficking in Persons*, the *Directive 2011/36/EU* of the European Parliament and the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims. Moreover, the report *Action to Prevent Child Trafficking in South Eastern Europe* of 2009 by UNICEF and Terre des Hommes should be mentioned, among others.³⁴ Other experts include exploitative begging under the scope of forced labour, as the International Labour Organisation defends.

Coming back to the *UN Trafficking Protocol*, Iveta Cherneva highlights that there are two additional elements that should be taken into account when it comes to forced begging as a practice of human trafficking.³⁵ Those are the elements of transnational crime and the organized structured criminal groups.

Regarding the element of transnational crime, the *UN Trafficking Protocol* only applies to “transnational crime involving an organized criminal group”³⁶. This means that the crime: needs to be committed in more than one state, committed in one state but prepared, planned and directed from another state, committed in one state by an organised criminal group that act in more than one state or an act that has substantial consequences in another one, and involves an organised crime.³⁷

The term organised criminal group is also a challenge due to the difficulties of prove it. It is defined by article 2 (a) of the *UN Convention against Transnational Organized Crime* as “structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in

³¹ UN (n 21)

³² Cherneva (n 24) 40.

³³ Ibid.

³⁴ Ibid 43.

³⁵ Ibid 46.

³⁶ Ibid 47.

³⁷ UN (n 21) art 3, para. 1.

accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit”³⁸.

Despite the rigidity of the UN definition, Croatia and Romania are members of the Council of Europe and ratified the *Council of Europe Convention on Action against Trafficking in Human Beings*. This convention expands the scope of the definition of trafficking in human beings, including also those case that happen occur in national territory, which means that there is no need to prove the transnational element in order to launch criminal proceedings and convict the perpetrators.³⁹

Going back to the definition, trafficking for forced begging can be conceptualized as those “[...] situations in which a person’s personal or economic predicament or helplessness is exploited to make them engage in begging. They are forced to hand over all or most of their earnings. Their freedom is limited to the point where they can no longer decide freely whether they want to engage in this activity or not”.⁴⁰

1.4 Interim conclusion

Different definitions and interpretations have been given to the concepts exposed in this chapter. Generally, the existence of a conceptual framework facilitates the work of those who study a phenomenon. In other cases, for example when the link between human trafficking and exploitative begging is defined, the definitions produce some complications.

The afore mentioned elements and definitions are like a puzzle. If the pieces of this jigsaw puzzle are considered as something obligatory and required and not as something flexible and dynamic, probably some cases of exploitative begging susceptible of being cases of human trafficking would be excluded and underestimated.

Without losing the case-by-case approach, the debate should not be around if forced begging deserves a single category, is a slave-like practice or falls under the scope of forced labour. The real discussion should be placed on the origin of the vulnerabilities because As a result, it would be more convenient, effective, and less expensive if earmarked resources focused on the problem’s roots and causes and not on big rescue campaigns.

Therefore, this research is going to make use of the previously exposed definitions of begging, forced begging, exploitative begging and trafficking for the purpose of

³⁸ United Nations Convention Against Transnational Organized Crime and The Protocols Thereto (adopted 15 November 2000, entered into force 29 September 2003) 2225 UNTS 209 (UNTOC and Its Protocols).

³⁹ Convention on Action against Trafficking in Human Beings (adopted 16 May 2005, entered into force 1 February 2008) 197 CETS.

⁴⁰ V Polatside and A Jay *Glossary Human Trafficking* (Council of the Baltic Sea States Task Force against Trafficking in Human Beings 2019) 19.

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exploitation though begging in a way as broad as possible. Doing so, an adaptation to the situation and particularities of the Croatian and Romanian context will be possible.

In short, exploitative begging will be approached as a form of labour exploitation, qualifying it as a “work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”⁴¹ In addition to that, is it necessary to mention that “forced labour does not necessarily entail trafficking”.⁴²

⁴¹Delap (n 3)1.

⁴² Polatside and Jay (n 40) 18.

2.

RISK FACTORS AND GROUPS IN SITUATION OF VULNERABILITY

There is not a clear and specific definition of vulnerability in the context of human trafficking. The *Palermo Protocol* and the *Explanatory Report* of the Council of Europe Convention made approximations.⁴³ Precisely, the *Palermo Protocol* defines the term as one of the means by which a person can be exploited. In this context vulnerability is defined as “person or group’s heightened susceptibility to becoming a victim due to factors that can be exploited by a trafficker”⁴⁴. These “conditions of vulnerability are usually the results of political, social, cultural or economic practices and policies that fail to ensure equal access and protection to all members of a society”⁴⁵.

The *Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings* mentions that vulnerability “may be of any kind, whether physical, psychological, emotional, family-related, social or economic”.⁴⁶

Having this in mind, a situation of vulnerability “[...] might, for example, involve insecurity or illegality of the victim’s administrative status, economic dependence or fragile health. In short, the situation can be any state of hardship in which a human being is impelled to accept being exploited. Persons abusing such a situation flagrantly infringe human rights and violate human dignity and integrity, which no one can validly renounce”.⁴⁷ Furthermore, abuse of the situation of vulnerability “meant abuse of any situation in which the person involved has no real and acceptable alternative to submitting to the abuse”.⁴⁸

All these elements must be considered before creating any kind of prevention and awareness raising policy, especially when it comes to tackle the cases of human trafficking.

⁴³C. E Dettmeijer-Vermeulen, *Vulnerability Up Close: An Exploratory Study into the Vulnerability Of Children To Human Trafficking* (National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children 2016) <https://ec.europa.eu/anti-trafficking/publications/vulnerability-close-exploratory-study-vulnerability-children-human-trafficking_en> accessed 14 April 2020 12.

⁴⁴Ibid.

⁴⁵UNODC, *An Introduction to Human Trafficking: Vulnerability, Impact and Action* (2008) <https://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf> accessed 14 April 2020 70-71.

⁴⁶ Council of Europe, *Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings* (2005) <<https://rm.coe.int/16800d3812>> accessed 3 July 2020 15.

⁴⁷ Ibid.

⁴⁸ Ibid.

2.1 Risk factors

The conditions that lead to forced begging and human trafficking are variable and depend on the interpretation of each author. The majority of the studies used during this research focus on the conditions or factors affecting the vulnerability to human trafficking, not specifically on the case of forced begging or human trafficking for forced begging.

Even so, there are some common elements among the wide range of risk factors, those are interrelated, and it is difficult to approach them separately. Added to that, “it should be noted that the factors alone do not cause trafficking. Trafficking happens because of the demand for the services of the victims and the goods produced through their exploitation, generating huge profits”⁴⁹.

Having this in mind, the European Commission presented an interesting interpretation that divides the risk factors in four different levels of vulnerability regarding child victims of human trafficking.⁵⁰ These are individual vulnerabilities (e.g. history of abuse, vulnerable emotional state), familiar-related vulnerabilities (e.g. family breakdown, dysfunctional families), socioeconomic vulnerabilities (e.g. low socioeconomic status, lack of options among marginalized communities) and structural vulnerabilities (e.g. cultural acceptance of women’s and children’s discrimination, violence and exploitation or lack of child protection and social support systems).⁵¹

The International Labour Organisation categorized risk factors in another way: According to the ILO, there are individual risk factors, family risk factors, external and institutional risk factors, community risk factors and workplace risk factors.⁵²

Independently of the categorization, poverty is presented one of the main risk factors that can lead children to exploitative begging and human trafficking for exploitative begging⁵³. However, one should be aware that “there are many children living in poverty who do not fall victim to trafficking, and understanding the type of poverty and differences between these children and victims of trafficking is important if we are to know how to protect children at risk”⁵⁴.

Without a doubt, poverty and economic difficulties are related with the material and economic status.⁵⁵ Unfortunately, a situation of insufficient material and economic status

⁴⁹ A Cancedda and Others, *Study on High-Risk Groups for Trafficking in Human Being* (Publications Office of the European Union 2015) 8.

⁵⁰ Ibid 9

⁵¹ Ibid.

⁵² International Labour Organization, ‘Child trafficking; The ILO’s response through IPEC’ (2007) <https://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_6484/lang--en/index.htm> accessed 2 August 2020 3- 4.

⁵³ Delap (n 3) 14.

⁵⁴ International Labour Organization. *Combating Trafficking in Children for Labour Exploitation: A Resource Kit for Policy-Makers and Practitioners - Book 1: Understanding what Child Trafficking is* (International Programme on the Elimination of Child Labour, ILO 2008) 20.

⁵⁵ A Tamaş and Others (n 17) 34.

can be the result of a lack of a permanent working place or a lack of permanent or sufficient income. This can be caused by an unequal access to the job market, the instability of certain job sectors, sickness or traditional and cultural practices.⁵⁶ In other words, poverty is often, if not always, related with discrimination and a lack of equal opportunities.

Moreover, people living in a context of poverty are often pushed to find new ways to generate an income to overcome the situation. This necessity can force people to leave school prematurely, accept doubtful offers or consider migration. In other words, necessity makes people take bigger risks and generate a more likable situation for being exploited. Thus, poverty, especially in combination with other risk factors, can attract the attention to recruiters.⁵⁷

It should be noted that, “risks and vulnerability to trafficking are not only intervening factors in sending communities but also at destination, often in cities”.⁵⁸ As an example, an important element that contributes to the inability to detect exploitative begging is the cultural and religious tradition of giving charity money.

All the risk factors mentioned above are mostly external or family risk factors. To have a complete understanding, those should be added to the particular individual child risk factors.

2.2 Risk groups

Several groups have been identified as especially vulnerable to begging, due to the fact that their situation implies one or more factors of vulnerability. Considering the age, children and elderly people are particularly vulnerable. Moreover, people with disabilities, people from particular discriminated minority groups and people who practice voluntary begging are highly represented among victims of exploitative begging.⁵⁹

Minors are considered a particular vulnerable group to exploitative begging because of their specific physical and psychological characteristics. They are in the process of developing and dependent; they are usually unaware of the framework that protects them and they are “unable to negotiate fair treatment for themselves”⁶⁰. Furthermore, they are sensible towards other elements as “poor physical development, age, inclination toward juvenile delinquency, lack of supervision by parents [...]”⁶¹.

Among children, those whose births were not registered, who live in institutions or on the street are especially vulnerable. Besides, members of disadvantaged communities,

⁵⁶ Ibid.

⁵⁷ ILO (n 47) 20-21.

⁵⁸ ILO (n 54) 22.

⁵⁹ Ibid 31-33.

⁶⁰ UNODC (n 41) 72.

⁶¹ Tamaş and Others (n 17) 32.

migrants, unaccompanied or separated children are also in a position of particular vulnerability.⁶²

People with disabilities have been detected as a “particular category among victims, with characteristics of physical or mental deficiencies”⁶³. The situation of this group can be especially attractive for recruiters in terms of making economic profits, not only because some of them receive a disability pension, benefits or caretaker income ⁶⁴, but also because their appearance can awake the feeling of mercy.

People who practice begging voluntarily usually do it in order to survive. Their situation is often precarious and they are normally part of a marginal group.⁶⁵ “Sometimes they are extremely young single mothers who, as they beg all day on the street, eventually end up under the influence of traffickers, who manage to manipulate them and under certain circumstances, to even sexually exploit them”.⁶⁶

Finally, taking into account that this research focuses on Europe, special mention needs to be made to the Roma community. Needless to say, that “ethnic affiliation is not a vulnerability per se”⁶⁷. Added to that, begging cannot be seen as a Roma cultural practice, it is rather “an economic practice that has arisen as a consequence of marginalisation”⁶⁸. It has been the historical situation of discrimination and poverty, together with some cultural practices, traditions and acceptance that pushed some members of this community to begging, and consequently, made them especially vulnerable to forced begging. In other words, “certain practices which do not always constitute trafficking are often linked to trafficking of Roma, such as prostitution/sex work, exploitative begging (particularly when it involves minors) and forced and child marriages. The presence of these practices in Romani communities was found to increase the vulnerability of Roma to trafficking”.⁶⁹

The European Roma Rights Centre explains that “Roma are highly vulnerable to trafficking due to structural forms of ethnic and gender discrimination, poverty and social exclusion which result in low educational achievement, high levels of unemployment, usury, growing up in state care, domestic violence affecting predominantly women and children and substance abuse”.⁷⁰

Mention needs to be made also to the particular vulnerability of migrants, particularly unaccompanied minors, but also internally displaced persons, refugees and unemployed people.

⁶² Group of Experts on Action against Trafficking in Human Beings (GRETA) ‘Thematic Report of 6th General Report on GRETA’s Activities’ (2018) < <https://rm.coe.int/1680706a42> > accessed 2 August 2020 39.

⁶³ Tamaş and Others (n 17) 32.

⁶⁴ Ibid

⁶⁵ Ibid 33

⁶⁶ Ibid 33

⁶⁷ Ibid 39

⁶⁸ I Ruggiu , ‘Is Begging A Roma Cultural Practice? Answers from The Italian Legal System And Anthropology’ (2016) 26 *Romani Studies* 31 27.

⁶⁹ European Roma Rights Centre, *Breaking the Silence. A Report by the European Roma Rights Centre and People in Need*. (European Roma Rights Centre and People in Need March 2011) 12.

⁷⁰ Ibid 14.

2.3 Interim conclusion

After having made an approximation to the main factors and risk groups to exploitative begging, it can be concluded that their identification is required when it comes to developing any kind of strategy to fight exploitative begging.

Secondly, in terms of identifying these factors and groups it is important to consider the region or subregion where forced or exploitative begging happens because they change depending on the context.

Thirdly, none of the factors mentioned cause forced or exploitative begging *per se*. They need to be considered as elements that in combination with others can trigger the perfect situation to push or attract individuals into forced begging. And the same happens with the groups mentioned before.

3.

PROTECTION MEASURES TO PREVENT CHILD BEGGING

A wide range of strategies, policies and actions have been developed through years aiming at protecting and assisting trafficked children. Such practices have been collected in several guidelines in order to assist governments and other actors to protect children from exploitation and criminalize practices as human trafficking.

Although these protection measures were designed to respond to child trafficking, their nature and the lack of specific programmes to address forced begging make them valuable when it comes to prevent and protect child victims of exploitative begging. They are particularly helpful if exploitative child begging is approached from the perspective of forced labour, as a lot of European countries do.

Before exposing and analysing these measures, several key concepts should be defined. Prevention is going to be defined as “taking action to stop something which is otherwise likely to happen”⁷¹. In the context of child trafficking it includes a “wide range of efforts to address the causes of trafficking, both to influence the action of individuals and to tackle underlying and root causes”⁷². Moreover, protection is defined as a “wide range of measures that can be taken to prevent children coming to harm”⁷³. Therefore, prevention measures will be defined as those actions, that being part of a strategy or not, are aimed at “stopping something which is otherwise likely to happen”⁷⁴.

Prevention measures should have a multidisciplinary approach in order to be able to address risk groups in origin, transit and destination countries and promote sustainable development, influence the demand side and address the crime through the reduction of the risk factors.⁷⁵ It is important to mention that preventive measures should consist in awareness rising, education, reduction of vulnerability and administrative controls, always focusing on “empowerment strategies seeking the development of programmes that offer livelihood options and repressive strategies that aim at suppressing the phenomena of trafficking”.⁷⁶

⁷¹ United Nations Children Fund (UNICEF), Terre des Hommes, 'Action to Prevent Child Trafficking in South Eastern Europe. A Preliminary Assessment' (2006) <<https://resourcecentre.savethechildren.net/node/1628/pdf/1628.pdf>> accessed 28 April 2020.

⁷² Ibid

⁷³ Ibid

⁷⁴ UNICEF and Terre des Hommes (n 71) 20.

⁷⁵ International Centre for Migration Policy Development, *Guidelines Development and Implementation of Comprehensive National Anti-Trafficking Responses* (International Centre for Migration Policy Development 2006) 40.

⁷⁶ Ibid

Having clarified these concepts, protection strategies tend to be typified in two main categories. On the one hand, there are programmes or actions aimed to prevent children from becoming victims. On the other hand, there are programmes or actions designed to prevent the crime from happening.⁷⁷ Other authors distinguish between measures pursued in supply side and demand side.⁷⁸

Regardless the ultimate aim of the prevention measures, governments, following the obligations that arise from legally binding treaties, have to “refrain from measures infringing on children’s rights, but also to take positive measures to ensure the enjoyment of these rights without discrimination”⁷⁹. Additionally, governments are in charge of defining the roles of “the competent authorities, judicial and administrative bodies, in charge of each of the tasks from identification to determination of the best durable solution”⁸⁰, stimulate and contribute into the “international, multilateral and bilateral cooperation” but also among national organisations.⁸¹

3.1 Preventive strategies pursued in demand side

Whereas the majority of the preventive strategies pursued in demand side are based on law enforcement, there are other measures that should be taken into consideration.⁸² Apart from the law enforcement policies to “[...] influence the traffickers, controllers and pimps who make money out of trafficked children”⁸³ there are other strategies that are particular necessary, especially in transit and destination countries of trafficking victims.⁸⁴

It is known that an adequate legal framework is fundamental “to pursue traffickers and those who facilitate—or demand— their work”⁸⁵ as long as this is aligned with the international obligations and standards. This legal framework needs to be part of a major “protective environment”⁸⁶, which also includes the foundation of child protection agencies and other social services.⁸⁷

⁷⁷ International Labour Organization. *Combating Trafficking in Children for Labour Exploitation: A Resource Kit for Policy-Makers and Practitioners - Book 4: Taking Action against Child Trafficking* (International Programme on the Elimination of Child Labour, ILO 2008) 9.

⁷⁸ UNICEF and Terre des Hommes (n 71) 39

⁷⁹United Nations Children Fund (UNICEF) ‘Guidelines on the Protection of Child Victims of Trafficking. UNICEF Technical Notes’(2006) <
https://www.unicef.org/protection/Unicef_Victims_Guidelines_en.pdf > accessed 3 August 2020 10.

⁸⁰ Ibid 12.

⁸¹ Ibid 13.

⁸² UNICEF and Terre des Hommes (n 71) 44.

⁸³ Ibid

⁸⁴ ICMPD (n 75) 40.

⁸⁵ ILO ‘Book 4’ (n 77) 29

⁸⁶ UNICEF and Terre des Hommes (n 71) 14.

⁸⁷ Ibid

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Only the existence of long-term strong and solid laws is going to have an effect in terms of eliminating areas of impunity, bringing criminals to justice, confiscating their assets and pulling to pieces the mechanisms they established to exploit minors.⁸⁸

Apart from intensifying the effort to arrest and punish traffickers, it is recommendable to criminalize other practices related with human exploitation, making them an offence.⁸⁹ An example is “the criminalization of corruption on the part of public or other officials that allow trafficking to occur”⁹⁰ or “making a criminal offence to run a brothel or to make money indirectly out of prostitution”⁹¹.

In parallel, sanctions to “people whose money makes trafficking profitable” as people who consume the services provided by traffic victims or people who donate money to child beggars are practices considered for some governments.⁹²

Another issue that needs to be approached is migration. In this context, the promotion of safe legal migration, including the creation of legal migration channels, cross-border and inter-provincial cooperation among governments and measures to ensure stability among the migrant workers, has impact on improving the protection in areas through which children are trafficked and exploited.⁹³ In fact, “where adults and adolescents of legal working age can earn a fair living, with access to their rights as workers – including the right to freedom of association and collective bargaining – and in decent, safe conditions, they and their families are less likely to be vulnerable to exploitation, discrimination, trafficking and child labour. Their communities and countries are more likely to be able to achieve the development goals agreed by the international community, including the goal of education for all children”⁹⁴.

These types of strategies need to be developed together with other strategies to identify potential victims in situation of transit or the establishment of special documentation that difficult the transit of the victim to other countries.

Actions to reduce the demand and also actions of intervention in the supply chains and codes of conduct have also an impact on preventing the crime to happen.

Regarding demand reduction, a distinction should be made between non-determining demand, which generally does not stimulate human trafficking, and derived demand, which usually does.⁹⁵ Is it thought that the strengthening of the legal framework, “monitoring of travel, recruitment practices and labour conditions”⁹⁶ has a clear impact by reducing derived demand, which is generally inspired “by high profit in combination with low risk due to lax law enforcement”⁹⁷.

⁸⁸ ILO ‘Book 4’ (n 77) 29.

⁸⁹ UNICEF and Terre des Hommes (n 71) 44.

⁹⁰ ILO ‘Book 4’ (n 77) 32.

⁹¹ UNICEF and Terre des Hommes (n 71) 44.

⁹² Ibid 44-45.

⁹³ Ibid 44.

⁹⁴ ILO ‘Book 4’ (n 77) 35.

⁹⁵ ILO ‘Book 1’ (n 54) 30.

⁹⁶ ILO ‘Book 4’ (n 77) 31.

⁹⁷ Ibid 37.

In the context of supply chains interventions and codes of conduct, efforts to increase the levels of transparency are required, together with independent monitoring programmes.⁹⁸

3.2 Strategies to prevent children from becoming victims

The development and implementation of preventive measures, according to the International Centre for Migration Policy Development (ICMPD), should address risk groups in the origin countries “by promoting a sustainable development with particular focus on women, minorities and children (female and male) in the country of transit and destination with special emphasis on the demand side”⁹⁹.

Bearing this in mind, no prevention measures addressed to the supply side are going to be effective without the previous identification of children in high risk of becoming victims.¹⁰⁰ Children *per se* are vulnerable to abuse, but some of them are in a particular vulnerability situation.

According to the ILO, the identification should consider without exception former victims of human trafficking, children who live in a context of “inadequate family income, large family size, and displacement from the family home”¹⁰¹, children who are victims of natural and environmental disasters or who live close to a border. Additionally, unaccompanied children, children who are migrants, living in institutions or children with disabilities are particularly vulnerable. Only after identifying these individuals in high risk and their relatives their inclusion in programmes or actions that address risk factors will be possible.¹⁰²

3.2.1 Strategies addressed to parents and legal guardians

Three key actions can be considered to reduce family’s vulnerability, those are through livelihood strategies, employment plans and conditional cash transfers. The importance of combating families’ vulnerability relays in reducing the pressure that is pushing the adult family members to send the young ones to work.¹⁰³ Establishing programmes which include awareness rising actions but also offering the “family alternative ways to survive, such as through livelihood strategies or employment for parents, and conditional cash transfers (CCTs)”¹⁰⁴ can have a positive impact according to ILO.

Programmes to provide information to relatives or legal guardians about trafficking reduce the possibility of unconsciously involving themselves in “decisions that may put one of

⁹⁸ Ibid 39.

⁹⁹ ICMPD (n 75) 40.

¹⁰⁰ Ibid 10.

¹⁰¹ Ibid.

¹⁰² ILO ‘Book 4’ (n 77) 10.

¹⁰³ Ibid.

¹⁰⁴ Ibid 11.

their school-aged children into the hands of a relative, friend or intermediary to earn money elsewhere”.¹⁰⁵ These strategies need to be developed complementary to other strategies that help families to “resist financial pressures by offering them income support”.¹⁰⁶

Livelihood strategies for family should be designed to “strengthening the family’s ability to survive without child labour and the trafficking that is potentially linked to it”.¹⁰⁷ These strategies, together with finance programmes, can facilitate the setup of a small business, the establishment of cooperatives among families or other projects aiming to fight family poverty and unemployment. Besides, these measures need to ensure “medium-term plans to make sure that families who receive loans or credit can repay these without being put under undue financial pressure. It is also vital to ensure that any small businesses supported or any cooperative commercial schemes that are set up are based on sound business practices.”¹⁰⁸

The creation of specific programmes aimed to combat adult unemployment also have an impact in terms of fighting child trafficking “since it increases the chance of the adults in the family of being able to support the family and send the children to school”.¹⁰⁹ These programmes, always designed after considering the context, the marketplace and the people to whom are addressed, can tackle the problem from different perspectives, through education but also training programmes or promoting self-employment.¹¹⁰ Added to that, actions to combat youth unemployment may reduce the economic factors that pressure the family and decrease the probability of child labour and trafficking.¹¹¹

Conditional cash transfers to families can have “impact on addressing some important family vulnerability factors such as family poverty, school attendance, household relationships (for example by reducing stress among the adults) and gender disparities (because the incentive is most often paid to the mother)”.¹¹² Furthermore, ILO emphasizes the importance of a balance between the allocated government resources and the family means to move out of the programme once the objectives would be met.¹¹³

The success of these measures which are aimed to reduce unemployment and create other sources of income needs to be implemented together with job counselling, career guidance and financial planification. “In many countries, these services are provided by national authorities as part of the social welfare/employment system – for example through job centres – and sometimes job counselling is provided in the form of careers guidance services in schools”.¹¹⁴

Addressing exclusion and discrimination, including gender inequality, is considered a priority in terms of anti-trafficking programmes. “Members of disadvantaged populations,

¹⁰⁵ UNICEF and Terre des Hommes, (n 71) 41.

¹⁰⁶ Ibid.

¹⁰⁷ ILO ‘Book 4’ (n 77) 12.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid 13.

¹¹⁰ Ibid 14.

¹¹¹ Ibid 15.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Ibid 16.

especially those in poor, ethnic minority and migrant communities, are vulnerable to exploitation, including trafficking”¹¹⁵, for this reason addressing exclusion and discrimination is fundamental when it comes to combat forced begging and human trafficking and should be considered as a governmental priority.

Some groups are victims of marginalization, which generally means that they have difficulties to have access to basic services as health care or education.¹¹⁶ In addition to that, children, the young and women are especially vulnerable to traditional and cultural practices that put them in disadvantage, “[t]his leaves them with low self-esteem and disconnected from information and networking opportunities”¹¹⁷. All these elements need to be considered before designing and implementing any kind of action, also when establishing programmes to fight human trafficking.¹¹⁸

The strategies to tackle discrimination are diverse. In the case of girls, efforts need to be put into combatting discrimination on the job market, changing inheritance and property traditions and practices related to marriage.¹¹⁹ In the case of minorities, attention should be concentrated on economic deprivation.¹²⁰

3.2.2 Strategies addressed to children

One of the effective strategies targeting children is to provide them information about what human trafficking is, what it involves and what kinds of attitudes can influence their probability to be victimized.¹²¹ The awareness-raising actions need to inform children without frightening them, which means that the vision of the children should be considered during all the programme design.¹²² After having designed them, they need to be visible at any place the children are situated.¹²³ It can be in schools, but other public spaces are crucial as well due to the relation between school dropouts or non-attendance and children at risk of forced begging or trafficking in general.

In addition to the importance of considering children during the whole process of designing the campaign, the motivation behind the programmes must be, according to ILO, the promotion of a behaviour change.¹²⁴ To be able to influence a change of mentality, “a comprehensive understanding of the links between beliefs and behaviour, and of the mechanisms for encouraging these to change”¹²⁵ is necessary.

¹¹⁵ Ibid 25.

¹¹⁶ Ibid.

¹¹⁷ Ibid 26.

¹¹⁸ Ibid.

¹¹⁹ UNICEF and Terre des Hommes, (n 71) 44.

¹²⁰ Ibid.

¹²¹ Ibid 39.

¹²² ILO ‘Book 4’ (n 77) 20.

¹²³ Ibid.

¹²⁴ Ibid 23.

¹²⁵ Ibid.

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The message needs to be distributed through different types of media, having always in mind “what you are trying to achieve, who you want to reach, what you want them to do as a result of your action, how you can reach them and the messages you will try to communicate”.¹²⁶

Doubtlessly, education is an element to reduce child vulnerability to trafficking and forced begging. In other words, long-term free basic education is crucial. Schools need to be a safe place, free from violence and discrimination, synonym of quality teaching.¹²⁷ The concept of quality teaching should not only involve a relevant curriculum but must also guarantee the creation of a proper environment where children can develop skills to protect themselves. Teacher training is fundamental in terms of transforming the figure of the professor not only to an active observer but also to an adult figure prepared to welcome children’s questions and doubts.

Apart from that, the introduction of subjects as civic education and other specific subjects that would “give children the information and skills of non-academic nature that will, nonetheless, help them when they confront the “real world” outside school- including the inducements that often precede trafficking” are recommendable.¹²⁸ According to UNICEF and Terre des Hommes, life skills include: “communicating effectively, learning to negotiate, managing interpersonal relationships, resolving conflicts, coping with decision making, problem solving, being self-aware and empathetic towards others, critical thinking and coping with emotion and stress”¹²⁹ and they add that “lack of these skills that anti-trafficking projects and children themselves have identified as one of the reasons why young people are trafficked”.¹³⁰

Furthermore, it is the government’s responsibility to guarantee a safe environment for the establishment of free basic education without initial or hidden expenses, free from violence and discrimination. These issues should be governmental priorities and be part of national action plans.¹³¹

Additionally, attention should be put into school attendance, because the reasons why children are not sent to school can be diverse and provide a lot of information about the potential risk situation of some children.¹³² As a response, some governments declared school attendance compulsory until a certain age.¹³³

In case of children who had no opportunity to attend school or whose education was interrupted, other parallel education tools should be placed at their disposal.¹³⁴ The promotion of formal and non-formal education and school training must be a priority when it comes to reduce children’s vulnerability to abuse and human trafficking.¹³⁵ And this

¹²⁶ Ibid 24.

¹²⁷ Ibid 18.

¹²⁸ UNICEF and Terre des Hommes, (n 71) 39.

¹²⁹ Ibid 40.

¹³⁰ Ibid.

¹³¹ ILO ‘Book 4’ (n 77) 18.

¹³² Ibid 17.

¹³³ UNICEF and Terre des Hommes, (n 71) 40.

¹³⁴ ILO ‘Book 4’ (n 77) 19.

¹³⁵ Ibid.

priority should also integrate school leavers, providing them vocational training and information about their options on the national job market, but also about how to migrate safely.¹³⁶

3.3 Interim conclusion

After having considered diverse preventive measures, several conclusions can be drawn. First, all the measures exposed are more effective when they are applied in parallel, due to their complementary nature.

Second, the measures pursued to the supply side or aiming to reduce children vulnerability have a clear objective. Their main objective is to create an adequate context where potential victims will have more tools to avoid risk situation. To do so, these measures focus on creating or improving skills and provide tools to the relatives, legal guardians and potential victims to enable them to create their own mechanisms.

Third, the measures pursued to the demand side are aimed to put in motion enough mechanisms to make difficult, if not impossible, the crime of human trafficking and other related activities to happen. In other words, they want to undermine the traditional balance between low risks and high profits that motivate some activities of exploitative begging.

Finally, the transversal character of the measures can be observed. The main common objective is to change people's mentality. Having this in mind, awareness-raising measures have a key role not only by providing information to all the actors involved, but also by promoting bigger changes in attitude among populations but also policymakers.

¹³⁶ UNICEF and Terre des Hommes, (n 71) 40- 41.

4.

CASE STUDIES OF PREVENTIVE MEASURES TARGETING CHILDREN AT RISK
DEVELOPED IN CROATIA AND ROMANIA

4.1 Begging in Croatia

In comparison to some other countries, in Croatia there is a lack of information regarding the phenomenon of begging, exploitative begging, and human trafficking for the purpose of exploitative begging. Nevertheless, Croatia has published information regarding other topics or communities that can be related with the exploitative begging. This is the case of the data collected regarding human trafficking in Croatia.

To be precise, human trafficking started to be monitored in Croatia in 2002.¹³⁷ Since then, two main periods can be identified. On the one hand, approximately until 1995 “human trafficking was concentrated in Zagreb and its surroundings. The main route probably went from Hungary to Zagreb. Trafficked women were mostly employed in night clubs and bars in the city outskirts. A series of police raids in 1996 and 1997 put an end to this stage”¹³⁸.

In 1997 a new phase started when “human trafficking became more extensive, and the ‘Hungarian connection’ was replaced by several routes from Bosnia and Herzegovina. Human trafficking spread out to tourist towns and places frequented by military personnel”.¹³⁹ This change had an impact on the victims’ profile and transformed Croatia not only into a country of transit and destination but also in an origin country.¹⁴⁰

During the first half of the 1990’s, the majority of victims were women, between 18 and 30 years old, with low levels of education, mostly from poor rural areas, originally from South-Eastern Europe, trafficked for the purpose of sexual exploitation.¹⁴¹ This trend changed around 2007. In fact, the data gathered since 2010 reflect a change in the typology of exploitation and profile of the victims.

The first country report presented in 2011 by the Group of Experts on Action against Trafficking in Human Beings (GRETA) pointed out that the majority of the victims detected from 2008 to 2010 were adults. In fact, only 2 children victims were detected in 2010 (2008; 0, 2009; 1). Regarding the form of exploitation, GRETA remarked that “although the main purpose of trafficking was sexual exploitation, there have also been cases of persons trafficked for the purpose of labour exploitation (four in 2008, three in

¹³⁷S Golubovic Škec and M Radeva Berket, *Trafficking in Human Beings in Croatia: An Assessment Focusing on Labour Exploitation* (ICMPD 2010) 16. See ‘Annex C: Legal Framework Croatia’.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ Ibid 16-17.

¹⁴¹ Ibid 17.

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2009), exploitation of begging (one in 2010) and being forced to commit minor criminal offences (one in 2010).”¹⁴²

The second country report of GRETA, presented in 2016, exposed that according to the official statistics of Croatia, 14 victims were detected in 2011, 11 victims in 2012, 31 victims in 2013, 37 victims in 2014 and 25 victims between January and June 2015.¹⁴³ The US Reports on Trafficking in Persons of 2016, 2017 and 2018 mention that 38 victims were identified in 2015, 30 victims in 2016 and 29 in 2017.¹⁴⁴

Although the number of detected victims increased during the period between 2011 and 2015, the US report on Trafficking in Persons 2013 and 2014 mentioned that Croatia was not anymore meeting the minimum standard for the elimination of trafficking. What is more, the US Report 2014 mentioned “while the government has an adequate formal anti-trafficking structure, significant gaps in implementation remain. The number of criminal prosecutions of traffickers remains low, and sentences for trafficking offenses were too low to deter criminals from human trafficking. Further, the government provided little specific information about the care provided to the minor victims identified during the reporting period, and experts still believe the true extent of trafficking in Croatia remains considerably higher than that identified by the government.”¹⁴⁵

Going back to the number of detected victims, GRETA mentioned that “this increase is largely attributable to a surge in the number of child victims (16 in 2013 and 22 in 2014), some of whom were identified in cases related to child image abuse over the internet, which accounted for more than half the victims in 2014”.¹⁴⁶ In fact, “[...] in the period 2012 and 2015, children represented around half of the identified victims of human trafficking in Montenegro and Croatia, 43% in Albania, 36% in Romania, 29% in the United Kingdom, 13% in the Republic of Moldova, 10% in Bulgaria, 8% in the Slovak Republic, and between 5% and 3% in Denmark, Georgia, Austria and Cyprus”.¹⁴⁷

¹⁴² Group of Experts on Action Against Trafficking in Human beings (GRETA) ‘Report Concerning the Implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings by Croatia. First Evaluation Round’ (30 November 2011) < <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630e7a> > accessed 2 August 2020, 20.

¹⁴³ Group of Experts on Action Against Trafficking in Human beings (GRETA) ‘Report Concerning the Implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings by Croatia. Second Evaluation Round’ (4 February 2016) < <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630e7c> > accessed 2 August 2020, 7

¹⁴⁴ US Department of State ‘Trafficking in Person Report 2016’ (2016) < <https://2009-2017.state.gov/documents/organization/258876.pdf> > accessed 2 August 2020. See also: US Department of State ‘Trafficking in Person Report 2017’ (2017) < <https://www.state.gov/reports/2017-trafficking-in-persons-report/> > accessed 2 August 2020. See also: US Department of State ‘Trafficking in Person Report 2018’ (2018) < <https://www.state.gov/reports/2018-trafficking-in-persons-report/> > accessed 2 August 2020.

¹⁴⁵ US Department of State ‘Trafficking in Person Report 2014’ (2014) < <https://2009-2017.state.gov/j/tip/rls/tiprpt/2014/index.htm> > accessed 2 August 2020.

¹⁴⁷.

¹⁴⁶ GRETA (n 143) 7.

¹⁴⁷ GRETA (n 62) 9

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In relation to the nationality, the majority of the victims detected during the period 2011-2017 were Croatians and the detected foreign victims were mostly from neighbouring countries. The GRETA Report of 2016 emphasized the increasing number of detected boys and man “[...] who are subjected to labour exploitation in the agricultural sector or in forced begging”¹⁴⁸.

Bearing this in mind, the ICMPD believes that the representation of Roma among the number of victims detected is increasing every year. In fact, the US Report on Trafficking in Persons of 2014 considers that “Roma children from Croatia are of particular risk of forced begging in Croatia and throughout Europe”¹⁴⁹.

The increase in the number of detected victims from the Roma community should be contextualized within the marginalization and segregation that the community is facing in some areas of Croatia. Regarding these topics, the European Commission against Racism and Intolerance (ECRI) Report on Croatia published in 2018 is particularly revealing. The report, which covers the period from November 2012 to December 2017, identified several key issues and expose several recommendations.

In short, ECRI emphasizes two issues that are central when it comes to the study of the phenomenon of exploitative begging in Croatia. The first element is the growing racism, intolerance and hate speech towards Serbs, LGBTQI persons and Roma detected during the recent years.¹⁵⁰ According to the ECRI, the legislative framework that protects national minorities in Croatia is adequate, but the increasing nationalism is having a negative impact on the maintenance of national minorities’ rights.¹⁵¹ The increasing manifestations of intolerance, visible in media but also in physical attacks, are not sufficiently prosecuted by the Croatian authorities.¹⁵²

The second issue stressed by ECRI is the incomplete application of the national Roma strategies. According to the report, the Croatian Roma community is still experiencing high levels of segregation and social exclusion, visible though the remaining high percentages of school dropouts and the difficulties to find employment, for example.¹⁵³

As mentioned above, those aspects need to be juxtaposed with the positive developments that Croatia went through in the last decade, particularly visible when it comes to the existing legal framework.¹⁵⁴

However, the aspects that require to be improved are indicators signalling where the efforts need to be made. Also, the approach of this study will be incomplete without considering the situation of those parts of the Croatian society that are facing more difficulties. Exclusion also means absence or deficient presence in statistics or data. The access and

¹⁴⁸ GRETA (n 143) 7.

¹⁴⁹ US Department of State (n 18) 147.

¹⁵⁰ European Commission Against Racism and Intolerance (ECRI), ‘ECRI Report on Croatia. Fifth Monitoring Cycle, (15 May 2018) <<https://rm.coe.int/fifth-report-on-croatia/16808b57be>> accessed 26 July 2020 9.

¹⁵¹ Ibid 23.

¹⁵² Ibid.

¹⁵³ Ibid.

¹⁵⁴ See ‘Annex C: Legal framework in Croatia’.

availability to some data also indicate where the grey areas are, where further research is needed.

4.1.1 Specific policies and implementation

The strategic and action plans studied in the following subchapters are the ones that can have a preventive impact on exploitative child begging. Being aware of the abundance of plans, the plans selected are the ones which were designed to combat human trafficking, addressing children rights and include the Roma community. For this thesis, several plans were selected, covering the time span between 2012 to 2020.

4.1.1.1 National plan for combating trafficking in human beings

Since 2002, Croatia has been building a system to combat human trafficking. To do so, the country ratified all the international documents relevant to the subject, adopted several strategies and protocols and developed a National Referral System for Combating Trafficking in Human Beings as part of the national anti-trafficking response.¹⁵⁵

Even the existence of the *National Action Plan for the period 2018-2021*¹⁵⁶, in order to have a better understanding the *National Plan for Combating Trafficking in Human Beings from the period 2012-2015* (henceforth, the Plan) is going to be analysed.¹⁵⁷

The introductory chapter of the Plan presents the situation regarding human trafficking in Croatia. It exposes the main concerns and priorities identified in the previous National Plan.¹⁵⁸

¹⁵⁵ The *National Referral System for Combating Trafficking in Human Beings* in Croatia includes the figure of the National Anti-Trafficking Co-ordinator, the National Committee for Combating Trafficking in Human Beings, the Operational Team of the National Committee and four regional Mobile teams.

¹⁵⁶ In terms of prevention the national strategy for the period 2018-2021 focus in three areas; media, education, and workshops. Regarding media, the Strategy pretends to raise awareness about the recruitment of victims through Internet. Regarding the educational System, the Strategy wants to continue including preventive talks and seminars in the educational context targeting children but also other professionals in contact with students. Finally, the Strategy considers trafficking prevention programmes for children and workshops for migrants, asylum seekers and applicants of International protection and professionals who work on that field. Government of the Republic of Croatia 'National Plan for Combating Trafficking in Human Beings 2018-2021' (Zagreb, 2018)< <https://ljudskaprava.gov.hr/suzbijanje-trgovanja-ljudima/599>> accessed 2 August 2020, 21-23.

¹⁵⁷ In order to have a better perspective, the concluded strategic and action plans were a priority before the ones that are still in progress.

¹⁵⁸ Government of the Republic of Croatia, 'National Plan for Combating Trafficking in Human Beings 2012-2015' (Zagreb 2012) <https://ljudskaprava.gov.hr/UserDocsImages/arhiva/National%20plan%20for%20suppression%20of%20trafficking%20in%20human%20beings%202012-2015.pdf> accessed 30 July 2020, 3.

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Considering this, the main focus of the Plan consisted in “strengthening of cooperation in criminal proceedings between the Public Prosecution Service of the Republic of Croatia and the Ministry of the Interior in cases of human trafficking, and to advancing the methods aimed at identifying the victims of human trafficking and ensuring the protection of the best interests of human trafficking victims”¹⁵⁹.

Indeed, the Plan covers eight areas. Those are “the legislative framework, identification of the victims of human trafficking, detection, prosecution and sanctioning of perpetrators of the criminal offence of trafficking in human beings, assistance and protection to the victims of human trafficking, prevention, education, international cooperation, and coordination of activities.”¹⁶⁰

In the area of prevention, the document suggests that Croatia needs “to dedicate a great deal of attention to measures aimed at preventing trafficking in human beings and raising public awareness of this problem”¹⁶¹. According to the Plan, these preventive efforts should target potential victims and general public, which includes state administration bodies.

Following, two objectives were designed and exposed in the document. The first objective was to “raise public awareness on the issues of trafficking in human beings”¹⁶², and the measure associated to it was to implement “a campaign focused on raising public awareness of various forms of exploitation of victims of human trafficking”¹⁶³. According to the Plan, the organisation and implementation of the campaign was the indicator itself. This public campaign, according to the Plan, would be executed by several civil societal organisations and the main beneficiary the Government’s Office for Human Rights and Rights of National Minority (henceforth OHRRNM).

The second objective consists in “implementing research on the issues of trafficking in human beings and the latest trends”¹⁶⁴. Two activities were designed to fulfil this objective. The first activity was to “conduct research on the latest trends with respect to trafficking in human beings”¹⁶⁵. The activity was co-executed by the Ministry of Interior and civil society organisations and beneficiary was the OHRRNM. According to the Plan, the indicators were described as the “research parameters designed, research conducted and research results taken as parameters for further activities aimed at combating trafficking in human beings”.¹⁶⁶

The second activity was defined as a “periodical broadcasting of short TV films produced within previous public campaigns for combating trafficking in human being”¹⁶⁷.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ Ibid 14.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid 15.

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Beneficiary was the OHRRNM. According to the Plan, the implementation indicator is the short TV film itself.¹⁶⁸

Regarding the area of education, the Plan stresses the necessity of education of target groups, especially to judicial staff, and for the first time the staff of the Croatian Employment Service.¹⁶⁹ Bearing that in mind, the main objective in the area of education was to “continue education of target groups on trafficking in human beings at national and international level”¹⁷⁰.

In order to achieve this objective, the Plan defines ten measures, each one concreted with one or more activities. Some measures are directed at people who can be in contact with potential victims¹⁷¹ and others to potential victims.¹⁷²

Moreover, the measures targeting professionals in contact with potential victims consisted in seminars and trainings. Regarding educational measures and activities targeting potential victims, three measures were defined in the Plan.

The first measure consisted in providing “education of tourism workers and workers in other service industries on the topic of trafficking in human beings”¹⁷³. The activity consisted in “organising seminars for tourism workers on the issues of human trafficking and ways to combat it”¹⁷⁴. The beneficiary of this activity was OHRRNM. According to the National Plan, the implementation indicator was the action itself.¹⁷⁵

The second measure was to “continue education of persons employed in the field of education and students about combating trafficking in human beings”. the activity related were seminars approaching “children, youth and teachers in pre-schools, primary and secondary school”¹⁷⁶. The co-executor was the OHRRNM, Red Cross and civil society organisations and the beneficiary the Education and Teacher Training Agency.

The last measure in the area of education was defined as “education of staff, children and young adults in homes for children without appropriate parental care and in homes for children with behavioural disorders”¹⁷⁷. The activity related to this measure were seminars targeting staff but also children and youngsters living “in homes for children without

¹⁶⁸ Ibid.

¹⁶⁹ Ibid 16.

¹⁷⁰ Ibid.

¹⁷¹ As police officers, judges, staff from the Public Prosecution Service of the Republic of Croatia, representatives of civil society organizations, members of the Armed Forces of the Republic of Croatia, family centre staff, the staff of social welfare centres and social welfare institutes, health care coordinators and the representatives of civil society organizations in the area of providing help and protection to human trafficking victims, the team of the Office for Victims and Witness Support, diplomatic and consular staff and participants of the Diplomatic Academy, and professionals from the Croatian Employment Service Staff. Ibid 17-19

¹⁷² Ibid 17-19.

¹⁷³ Ibid 19.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid .

¹⁷⁷ Ibid 20.

appropriate parental care and in homes for children with behavioural disorders”¹⁷⁸. The co-executer was the OHRRNM and the beneficiary the Ministry of Policy and Youth.¹⁷⁹

Regarding the implementation, GRETA presents several comments in the second country report of 2015. GRETA praises the fact that “the Croatian authorities have strengthened prevention of human trafficking through the school curricula and, in co-operation with civil society, awareness raising activities [...]”.¹⁸⁰ As a positive aspect, it remarks the design and implementation of other strategic plans as the National Roma Inclusion Strategy or the Strategy for Combatting Poverty and Social Exclusion.¹⁸¹

Even so, “GRETA urges the Croatian authorities to intensify their efforts to: prevent child trafficking, including by addressing the vulnerability of unaccompanied children and children placed in child care institutions and avoid that they go missing; ensure that foster parents are adequately sensitised to human trafficking. GRETA also considers that the Croatian authorities should pursue their efforts towards the inclusion of Roma children in education”¹⁸²

Finally, GRETA has been recommending since the first country report the introduction of an independent rapporteur on Trafficking on Human Being or to commission the implementation of the National Strategy to an external evaluator. To be precise, GRETA recommended “ [...]an independent evaluation of the implementation of the Action Plan as a tool for assessing the impact of the activities and for planning future policies and measures to combat human trafficking.”¹⁸³ According to GRETA the establishment of an independent National Rapporteurs’ mechanism will be beneficial in order to evaluate but also improve the future national plans and legislation.¹⁸⁴

4.1.1.2 Children national strategy

This subchapter deals with the *National Strategy for the Rights of Children in the Republic of Croatia for the Period 2014 to 2020* (henceforth Strategy).¹⁸⁵ It will analyse the

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ GRETA (n 143) 37.

¹⁸¹ Ibid.

¹⁸² GRETA (n 143) 15.

¹⁸³ Ibid (n 143) 37.

¹⁸⁴ Ibid.

¹⁸⁵ Government of the Republic of Croatia ‘National Strategy for the Rights of Children in the Republic of Croatia for the Period from 2014 to 2020’ (Zagreb 2014) <www.coe.int/en/web/children/resource-centre/-/asset_publisher/W8vA4RpuvyLr/content/national-strategy-on-the-rights-of-children-in-the-republic-of-croatia-for-the-period-2014-2020?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fchildren%2Fresource-centre%3Fp_id%3D101_INSTANCE_W8vA4RpuvyLr%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_pos%3D1%26p_p_col_count%3D2> accessed 26 July 2020, 56.

measures with an impact on the prevention and awareness rising of the phenomena of child exploitative begging.

Before analysing the strategy, several limitations need to be mentioned. On the one hand, an official English translation of the Strategy was not available and as a consequence, this chapter is going to be based on an unofficial translation provided by the Croatian professor Davor Derenčinović with knowledge about the topic and the aim of this study. On the other hand, the *Action Plan of the National Strategy for the Rights of the Children in the Republic of Croatia for the Period from 2014 to 2020* was not available, neither in Croatian nor in English. Having said that, the goals and measures described in the area of *Protection Against Trafficking of Children*¹⁸⁶ and *Roma Children*¹⁸⁷ are going to be exposed in the following paragraphs.

Regarding the area of *Protection Against Trafficking of Children*, which is articulated in the chapter that corresponds to the second strategic goal “elimination of all forms of violence against children”¹⁸⁸, the Strategy offers a description about the state of child trafficking in Croatia. To be precise, it recognises that in Croatia “the most common forms of child trafficking are related to sexual exploitation, and in the Roma population for forced marriage and forced begging.”¹⁸⁹ Furthermore, the chapter presents a quantitative overview of identified victims of human trafficking. In that context, the accession of Croatia in the European Union is mentioned as one of the main causes that changed the trafficking trends in the country, transforming from an exclusively transit country to a “potential destination for victims of trafficking”¹⁹⁰.

Subsequently, two objectives regarding the protection against trafficking in children are defined. The first objective consists in raising “public awareness on the issue of child trafficking and accountability at the national and local level for the prevention, identification and integration of child victims of trafficking”¹⁹¹. In order to make possible the goal, two measures are described, which consist in organising and conducting a “public campaign to combat trafficking in human beings with special emphasis on children”¹⁹² and in encouraging “local communities to use national programs in the field of combatting trafficking in human beings and to include education on the issue of trafficking in human beings in all institutions (primary and secondary schools, social welfare centres and health care institutions)”¹⁹³. The document does not present any indicator, deadline or information about the necessary budget for these activities.¹⁹⁴

The second objective consists in ensuring “the continuity of effective cross-sectoral cooperation on child trafficking and accountability in the integration of child victims

¹⁸⁶ Ibid 56.

¹⁸⁷ Ibid 64-65.

¹⁸⁸ Ibid 47.

¹⁸⁹ Ibid 49.

¹⁹⁰ Ibid.

¹⁹¹ Ibid 56.

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ In both cases the implementing authorities are the Ministry of Interior, Ministry of health, Ministry of Social Policy and Youth, Ministry of Science, Education and Sports, Office for Human rights and the Rights of National Minorities, local and regional self-government units.

through the development of clear cross-sectoral protocols at the national level and the implementation of coordinated activities with all departments related to the eliminations of child trafficking”¹⁹⁵, which is translated into two measures.

One measure is to “conduct trainings in primary and secondary schools, social welfare centres and health care institutions on the issue of trafficking in human beings, especially children, which are based on acquaintance with national programs”¹⁹⁶. The other measure is to “systematically improve cooperation with social, health and educational institutions at the local level with state administration bodies responsible for human trafficking, which are members of the national referral mechanism”¹⁹⁷. Indicators, deadlines or the budget necessary to conduct the activities are not mentioned.¹⁹⁸

Regarding the area dedicated to Roma children, two objectives are defined. First, “to ensure consistent protection of the rights of children of the Roma national minority in accordance with the Convention on the Rights of Child and the National Strategy for Roma Inclusion for the period 2013- 2020”¹⁹⁹. This objective is followed by six concrete measures.

The first measure is to “ensure and protect the realization of all rights of children of the Roma national minority in access to health care, protect children of the national minority caught in begging and protect children of the Roma national minority from the risk of violence”²⁰⁰. The second measure is to “pay attention and ensure the protection and exercise of the rights of Roma girls”²⁰¹. The third measure aims to “ensure and protect the exercise of all rights of children of the Roma national minority without documents proving their status as citizens of the Republic of Croatia”²⁰². The fourth measure consists in protecting “the national and cultural identity of the children of the Roma national minority separated from their families”²⁰³. The fifth measure is to “support and strengthen the capacity of the professionals to work with Roma children and families in different systems”²⁰⁴. The last measure regarding this objective is to “ensure conditions for coordinated implementation of strategic measures in relation to the national-regional-local implementation of the systematic evaluation of the effectiveness of the measures of assistance and support to Roma families in order to protect the rights and welfare of children of the Roma national minority”²⁰⁵.

All the measures were implemented by “the Ministry of Social Policy and Youth, the Ministry of Health, the Ministry of Science, Education and Sports and local and regional

¹⁹⁵ Government of the Republic of Croatia (n 185) 56.

¹⁹⁶ Ibid 56.

¹⁹⁷ Ibid.

¹⁹⁸ The implementing authorities in both cases are the Ministry of Interior, Ministry of health, Ministry of Social Policy and Youth, Ministry of Science, Education and Sports, Office for Human rights and the Rights of National Minorities, local and regional self-government units

¹⁹⁹ Government of the Republic of Croatia (n 185) 64.

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Ibid.

²⁰³ Ibid.

²⁰⁴ Ibid.

²⁰⁵ Ibid 65.

self-government units”.²⁰⁶ No mention was made to the indicators, deadlines or necessary budget.

The second objective in relation with children of the Roma national minority in Croatia is “to ensure the consistent application of measures of professional support and assistance to the family in child care, guided by the principles of interculturalism and respecting the cultural identity of the child and the family in the provisions of services”²⁰⁷. Three measures are designed in order to achieve this objective.

The first measure is to “develop instruments for assessing the needs of Roma children and their families in the social welfare system, respecting their cultural identity”²⁰⁸. The second measure consists in ensuring “mechanisms for involving the child, family and Roma community as important partners in exercising the rights of Roma children in various systems”²⁰⁹. The last measure is defined as promoting and encouraging “foster families to accommodate children of Roma national minority.” The aim is to “[i]ncrease the number of Roma foster families who meet legally prescribed conditions”²¹⁰. The implementing subjects are the Ministry of Social Policy and Youth, the Ministry of Health, the Ministry of Science, Education and Sports”²¹¹.

4.1.1.3 National Roma Inclusion Strategy

The *National Roma Inclusion Strategy from 2013-2020* (henceforth Strategy)²¹² and the *Action Plan for the Implementation of the National Roma Inclusion Strategy for the Period 2013-2015*²¹³ (henceforth Plan) with an impact on the prevention of child exploitative begging, particularly focus on awareness-raising and education are going to be analysed in this sub-chapter.

To start with, the main objective of the Strategy is defined as systematically assisting the members of the Roma minority in Croatia by “improving their living conditions, to foster and support their inclusion in social life and decision-making processes in both local and wider community context without making them forget their own identity, culture and traditions, and to encourage them to take an active role in changing their status in society”²¹⁴. Therefore, the Strategy declares to focus on “the existing aspects of multiple

²⁰⁶ Ibid.

²⁰⁷ Ibid 65.

²⁰⁸ Ibid.

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ Ibid.

²¹² Government of the Republic of Croatia ‘National Roma Inclusion Strategy from 2013-2020’ (Zagreb 2012) <
<https://pravamanjina.gov.hr/UserDocsImages/arhiva/23102013/National%20Roma%20inclusion%20strategy%202013-2020.eng.pdf>> accessed 26 July 2020.

²¹³ Government of the Republic of Croatia ‘Action Plan for the Implementation of the National Roma Inclusion Strategy for the Period 2013-2015’ (Zagreb, 2013)

²¹⁴ Government of the Republic of Croatia ‘National Roma Inclusion Strategy from 2013-2020’ (Zagreb 2012) (n 212) 3.

discrimination against specific groups within the Roma community”²¹⁵ as women, “elderly people, persons with disabilities, children and special-needs and developmentally challenged children.”²¹⁶

Having concreted the framework, the Strategy covers the areas of education, employment, health- care, housing, social inclusion and “status solutions, prevention of discrimination and assistance in the exercise of rights”²¹⁷. Due to the focus of this thesis, the objectives and activities designed for the areas of education and inclusion in social and cultural life and corresponding associations are going to be examined.

Regarding education the general aim is “to improve access to high-quality education by including education and care provided in early childhood, but also to improve the primary, secondary and university education, with special emphasis on removing any possible segregation in schools; to prevent early interruption of education, and to ensure a smooth transition from school to employment.”²¹⁸ Besides, seven specific aims or objectives were developed in order to complement the main one.

The first aim consists in improving the education of the Roma population in order to build the necessary skills to reduce the existing educational gap between Roma and non-Roma.²¹⁹ The measure defined in relation with the first aim consists in launching continuous “training of teachers and expert associates in primary schools with the aim of increasing the quality and efficiency of the education of Roma children”²²⁰. The number of workshops conducted are considered as the indicator of the results.

The second aim is “to increase the inclusion of Roma children of both genders in preschool education, and to increase the quality of preschool education of Roma children as a part of early childhood education, which helps reduce the differences in social classes and learning capacities, and strives to meet the educational needs of children as much as possible, and introduce them into the world of conscious learning”²²¹. Two activities are supposed to complement these aims. The first one consists in continuous “co-financing of a part of the parents' share for the members of the Roma national minority in the integrated preschool education programmes”²²². The indicators are the number of children co-financed, the number of child programmes with co-financing and “the number of children by gender in preschool education programmes in total”²²³.

The second activity consists in offering a continuous “preschool co-financing programme for members of the Roma national minority”²²⁴. The indicators are the “number of children

²¹⁵ Ibid

²¹⁶ Ibid 4.

²¹⁷ Ibid 35.

²¹⁸ Government of the Republic of Croatia ‘Action Plan for the Implementation of the National Roma Inclusion Strategy for the Period 2013-2015’ (n 213) 6.

²¹⁹ Ibid 7.

²²⁰ Ibid 8.

²²¹ Ibid.

²²² Ibid 9.

²²³ Ibid 10.

²²⁴ Ibid.

in preschool programmes”²²⁵ and the number of programmes launched in which Roma children participate.

The third aim on education is “to equalise the inclusion of members of the Roma national minority in primary education compared to the enrolment average of the primary education on the national level (to reach the inclusion level of 98 %) and to equalise the completion rate of Roma children with the national completion rate in the primary education system (to reach the completion rate of 95 %)”²²⁶. The three measures exposed in this section consist in the “enrolment of Roma children of both genders in primary schools”, the “creation of the conditions for the inclusion of Roma pupils in afterschool care” and also providing “training of associate assistants”²²⁷.

The fourth aim is “to abolish all classes attended exclusively by Roma children by 2020”²²⁸. The developed measure consists in the “creation of prerequisites for the reduction of the number of classes attended solely by Roma pupils”²²⁹.

The fifth aim is “to reduce the gap between the average inclusion and completion rate of Roma children in secondary education compared to the national average inclusion and completion rate in the secondary education system in order to equalise opportunities for acquiring the skills and competences necessary for the continuation of schooling – to increase the number of members of the Roma national minority enrolling in secondary education until 2020. To increase the number of members of the Roma national minority completing secondary education until 2020”²³⁰.

There are four activities designed in accordance with this fifth objective. The first activity relates to the continuous “enrolment of Roma pupils of both genders in secondary schools”²³¹. The indicators of the results are the number of Roma children enrolled in the “first grades of three-years secondary schools, by gender” and the ones “enrolled in first grades of four years secondary school”²³².

The second activity encompass scholarships²³³. The third activity was described as “creating the prerequisites for increasing the number of Roma pupils of both genders who successfully complete their secondary education, by grades”²³⁴. The last activity designed to achieve the fifth objective is to “provide accommodation in secondary school dormitories”²³⁵.

The sixth aim is “to reduce the gap between the average inclusion and completion rates of higher education of members of the Roma national minority compared to the national average inclusion and completion rates in the higher education system in order to equalise

²²⁵ Ibid.

²²⁶ Ibid 11.

²²⁷ Ibid 12.

²²⁸ Ibid 13.

²²⁹ Ibid 14.

²³⁰ Ibid.

²³¹ Ibid 15.

²³² Ibid.

²³³ Ibid 16.

²³⁴ Ibid.

²³⁵ Ibid 17.

opportunities for acquiring the skills and competences necessary for the continuation of schooling – to increase the number of members of the Roma national minority completing higher education and those who enrol in a postgraduate study programme by 2020.”²³⁶ This objective is similar to the fifth one but refers to the college and university.

Despite the similarities between the two objectives, two measures were designed. The first measure consists in promoting the “enrolment of Roma student of both genders in universities”²³⁷. The second one targets “providing scholarships for Roma students (college/university degree)”²³⁸.

The last aim in education in the Action Plan for the period 2013-2020 is “to increase the inclusion of adult members of the Roma national minority in literacy, education and training programmes through their entire general and vocational education in order to develop their individual potential and strengthen their capacities and competences for achieving a greater competitive strength on the labour market and permanent employability, as well as to increase their social inclusion and active participation in all spheres of contemporary life”²³⁹. The activity designed to achieve this consists in “the inclusion of adults Roma of both genders in literacy and training programmes”²⁴⁰.

In relation with the area of inclusion in social and cultural life, the objective is “to reduce poverty in the Roma population and to improve the quality of social services and services in the community.”²⁴¹ In this context, three specific aims are put into practice.

The first aim is “to increase the quality, availability and timeliness of social services and services in the community, with special emphasis on women, children, youth, elderly persons and disabled persons”²⁴². To do so, the Strategy exposes the necessity to “strengthen the capacities of the existing services, social care centres and family centres” and to “form mobile teams consisting of experts, as well as educated and trained Roma mediators, in order to provide social services in Roma settlements daily”²⁴³. Three measures were defined in relation with this aim. The first one consists in increasing the “number of employees in social care centres and/or family centres in areas with a large Roma population”²⁴⁴. After “to sensitise and educate social workers so that they can provide better services and social mentorship”²⁴⁵ and train Roma mediators.²⁴⁶

The second aim is “to increase the quality of life within Roma families, with special emphasis on the rights and welfare of children and youth;”²⁴⁷ the measures designed for meeting this aim is to “provide aid and support to Roma families regarding issues in their

²³⁶ Ibid.

²³⁷ Ibid 17.

²³⁸ Ibid 18.

²³⁹ Ibid 19.

²⁴⁰ Ibid .

²⁴¹ Ibid 61.

²⁴² Ibid.

²⁴³ Ibid.

²⁴⁴ Ibid 62.

²⁴⁵ Ibid 64.

²⁴⁶ Ibid 65.

²⁴⁷ Ibid 61.

family relations and/or marriage, and the resolution of crisis situations in the family with special emphasis on combating and the prevention of violence in the family”²⁴⁸, “empowering Roma family for good and responsible parenthood, including raising awareness of the Roma population regarding teenage marriages and money management”²⁴⁹, “empowerment and support to biological families with the aim of preventing the separation of children from those families”²⁵⁰, “encourage the development of foster care and adoption of Roma children lacking the appropriate parental care, especially in Roma families”²⁵¹ and to “implement programmes and activities for the improvement of social skills of children and youth with the aim of preventing behavioural problems”²⁵².

The third and last aim in relation with social care is “to empower the local Roma community for recognising the risk of exposure to human trafficking, sexual abuse and other types of violence, with special emphasis on women and children”²⁵³. According to the Action Plan, the risk factors that the Roma community is facing can be minimized if there is an increase of the awareness-raising activities, education, information, and empowerment of the Roma community.

The indicator used in this section consist in “the proportion of the Roma population, women and children acquainted with instances of human trafficking, sexual abuse and other types of violence, and with the mechanisms of protection, compared to the project baseline”²⁵⁴. Even so, the project baseline indicates “data not available”.

The first activity defined is “the implementation of the survey in Roma communities to be used as a source of data”²⁵⁵, which was implemented by the Gender and Equality Ombudsman and “Associations”²⁵⁶. The indicator was the research conducted by the Gender and Equality Ombudsman and “the inclusion of the results in the 2014 Report”²⁵⁷.

The second measure was defined as “design and implement education programmes for informing the Roma population, with special emphasis on women, of the dangers related to human trafficking and sexual abuse, and of the means of protection”²⁵⁸, which was implemented by OHRRNM with the participation of diverse key institutions and associations²⁵⁹. According to the baseline, no programmes and trainings were conducted before 2012 and no persons were involved in 2012.²⁶⁰

The last measure consists in designing and implementing “educational programmes for informing the Roma community, with special emphasis on women, on issues related to

²⁴⁸ Ibid 67.

²⁴⁹ Ibid.

²⁵⁰ Ibid 68.

²⁵¹ Ibid 69.

²⁵² Ibid.

²⁵³ Ibid 61.

²⁵⁴ Ibid 70.

²⁵⁵ Ibid 71.

²⁵⁶ Ibid.

²⁵⁷ Ibid.

²⁵⁸ Ibid 72.

²⁵⁹ Ibid.

²⁶⁰ Ibid.

different forms of discrimination and violence against women”²⁶¹. This activity was implemented by OHRRNM with the participation of the “Gender Equality Ombudsman, family centres, social care centres, MoI, educational institutions, health institutions, councils and representatives of the Roma national minority”. No programmes were conducted and no persons were involved in such programmes before 2012.²⁶² The data was collected in several reports, among them the one from the Gender Equality Ombudsman and its office, the “reports of county committees for gender equality and reports of associations”²⁶³.

Regarding the implementation, several comments were made in the first country report of GRETA and the civil society monitoring report on implementation of the national Roma integration strategies in Croatia.

First of all, the civil society monitoring report on the implementation of the national Roma integration strategies in Croatia²⁶⁴ mentions that the Strategy only had an action plan for the period 2013-2015.²⁶⁵ In addition to that, the report of 2018 clarifies that until then there has not been any action plan for the period 2016-2020.²⁶⁶

On one hand, GRETA emphasizes in the 2016 report the positive effects of the Strategy in terms of promoting inclusive education and combating human trafficking. In relation with education, GRETA particularly emphasize how the school attendance among Roma children improved, the positive effects of the after-school Croatian language support and the availability of scholarships for Roma students and its effect in reducing drop-outs.²⁶⁷

Regarding counter trafficking, GRETA recognise the efforts done in terms of raising awareness and empower the Roma community. Added to that GRETA “considers that the Croatian authorities should pursue their efforts to reduce the vulnerability of persons belonging to Roma communities, particularly women and children, to human trafficking.”²⁶⁸

In terms of anti-discrimination, the civil society report recommends to address Roma discrimination “in a targeted way and not through the mainstream campaigns against discrimination”²⁶⁹. It also underlines the importance of “inter-sector cooperation” as “a solution for residential and educational segregation”²⁷⁰.

²⁶¹ Ibid.

²⁶² Ibid 72.

²⁶³ Ibid 72.

²⁶⁴ Directorate-General for Justice and Consumers (European Commission) and others, *Civil Society Monitoring Report on Implementation of the National Roma Integration Strategies in Croatia* (Publications of the European Union 2018) 9.

²⁶⁵ Ibid.

²⁶⁶ Ibid.

²⁶⁷ GRETA 2016 (n143)15.

²⁶⁸ Ibid 16.

²⁶⁹ Directorate-General for Justice and Consumers (n 264) 29.

²⁷⁰ Ibid.

Finally, the same report exposes the importance of monitoring and criminalizing antigypsyism²⁷¹ and also suggests that “National authorities, intergovernmental organizations and other donors and experts should support, financially and otherwise, creation of strong independent Roma watchdog organizations that would collect information, monitor and report on the manifestations of antigypsyism, especially monitoring hate-speech in media”²⁷².

4.2 Begging in Romania

Since the beginning of the 1990s until 2007 the phenomenon of begging in Romania has been increasing, affecting mostly young adults and children.²⁷³ This tendency was slightly reduced around 2007, according to the *Report for the Study on Typology and Policy Responses to Child Begging in the EU*, as a consequence of the migration phenomenon among Romanians to Europe.²⁷⁴ This period of minimum stabilization lasted for a short period of time, due to the 2008 economic crisis that hit Europe and the worsening of the living standards in Europe including Romania. Consequently, more people were pushed into begging and some beggars who lived abroad came back to their country of origin.²⁷⁵

The data collected show that most of the individuals involved in begging or auxiliary activities are minors, a high percentage of them are children of Roma ethnicity, motivated to beg by their parents or relatives and susceptible to be victims of physical abuse.²⁷⁶ At same time, there is a strong connection between the situation of begging or auxiliary activities with poverty, low levels of education, lack of information, low levels of well-being, lack of possibilities to overcome the difficulties, labour migration and human trafficking.²⁷⁷

Despite the lack of statistics focused on child begging, relevant data has been collected by international, national and local Romanian authorities about the “groups usually involved in begging”²⁷⁸ and human trafficking. Regarding the data collected about human trafficking, Romania is mainly the country of origin but also transit and destination of child victims of human trafficking.²⁷⁹

²⁷¹ Antigypsyism is defined as “a form of racism targeting Roma and other groups perceived as ‘gypsies’. There are different manifestations of this form of racism. Discrimination is only one of the manifestations of antigypsyism. Other manifestations are stereotypes, hate-speech, and hate-crime, and there are manifestations of structural and institutional racism, such as school segregation or police brutality” Directorate-General for Justice and Consumers (n 264) 25.

²⁷² Directorate-General for Justice and Consumers (n 264) 30.

²⁷³ Healy C, and Rogoz M, (10) 246. See ‘Annex D: Legal Framework in Romania’.

²⁷⁴ Ibid.

²⁷⁵ Ibid.

²⁷⁶ Ibid 247.

²⁷⁷ European Commission, ‘Together against Trafficking. Romania’(2017) <<https://ec.europa.eu/anti-trafficking/member-states/Romania>> accessed 26 July 2020.

²⁷⁸ Healy C, and Rogoz M (n) 246

²⁷⁹ Group of Experts on Action Against Trafficking in Human beings (GRETA) ‘Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Romania’ (30 September 2016) <

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The first country report presented in 2012 by GRETA revealed that in 2010 a total of 1154 victims were identified (2007: 1780; 2008: 1240; 2009: 780). The majority of the victims detected were female, the main forms of exploitation were forced labour (43%), sexual exploitation (42%), forced begging (112 victims), forced stealing (6 victims) and pornography (6 victims). Additionally, 74% of the victims detected in 2010 were trafficked transnationally and the remaining 26% were victims of national trafficking.²⁸⁰

A total of “307 child victims were identified in 2010, 88% of whom were female”²⁸¹. The main forms of child abuse detected were sexual exploitation (239 victims), forced labour (17 victims), forced begging (19 victims), pornography (5 victims), theft (3 victims). 71% of the child victims were trafficked among the national borders, meanwhile 29% were victims of transnational trafficking to the main destination countries Italy (45 victims), Spain (20 victims) and Germany (9 victims).²⁸²

In 2016 GRETA presented the second country report of Romania. It revealed that during the period from 2011 to 2015 4622 victims of human trafficking were detected in Romania, 880 victims in 2015 (2011: 1048; 2012: 1042; 2013: 896; 2014: 757).²⁸³ The data also show that there was an increase of the internal trafficking, representing the destiny of 35% of the adult victims and 78% of the child victims, and that the main destinations of transnational trafficking were Italy, Spain, Germany, France, Greece, Poland and the UK. The prevailing forms of exploitation detected were sexual exploitation (54%), labour exploitation (34%) forced begging (6%) and criminal activities (34 victims).²⁸⁴

The Agentia Nationala Impotriva Traficului de Persoane (ANITP) made public that in 2016 the number of victims of human trafficking identified were 756, in 2017 662, in 2018 497 in 2019 698 victims.²⁸⁵ In analysing the profile of the victims detected in 2019 it become clear that the majority of the victims are female (83%), of Romanian citizenship and victims of national trafficking (55%). The data presented by ANITP also revealed that 74.2% of the victims are victims of sexual exploitation, 16.5% of forced labour and 2.9% of forced begging.²⁸⁶

The extent of the national and international character of the human trafficking that affects Romania has forced the Romanian government for decades to actively address this

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a99b1>> accessed 4 August 2020, 7.

²⁸⁰ Group of Experts on Action Against Trafficking in Human beings (GRETA) ‘Report Concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Romania’ (31 May 2012) <<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680683a1d>> accessed 4 August 2020 9.

²⁸¹ Ibid 9.

²⁸² Ibid.

²⁸³ Greta 2016 (n 279) 7.

²⁸⁴ Ibid.

²⁸⁵ Agenția Națională Împotriva Traficului de Persoane ‘Analiza Succinta Privind Victimele Persoane in 2019’ <<http://anitp.mai.gov.ro/2020/03/analiza-succinta-privind-traficul-de-persoane-in-anul-2019/>> accessed 20 July 2020 2.

²⁸⁶ Ibid 6.

phenomenon not only internally, towards law enforcement²⁸⁷ and specific national strategies, but also externally through cooperation with the destination countries.²⁸⁸

4.2.1 *Specific policies and its implementation*

Similarly to the Republic of Croatia, Romania developed a wide range of strategies that can have an impact on the prevention of exploitative child begging.

Those responses, far from being designed exclusively to tackle the phenomena of forced begging, are diverse and impossible to summarize within the limited scope of this thesis. Bearing this in mind, measures targeting children at risk aimed at raising awareness and improving? education on anti-trafficking, child protection and Roma inclusion national strategies are going to be exposed in the next subchapters. The plans which are selected to be analysed were developed in the time period from 2012 to 2016.

4.2.3.1- National plan for combating trafficking in human beings

The Romanian *National Strategy Against Trafficking in Persons 2012-2016*²⁸⁹ (henceforth, Strategy) identifies “the maintenance at a high level of the number of victims of trafficking in persons and a limited reaction capacity against trafficking at the national level”²⁹⁰ as the main problem. Added to that, nine subproblems are presented in the Strategy.

According to the Strategy, the subproblems are diverse. Among them, the Strategy mentions the difficulties that the population face to understand the magnitude and complexity of human trafficking, the weak capacity of the authorities to fight human trafficking, the lack of neutral and independent actors able to promote an improvement in policy-making, evaluation and recommendations and the significant number of Romanian victims abroad.²⁹¹

After having identified the subproblems, the document clarifies that the main objective for the period 2012-2016 is “[...] to reduce the impact and dimensions of trafficking in persons at the national level, setting priorities and making efficient the activities in the fight against this phenomenon.”²⁹² This main objective is concretized in five general objectives.

In terms of prevention, the National Strategy defines one general objective. This is “to stimulate the prevention activities and the involvement of civil society in their

²⁸⁷ More information about the current legal framework that criminalize human trafficking in Romania in the Annex 1.

²⁸⁸ European Commission, (n 277).

²⁸⁹ Government of Romania, ‘National Strategy Against Trafficking in Persons 2012-2016’ (2012) <<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000168063bc51>> accessed 26 July 2020.

²⁹⁰ Ibid 8.

²⁹¹ Ibid 8-11.

²⁹² Ibid.

performance”²⁹³. Three specific objectives were defined additionally: “1) To increase the information and awareness of population on what trafficking in persons implies 2) To reduce the risk factors leading to victimization 3) To monitor the activity of economic agents in professional fields with great fluctuation of labour force (building, agriculture, wood exploitation etc.)”²⁹⁴.

In analysing the *Action Plan Strategy to Combat Trafficking 2012-2016* (henceforth Action Plan), several activities designed in terms of completing the specific objectives become visible. Before getting into the details, the fact that an official translation to English was not available needs to be mentioned. Regarding the first specific objective seven activities were designed and implemented. The first one consists in the annual celebration of different activities in occasion of the European Anti-Trafficking Day (18 October)²⁹⁵. The indicators were the number of activities conducted, beneficiaries and informative material.²⁹⁶ The organisations in charge were ANITP and different NGOs.²⁹⁷

The second action consists in the achievement and “implementation of campaigns of prevention addressed risk groups identified” annually. Indicators were the number of activities conducted, beneficiaries and informative material.²⁹⁸ The organisations in charge were ANITP MMFPS (DPPH), MECTS ONG.

The third activity was the annual implementation of prevention campaigns against all kinds of human exploitation.²⁹⁹ The indicator was the number of “campaigns of demand reduction addressed to users of services”³⁰⁰. The organisations in charge were ANITP and NGOs, according to the Action Plan.³⁰¹

The fourth activity is described as the annual awareness raising among service providers that can be in contact with potential victims.³⁰² According to the document the indicators were “number of shares of information” and “[n]umber of beneficiaries”³⁰³. The organisations in charge were the ANITP and several NGOs.³⁰⁴

The fifth activity mentioned is the annual formation of teachers in order to show them how to carry out informative activities for parents and children about the risks of being trafficked.³⁰⁵ According to the Action Plan the indicators were the number of activities and the number of participants. The organisations in charge were NGOs and MECTS.³⁰⁶

²⁹³ Ibid.

²⁹⁴ Ibid 13.

²⁹⁵ Government of Romania, ‘Action Plan Strategy to Combat Trafficking 2012-2016’ (2012) <<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/97704/116072/F-676807877/PDF.pdf>> , accessed 26 July 2020 21.

²⁹⁶ Ibid.

²⁹⁷ Ibid.

²⁹⁸ Ibid.

²⁹⁹ Ibid.

³⁰⁰ Ibid 21-22.

³⁰¹ Ibid .

³⁰² Ibid 22.

³⁰³ Ibid.

³⁰⁴ Ibid .

³⁰⁵ Ibid.

³⁰⁶ Ibid .

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The sixth activity consists in “[o]rganizing some sessions of training / informing journalists about the peculiarities of human trafficking and the way of interview a victims and families by media”³⁰⁷. Again, the indicators were the number of sessions and participants and the organisations in charge ANITP and NGOs.³⁰⁸

The last activity implemented in terms of fulfilling the first specific objective consists in the promoting the diffusion of anti-trafficking messages through media.³⁰⁹ The indicator was described as the “number of items published in the press, number of shows tv / radio broadcast, number of spots broadcast video / radio”³¹⁰. The institutions in charge were the ANITP and NGOs.

The second specific objective is completed with three activities. The first one consisted in the annual celebration of professional training and application of measures to promote the employment of the most vulnerable social groups.³¹¹ The indicators were the number of people participating and “occupied as a result of implementation measures contained in application of occupancy”³¹². The institutions in charge were MMFPS (ANOFM) and a NGO.³¹³

The second activity consists in the continuous efforts to identify at the local level the children at risk of being trafficked and provide legal support³¹⁴. The indicator was the “number of children at risk identified, number of children beneficiaries of support measures”³¹⁵ the responsible were the local councils, social services and DGASPC.³¹⁶

The third activity consisted in permanent development of measures aim at reducing school dropout³¹⁷, which indicator were the number of activities and the organisations in charge MMFPS and MECTS.³¹⁸

Finally, one activity was designed and implemented to respond to the third specific objective. This consisted in conducting every semester periodic inspection to prevent and identify victims of labour exploitation.³¹⁹ The indicators were the number of workplaces and employers checked.³²⁰ MMFPS (IM) was the organization in charge.³²¹

Having exposed the activities and their indicators, several aspects need to be mentioned regarding the implementation of the Strategy. According to the second country report of GRETA, Romania had problems to implement an important part of the anti-trafficking

³⁰⁷ Ibid.

³⁰⁸ Ibid.

³⁰⁹ Ibid.

³¹⁰ Ibid.

³¹¹ Ibid.

³¹² Ibid.

³¹³ Ibid.

³¹⁴ Ibid.

³¹⁵ Ibid 22-23.

³¹⁶ Ibid 23.

³¹⁷ Ibid.

³¹⁸ Ibid.

³¹⁹ Ibid.

³²⁰ Ibid.

³²¹ Ibid.

activities during the period 2012- 2013 due to lack of funding. As a result many activities were – according to ANITP – postponed.³²² In relation to this, “GRETA considers that the Romanian authorities should ensure that the budget allocated to action against trafficking in human beings is adequate to cover the measures foreseen in the National Strategy and Action Plans.”³²³

GRETA considers that Romania improved in terms of anti-trafficking activities. Special mention is made to activities aimed at raising awareness in the educational system, even the importance of continuously working on targeting “vulnerable groups, in particular the Roma communities, through campaigns and projects in the areas of health, education and anti-discrimination”.³²⁴ To be precise, according to the report of GRETA, “the Romanian authorities have adopted a number of policy documents and actions plans in the areas of gender equality and the protection of children’s rights, which have the potential of preventing THB by tackling the root causes of this phenomenon.”³²⁵ It states: “Additional measures have been made to provide training to relevant professionals and to expand the categories of staff targeted, by including professionals working with children and health-care staff. GRETA welcomes the training provided to the Border Police which has contributed to the detection of victims of human trafficking by border guards.”³²⁶

Finally, GRETA presents a list of issues for urgent attention. Those are diverse, but some of them are relevant in the context of this study. Among them, “[...] GRETA urges the Romanian authorities to intensify their efforts to prevent trafficking in children, in particular by sensitising and training child protection professionals across the country, raising awareness of children through education, and paying special attention to Roma communities and migrant children.”³²⁷

In addition to that, “GRETA urges the Romanian authorities to improve the identification of and assistance to child victims of trafficking, in particular by: - ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB by paying particular attention to children in care institutions, Roma children and unaccompanied foreign minors; - providing further training and resources to stakeholders (police, service providers, NGOs, child protection authorities, social workers), especially in rural areas, as well as guidance on the identification of child victims of THB for the purpose of all forms of exploitation, including forced begging and forced criminality; - providing adequate support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training; - ensuring long-term monitoring of the reintegration of child victims of trafficking; - ensuring that proper risk assessment is conducted before returning children to their parents, taking into account the best interests of the child; - reviewing the application

³²² GRETA (n 279)9.

³²³ Ibid.

³²⁴ Ibid 44.

³²⁵ Ibid.

³²⁶ Ibid.

³²⁷ Ibid 45.

of the guardianship system for child victims of trafficking and paying increased attention to children who are trafficked by their parents or other family members [...].”³²⁸

4.2.1.2- Children national strategy

The objectives and measures exposed in the Romanian *National Strategy on the Protection and Promotion of Children’s Rights for the Period 2014 to 2020*³²⁹ (henceforth Strategy) with an impact on preventing children of exploitative begging, with special focus on education and awareness raising, are going to be analysed in this sub-chapter.

Beforehand, several limitations need to be addressed. Firstly, this chapter is based on an unofficial translation of the original document. Secondly, the Action Plan was not available online, which means that the analysis of the specific measures and the implementing authorities was not possible. Thirdly, due to the fact that the Strategy does not directly deal with the prevention of exploitative child begging the measures exposed are just a selection.

Starting the analysis, the main goal of the Strategy is “to promote investment in child development and well-being, based on a holistic and integrated approach embraced by all public institutions and authorities, to ensure the respect for the children’s rights, coverage of their needs, and universal access to services”³³⁰. The Strategy presents a long description of the general context.

In the chapter *Description of the Current Situation* the situation regarding the demographic composition, poverty and social exclusion, education, health, violence against children, forms of discrimination and hearing the child’s voice and child participation are exposed. Regarding poverty and social exclusion, the Strategy’s general objective is to “respect the rights and promote the social inclusion of children in vulnerable circumstances”³³¹. This general objective is concretized in ten specific objectives. The most important ones will be highlighted.

The first specific objective is defined as ensuring “minimum resources for children within a national anti-poverty programme, with special emphasis on children”³³². The measure designed in order to achieve it consists in “increas[ing] poor children’s access to basic services” and the expected results consist in a “minimum package of services piloted 250.000 children out of poverty by 2020”³³³.

³²⁸ Ibid 46.

³²⁹ Government of Romania, ‘National Strategy on the Protection and Promotion of Children’s Rights 2014-2020’ (2014) < https://www.unicef.org/romania/sites/unicef.org.romania/files/2019-08/The_National_Strategy_on_the_Protection_and_Promotion_of_Children%27s_Rights.pdf >, accessed 26 July 2020.

³³⁰ Ibid 6.

³³¹ Ibid 44.

³³² Ibid.

³³³ Ibid.

The second specific objective is to “reduce the existing gaps between rural and urban children”³³⁴, which action associated was to “increase rural children’s access to education, health care and social services”³³⁵. The results expected were defined in the Strategy as “reduc[ing] [the] gap in terms of student’s enrolment, participation and performance in all forms of education, access to health care and social services”³³⁶.

The third specific objective was to “remove attitude and environmental barriers to the rehabilitation and social reintegration of children with disabilities”³³⁷ and five actions were conceived in relation with this objective.³³⁸

The fourth specific objective was to “reduce the opportunity gap between Roma and non-Roma children”³³⁹. In order to achieve this objective, three activities were described in the Strategy for the period 2014-2020. The first one consists in “combat[ing] the negative attitude of the society towards the Roma in general and Roma children in particular”. The result expected was to reduce “the share of population with negative attitudes towards the Roma” to 20%. The second measure was to “facilitate Roma children’s access to social, educational and medical services”. The result expected is that “Roma communities now have professionals specialised in community intervention”. The third and last measure is to “eliminate segregations in all forms of education” and the result expected is that “Roma children enjoy equal opportunities as non-Roma children in all forms of education”.³⁴⁰

The fifth specific objective is the continuation of “the transition from institutional childcare to community-based care”. Four measures were designed to accomplish this specific objective. The first one is to “increase efficiency and effectiveness of the current family-type childcare system” and the expected result consist in the restructuration of the “family-type services”³⁴¹. The second measures is described as “ban[ning] the institutionalization of young children”³⁴² and the integration of children to “family-type services”³⁴³ is expected as a result. The third measure consists in the development of “services that provide alternatives to institutional care”³⁴⁴ and the results expected are that “all traditional institutions closed down, at least 25% of children at risk of being separated from their family do not end up in the special protection system”³⁴⁵. The last measure is to “[d]evelop children’s independent living skills to prepare them for the time when they have to leave

³³⁴ Ibid

³³⁵ Ibid

³³⁶ Ibid

³³⁷ Ibid 45

³³⁸ The measures consisted in “develop[ing] an integrated system for the early diagnosis and comprehensive evaluation of children with disabilities”, “provide[ing] integrated social, health and educational services that are child-friendly and accessible to children with disabilities and their families”, “support[ing] the families of children with disabilities to rise and care for them within the family”, “develop[ing] positive attitudes in the family and society towards children with disabilities” and “increase[ing] school inclusion of children with disabilities and/or special educational needs”. Ibid.

³³⁹ Ibid.

³⁴⁰ Ibid.

³⁴¹ Ibid.

³⁴² Ibid.

³⁴³ Ibid.

³⁴⁴ Ibid 46.

³⁴⁵ Ibid.

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the special protection system”³⁴⁶. The results expected are that “[p]rofessionals from the special protection system trained to prepare children for leaving the special protection system, revise and approved legal framework on environmental conditions that enable the development of independent living skills, children’s independent living skills developed, increase share of young professionals who lead an independent life after leaving the special protection system”³⁴⁷.

The sixth specific objective is to “reduce the street children phenomenon”³⁴⁸. The first measure designed is to “develop specialized services for street children in accordance with the existing needs”³⁴⁹. The expected results are a “study on the state of street children conducted at national level and a network of social services developed for street children”³⁵⁰. The second measure in relation with the sixth specific objective is to “address the causes of children ending up in the streets”. Expected result is a “low incidence of the street children phenomenon”³⁵¹.

The seventh specific objective is “[f]oster the social and family reintegration of children in conflict with the law and prevent re-offending”³⁵² and two measures were designed regarding this.³⁵³

The eight specific objective is to “increase control over children’s drug or other harmful substance use and address the consequences of this phenomenon”³⁵⁴ and two measures were designed.³⁵⁵

The ninth specific objective is described in the Strategy as offering “adequate support to children whose parents work abroad and to their caregivers”³⁵⁶. Two measures were designed regarding this area. On one hand, “develop specific measures and support services for children whose parents work abroad”³⁵⁷, which is expected to result in the creation of support services to which children whose parents work abroad have access. The second measure is to “enhance the role of schools in compensating for the lack of support due to

³⁴⁶ Ibid.

³⁴⁷ Ibid.

³⁴⁸ Ibid.

³⁴⁹ Ibid.

³⁵⁰ Ibid.

³⁵¹ Ibid.

³⁵² Ibid.

³⁵³ The first one, “develop the network of services involved in working with children in conflict with the law”³⁵³. The results expected by this measure are the access of these children to “social and family reintegration services”. The second measure is to “put an end to the culture of impunity with respect to children in conflict with law”. The results expected are described as “children deprived of liberty can file complains in case of torture and other cruel, inhuman and degrading punishment or treatment, through an accessible and functional mechanism”. Ibid.

³⁵⁴ Ibid 46-47.

³⁵⁵ The first measure is to “make children, families and communities aware of the negative effects of children’s drugs and other harmful substances use”, which is expected to increase children’s awareness in relation with the risks and effects. The second measure is to “ensure integrated, adequate and accessible assistance services at community level, matching the needs of children who use drugs or other harmful substances”. The expected result is to have a “functional network of treatment services, matching the needs of children who use drugs or other harmful substances” Ibid.

³⁵⁶ Ibid.

³⁵⁷ Ibid.

parent's/parents' absence"³⁵⁸. The expected result are "psychological counselling services in schools, accessible to all children whose parents work abroad"³⁵⁹.

The last specific objective in relation with the first area selected is "prevent unintended pregnancies among adolescent girls"³⁶⁰, which measure is "provide reproductive health and family planning services to children and adolescents" and the expected result is to provide "access to age-appropriate reproductive health services and reduce the number of births to adolescents girls (young women aged 15-19 years)"³⁶¹

The second area selected is violence against children. In relation with this area, the general objective is described to "prevent and combat any form of violence", which is concreted in two specific objectives.

The first objective is to "promote non-violence and implement awareness-raising actions"³⁶², which was translated into two measures; "increase children's, parents', professionals' and general public's knowledge and awareness of all forms of violence" and "reduce children's exposure to media and online violence".³⁶³ The results expected for the first measures were described as: "[C]hildren, parents, professionals and general public recognise all forms of violence and their serious effects". The results expected for the second measures were to establish a "legal framework on media and online violence evaluated, improved and its implementation monitored"³⁶⁴.

The second objective was to "reduce violence among children", by ensuring "equitable access to adequate information for all children"³⁶⁵. The result expected is described as creating a "methodology for monitoring cases of violence"³⁶⁶.

In terms of the implementation, GRETA recommends to the authorities "to intensify their efforts to prevent trafficking in children, in particular by sensitising and training child protection professionals across the country, raising awareness of children through education, and paying special attention to Roma communities and migrant children"³⁶⁷. Also, GRETA stresses the importance of continuing "taking steps to ensure that all children are registered at birth"³⁶⁸ and "prevent[ing] online recruitment of children, including by co-operating with Internet service providers and raising the awareness of children, parents and education professionals of the risk of recruitment for THB through the Internet"³⁶⁹

³⁵⁸ Ibid.

³⁵⁹ Ibid.

³⁶⁰ Ibid.

³⁶¹ Ibid.

³⁶² Ibid.

³⁶³ Ibid.

³⁶⁴ Ibid.

³⁶⁵ Ibid.

³⁶⁶ Ibid.

³⁶⁷ GRETA (n 279) 17.

³⁶⁸ Ibid.

³⁶⁹ Ibid.

4.2.1.3 National Roma inclusion strategy

The objectives and actions exposed in the *Strategy of the Government of Romania for the Inclusion of the Romanian Citizens Belonging to Roma Minority 2012-2020*³⁷⁰ (henceforth *Strategy 2012-2020*) with an impact on the prevention of the phenomenon of child exploitative begging, particularly awareness-raising and education, are going to be analysed in this sub-chapter.

In fact, the *Strategy* is going to be analysed together with the *Strategy of the government of Romania for the inclusion of the Romanian citizens belonging to Roma minority 2015-2020* (henceforth *Strategy 2015-2020*), which was drafted with the intention of updating and expanding the information exposed in the *Strategy of 2012-2020*.³⁷¹ Contrary to the *Strategy 2012-2020*, the Annexes of the *Strategy 2015-2020* with the consequent action plan were made public in English, which permits the analysis of the specific activities.

Therefore, the *Strategy for 2012-2020* intends to improve the situation in the areas of education, employment, health, housing and small infrastructures and, additionally, to conduct activities to reduce poverty, discrimination and to stimulate equal chances among the Roma and non-Roma Romanians.³⁷²

Education is one of the main pillars when it comes to fight against discrimination and social exclusion (sources). Having this in mind, the *Strategy 2012-2020* presents two objectives regarding education.

The first objective exposed in the *Strategy 2012-2020* is “ensuring equal, free and universal access of Romanian citizens belonging to Roma minority to quality education at all levels in the public education system, in order to support economic growth and the development of the knowledge-based society.”³⁷³

The second one consists in “promoting inclusive education in the education system, including by preventing and eliminating segregation and by fighting against discrimination on the grounds of ethnicity, social status, disabilities or any other criteria which affects the children and the young people belonging to disadvantaged groups, including the Roma people.”³⁷⁴

³⁷⁰ Government of the Republic of Romania ‘Strategy of the Government of the Republic of Romania for the Inclusion of the Romanian Citizens Belonging to the Roma Minority for the Period 2012-2020’ <https://ec.europa.eu/info/sites/info/files/roma_romania_strategy_en.pdf> accessed 3 August 2020.

³⁷¹ Government of the Republic of Romania, ‘Strategy of the Government of the Republic of Romania for the Inclusion of the Romanian Citizens Belonging to Roma Minority for 2015-2020’ (2015) <https://ec.europa.eu/info/sites/info/files/roma_romania_strategy2_en.pdf> accessed 20 July 2020 6.

³⁷² Government of the Republic of Romania (n 371) 4.

³⁷³ Ibid 16.

³⁷⁴ Ibid.

Compared to those, the objectives in education for the period 2015-2020 were developed, expanded and slightly modified as a result of the new data gathered in the census 2011 and the consequent new guidelines.

Nevertheless, the first objective was described as “increasing the level of educational inclusion of the Romanian citizens belonging to the Roma minority, by fighting social gaps that increase the risk of school drop-off, by positive measures and insurance of equal, free and universal access of Roma to high quality education at all levels, in particular in the public education system, in order to support economic growth and development of the knowledge-based society.”³⁷⁵

The second objective for the period 2015-2020 is “[p]romoting high quality education for Roma citizens, by: a) facilitating access to support programmes (for example, 'School after school') for Roma children with insufficient resources (economic, family, etc.) in order to ensure a high educational level; b) preventing and eliminating segregation in the educational system based on ethnicity, as well as fighting against other discrimination based on ethnicity, social status, disabilities or other criteria affecting children and young people from disadvantaged groups, including Roma; c) promoting programmes for safeguarding and cultivating the Roma identity in the school and university systems through language, culture, traditions, history, etc.”³⁷⁶

The first measure in education for the period 2015-2020 consists in the “development of data collection and monitoring systems? concerning the inclusion of the preschool (3-6 years) and school children (7- 16 years) within a form of education.”³⁷⁷ Two types of sub-measures complement the first one. The first sub-measure consists in “semi-annual collection and updating of (local, county, regional and central) data concerning the participation of Roma children to education at different levels”³⁷⁸. The second one includes the “annual collection and updating of (local, county, regional and central) data concerning the level of education of Roma who are outside the educational system”.³⁷⁹

The second measure in education consists in “extending, running, monitoring and promoting through the media the set of support programmes aiming at stimulating school attendance, reducing absenteeism/dropout/illiteracy, and obtaining school success in secondary and tertiary education.”³⁸⁰ The wide range of sub-measures are exposed in the action plan, which can be summarized as: examining and improving the support educational programmes, several programmes aimed at reducing the gap of equal opportunities between Roma and non-Roma children, the continuity of different programmes already launched and activities to promote the Romany language and culture.³⁸¹

³⁷⁵ Government of the Republic of Romania (n 378) 54.

³⁷⁶ Ibid.

³⁷⁷ Ibid.

³⁷⁸ Ibid 55.

³⁷⁹ Ibid.

³⁸⁰ Ibid.

³⁸¹ Ibid 55-63.

The third measure in education consists in “harmonizing and supplementing the quality assurance system, with focus on the management of inclusive education (adapted to Roma specificity).”³⁸² The sub-measures considered consist in the revision of the educational methodologies and the implementation of the “Order No 1529 of the Minister of Education, Research and Youth of 18 July 2007 concerning the development of the problem of diversity in the national curriculum, by inserting concrete provisions in the new curricula intended to impose on authors and publishing houses the mandatory insertion of diversity elements (related to history, ethnicity, linguistics, culture, genre, physics, religion, etc.) in all school books, irrespective of subject matter or study level”³⁸³.

The fourth measure in education consists in “continuing measures to prevent segregation of Roma children and students and to remove potential segregations occurred in the educational system”³⁸⁴. The sub-measures considered include the revision of the Law no 1/2011 and Order no 1540 by the MESR, developing “segregation prevention plans”³⁸⁵.

The fifth measure in education consists in “restructuring initial university training of teachers, taking into account the compliance with the principles of inclusive school, of knowledge and implementation of Roma history and culture elements acquired during their initial training under the teacher training module”³⁸⁶ No sub-measures were included in this section.

The sixth measure consists in “extending the promotion of cultivation of the Roma language, history and traditions in the secondary and the tertiary educational system”³⁸⁷. The sub-measures consisted in increasing the presence of “materials in the field of Roma language, history and culture, including the organisation of virtual sections of libraries containing papers in pdf format” in libraries and educational establishments with more than 15% of Roma pupils.³⁸⁸ Also to create at least one high school with teaching of Romany language “(grades 1 to 12), with parallel classes at grades 9 to 12 with bilingual teaching Romany-Romanian and with parallel classes for school mediators, music, theatre and dance, traditional trades adapted to the modern context”³⁸⁹ and “setting up of Romany language and culture departments/study lines at old, well-known universities”³⁹⁰

The seventh measure in education is described as “continuing positive measures for training and employing Roma human resources in the educational system, who should have permanent, direct and effective access to and support for the Roma communities, who should be aware of the real needs and the real solutions”³⁹¹. This measure was complemented with the training of school mediators and the employment of them in the schools where at least 15% of the students are Roma. Another aspect is “[c]ontinuing initial/further training on Romany language intended to Roma or non-Roma, skilled or

³⁸² Ibid 64.

³⁸³ Ibid.

³⁸⁴ Ibid 68.

³⁸⁵ Ibid 71.

³⁸⁶ Ibid.

³⁸⁷ Ibid 72.

³⁸⁸ Ibid 73.

³⁸⁹ Ibid.

³⁹⁰ Ibid.

³⁹¹ Ibid.

unskilled teachers, who will teach/are teaching Romany language or in Romany language at kindergartens and in schools.”³⁹² Increasing the presence of Roma youth on the special places for Roma in higher vocational education to 200 by supplementing the exiting legislation is another aim.³⁹³

The measures number eight in education is “monitoring the activity of the CSIs and of the local support groups/committees in order to improve the access of disadvantaged groups to education.” This includes the sub-measure “drawing up the set of educational standard procedures concerning the efficient interinstitutional cooperation at county/local level, as part of the monitoring system.”³⁹⁴

The ninth measures is defined as stimulating the “participation of the local community at activities and programmes for improving non-discriminatory access of Roma children from disadvantaged groups to compulsory education, within state education”³⁹⁵. There are four sub-measures, establishing different types of boards to guarantee the representation of the Roma community in different areas.³⁹⁶

The last measure exposed in the area of education for the period 2015-2020 was to provide “information/dissemination with regard to segregation/desegregation, non-discriminatory access to education, preventing school absenteeism and school drop-out, abuse and neglect of disadvantaged children”³⁹⁷. Three sub-measures were exposed in the action plan. Those were to continue editing and posting “the electronic newsletter concerning Roma children education”³⁹⁸, developing campaigns to promote diversity and prevent discrimination and, the last one, introducing trainings for non-Roma professors, parents and students aimed at increasing the levels of tolerance and multiculturalism and fight discrimination.³⁹⁹

As was mentioned in the beginning of this chapter, the second area I want to focus on is Social Inclusion, particularly the area dedicated to child protection.

The *Plan 2012-2020* considers that a major problem of the child protection services is “the lack of focus of interventions to the communities at high risk of child leaving, abuse, neglect and exploitation through work, identified according to vulnerable areas.”⁴⁰⁰ Consequently, the objective for 2012-2020 is defined as “the development, by institutions, of measures which, though the services they provide, respond to the social needs of disadvantaged categories, including the members of the Roma minority in the field of community development, child protection, justice and public orders”⁴⁰¹.

³⁹² Ibid 76.

³⁹³ Ibid 77.

³⁹⁴ Ibid 78.

³⁹⁵ Ibid.

³⁹⁶ Ibid.

³⁹⁷ Ibid 80.

³⁹⁸ Ibid.

³⁹⁹ Ibid.

⁴⁰⁰ Government of the Republic of Romania (n 379) 13.

⁴⁰¹ Ibid 55.

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To be able to achieve this, the *Strategy 2011-2020* determines three main “directions for actions”⁴⁰²; “Organising campaigns for preventing child abuse or neglect, as well as all phenomena that may cause the separation of a child from the family, elaborating social intervention projects for preventing and fighting against the ‘street children’ phenomenon by implementing national and local projects for an effective social intervention and by monitoring them constantly”⁴⁰³ and “[r]aising the public opinion's awareness about the rights of the child, as well as the problem of the child and family in risky or difficult situations.”⁴⁰⁴

In comparing this section with the one exposed in the *Strategy 2015-2020*, it can be seen that the main objective is “empowering the family for raising, caring and educating their own children”. This is concreted in specific objectives as “educating the teenagers and the parents to family values, to parental responsibilities and to the new vision on the protection of child rights in the family, raising awareness of the population on the legal provisions concerning the overriding responsibility of the parents for raising, caring and educating their children, and the sanctions incurred in case of noncompliance with the parental obligations.”⁴⁰⁵

There are three measures associated with this area: The first is defined as “promoting family values through information and awareness raising campaigns”⁴⁰⁶. The second measure in this area is “[d]eveloping units for preventing the separation of the child from the family and for ensuring development and education of the child within the community and training the related stuff”. The third measures is “[l]aunching information and awareness raising campaigns with a view to preventing abuse and any form of violence against children, including by encouraging partnerships between local public child protection bodies and NGOs”⁴⁰⁷.

⁴⁰² According to the document the directions were further developed in the Annex 1 of the Strategy 2011-2020. Unfortunately, the Annex 1 was not public in English.

⁴⁰³ Government of the Republic of Romania (n 379) 23.

⁴⁰⁴ Ibid

⁴⁰⁵ Government of the Republic of Romania (n 378) 108.

⁴⁰⁶ Ibid

⁴⁰⁷ Ibid 109

5.

COMPARAISON AND ANALYSIS BASED ON STRATEGIC DOCUMENTS AND
INTERVIEWS WITH PROFESSIONALS DEALING WITH HUMAN TRAFFICKING
AND FORCED BEGGING

In this chapter, several key aspects, mentioned during the interviews conducted for this research, and related with the prevention of exploitative child begging in Croatia and Romania will be presented and compared with the realities exposed through the National Strategies and Plans. The aim of this chapter is to induce a dialogue between the Strategies and Action Plan with an impact on prevention and awareness-raising of the phenomenon of exploitative forced begging with several professionals who work with the topic in Croatia and Romania.

Establishing the pillars

In the Croatian *National Action Plan to Combat Human Trafficking for the period 2012-2015* two objectives were drafted in terms of prevention.⁴⁰⁸ The first one consisted in raising “public awareness on the issue of trafficking in human beings”⁴⁰⁹, the second one was to “conduct research on the latest trends with respect to trafficking to human beings”⁴¹⁰. The measure developed under the umbrella of prevention and focused on awareness-raising were public campaigns aimed at raising awareness for different types of human exploitation, research campaigns and data collection and broadcasting short TV films produced within previous public campaigns aimed at combating trafficking in Human Beings.⁴¹¹

In the case of Romania, the *National Plan for Combating Trafficking in Human Beings for the period 2012-2016* exposed that the main objectives in terms of prevention was to increase the number of preventive activities and engage civil society in their performance.⁴¹² They were concreted into specific objectives such as raising awareness among the population about the risk factors that lead to human trafficking, reducing the risk factors and “monitor[ing] the activity of economic agents in professional fields with great fluctuation of labour force (building, agriculture, wood exploitation etc.)”⁴¹³.

With this in mind, the Romanian *Action Plan to Combat Human Trafficking for the period 2012-2016* exposed several activities for each specific objective.⁴¹⁴ The activities designed in order to raise awareness about the risk factors that lead to human trafficking consisted in several campaigns, targeting risk groups but also to the general public, and different

⁴⁰⁸ Government of the Republic of Croatia (n 158).

⁴⁰⁹ Ibid 14.

⁴¹⁰ Ibid.

⁴¹¹ Ibid 14-15.

⁴¹² Government of the Republic of Romania (n 289) 44.

⁴¹³ Ibid 13.

⁴¹⁴ Government of the Republic Romania (n 296).

types of educational activities, mainly addressed to professionals who are in contact with victims (teachers, journalists, people working in hotels, or people who consume some services traditionally related with human trafficking).⁴¹⁵

Comparing the measures exposed in both plans, it can be seen that there is a general interest in raising awareness among the population. But to achieve this, previously it is important to identify which role the country has in relation with the human trafficking fluxes. Several questions have to be answered, for example which are the principal risk factors and groups at risk and what kinds of exploitation takes place in the area.

The policies and measures designed to protect children from exploitation can be presented following different approaches. They need to be tailor-made depending on the necessities of each area, which inevitably means the necessity to invest in research and data collection. The main goal of investing in research should be the identification of the former victims, the risk factors and the identification of individuals who are a particular vulnerable situation.⁴¹⁶

After having closely looked at the cases of Croatia and Romania, it can be said that the state of research and studies regarding human trafficking and, specifically exploitative child begging, is insufficient. There are still big grey zones and contradictory information that makes the study of the phenomenon difficult.

Research before policymaking

In Croatia, there is almost no information about the phenomenon of exploitative child begging. In fact, some people believe this phenomenon does not occur in the country even though some of the Croatian national strategies analysed for this research have specific measures targeting children involved in begging. Added to that, the process of data collection started in 2002 and there is very few information about the trafficking in human beings.

However, Josipa confirms that, “the Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia coordinates the work of ministries, civil society organizations and other bodies participating in the anti-trafficking system within the National Anti-Trafficking Committee and the Operational Team of the National Anti-Trafficking Committee”⁴¹⁷ and also “[...] reports annually to the Government of the Republic of Croatia on the implementation of the National Plan for the Suppression of Trafficking in Human Beings”⁴¹⁸.

Even the existence of the OHRNM and the role of its director, which is “the national coordinator for combating trafficking in human beings and is a member of the network of European national coordinators as well as the Network of Coordinators of Southeast Europe”⁴¹⁹, most of the people who were interviewed agreed in two aspects. On the one

⁴¹⁵ Ibid 21.

⁴¹⁶ ILO (n 77)10.

⁴¹⁷ Interview with Josipa (Made-up name), Governmental Office for Human Rights and National Minorities (Zagreb, Croatia 4th June 2020). All the people interviewed are quoted following their indications in the Consent Form.

⁴¹⁸ Ibid.

⁴¹⁹ Ibid.

hand, the urgent necessity to invest in research and data collection. On the other hand, the particular difficulty of being a transit country in the context of the main human trafficking routes.

Lack of research and consistent data

During an interview with Dubravka Marušić, she said that “[...] we talk about problems, causes, recommendations and national plans and action plans but I think that we must go deeper to this phenomenon and develop a proper strategic plan, program and database system”⁴²⁰. She identified the lack of “intersectoral collaboration”⁴²¹ as one of the main problems.

R.B agreed on the need of research, in fact she said “we are not doing the policy making based on research evidence, it is just our opinion about the problem, there is not any real research behind the policies”⁴²². She considered that “lots of policy making are done because of one case depicted in the media”⁴²³ and pointed at the lack of funds as a limitation in terms of research. To conclude, she said that mostly there is “no research behind improvements, the improvements are the result of experiences”⁴²⁴.

Apart from the opinions of these two experts, Croatia present several particularities that could be observed during this research; the number of identified victims of human trafficking are very low compared with other countries and the convicted cases of human trafficking (case-law) are available to the general public.

Being a transit country

The fact that Croatia is mainly a country of transit has also repercussions in terms of combatting human trafficking. “It makes things more difficult in terms of awareness raising. Also, if you are a police officer or prosecutor, you would maybe pick another criminal offence which is much easier to prove. Because trafficking, if you look at our criminal code, is a huge criminal offence and there are a lot of things inside. There is a problem in terms of how to prove it, so you will pick another criminal offence easier to prove”⁴²⁵, said R.B during the interview.

Ian, representative of the anti-trafficking programme in the Croatian Red Cross, believes that “Croatia, even improving the conditions we had in 2016, is a transit country and this is one of the difficulties in conducting awareness raising activities and identifying potential victims of human trafficking.”⁴²⁶ There is a big fluctuation of people and people don’t tend to stay long in reception centres”⁴²⁷. In view of these facts, Ian exposed that an important part of the identification and protection activities of the Croatian Red Cross are focused on

⁴²⁰ Interview with Dubravka Marušić, social pedagogue at Centre for Missing and Exploited Children Croatia (Zagreb, Croatia 27th May 2020).

⁴²¹ Ibid.

⁴²² Interview with R.B, Dr. Sc. Criminology, Faculty of Law, University of Zagreb. (Zagreb, Croatia 2th June 2020).

⁴²³ Ibid.

⁴²⁴ Ibid.

⁴²⁵ Ibid.

⁴²⁶ Interview with Ian (Made-up name), anti-trafficking programme Croatian Red Cross (Zagreb, Croatia 28th May 2020).

⁴²⁷ Ibid.

adult migrant population who are in the Reception Centres for Asylum Seekers.⁴²⁸ However, Ian explained that, most of the awareness activities are conducted in schools and high schools, those activities “are mostly centred on those children who start working with 15 years old”⁴²⁹.

Another aspect to consider is the fact that the main activities related to human trafficking and labour exploitation take place during the summer season, particularly at the seaside, where tourism is concentrated. This internal movement also affects the victims of exploitative begging and makes their detection difficult.

Thus, several professionals were asked which the main groups at risk to exploitative begging in Croatia are. Dubravka Marušić answered that even child begging is sometimes seen as a “Roma issue”⁴³⁰. In reality “many children and adults (who are involved in begging) are not from the Roma community. She added, “child poverty is a big issue in Croatia, which is connected with child begging”⁴³¹. Other professionals also pointed to poverty as the main risk factor. In fact, Siniša-Senad Musić described poverty as a “cross-cutting issue”⁴³². Added to that, Dubravka Marušić mentioned the particular situation of vulnerability of unaccompanied children⁴³³ and Ian mentioned the situation of migrants⁴³⁴.

As mentioned before, the fact that Croatia is considered mainly a transit area should be reflected into the policy making process, implementing measures aimed at interrupting the fluxes of trafficking and establishing cooperation among the different destination areas of the victims.

Research and data collection as a reaction

In the case of Romania, there is more information available regarding the phenomenon of exploitative child begging. It is reasonable to think that the reasons behind it is the magnitude of the phenomenon, the involvement of third countries due to the transnational character, the commitment of different organisations in conducting research projects and gathering data and the general dissatisfaction about the unclear role and competences of the National Agency Against Human Trafficking, which is mainly responsible for drafting and implementing the Strategies and Action Plans.

Scale of human trafficking

In relation with the human trafficking routes, Romania can be mainly considered a country of origin. Several professionals agreed on pointing at poverty and the rural character of the country as two of the principal reasons behind the high percentage of Romanian victims.

According to Silvia Tabusa the main groups of vulnerable children in Romania are the children living in poverty and children left behind by their parents. In relation with the second group she specified that “they are also vulnerable because they are left with another

⁴²⁸ Ibid.

⁴²⁹ Ibid.

⁴³⁰ Marušić (n426).

⁴³¹ Ibid.

⁴³² Interview with Siniša-Senad Musić, Country Facilitator for Croatia, Roma Education Fund (Zagreb, Croatia 12th May 2020).

⁴³³ Marušić (n 426).

⁴³⁴ Ian (n 432).

member of the family, mostly grandparents, which are old, and they don't really understand the risk of trafficking. These children are easily recruited by networks, pretending they have the capacity to bring these children to their parents"⁴³⁵.

Also, Kirsten Theuns and Laura Sava Ghica, believe that child migrants, refugees, asylums seekers, seasonal migrants and victims of human trafficking are vulnerable to being trafficked or re-trafficked.⁴³⁶

Policies and measures with an impact to prevent exploitative child begging

After "understand(ing) the precise nature of the problem"⁴³⁷, the design of policies to prevent exploitative child begging should be possible. Even so, there is still a big step between the design of the policies and the effectiveness and sustainability of its measures.

Moreover, each state has different National Strategies on different sensitive issues (human trafficking, national minorities, children's rights, persons with disabilities...) and each strategy follows several principals, objectives and priorities. However, the strategies have an impact on different fields, problems and groups, so they cannot be analysed as single instruments.

Going back to the analysis of the activities exposed in the Strategic and Action Plans of Croatia and Romania, both countries mentioned as a priority raising awareness and engaging civil society. Consequently, it is reasonable to reflect about the situation of the general public and their reaction to human trafficking and exploitative child begging.

Raising awareness

In Croatia, Josipa from the OHRRNM said that "although the problem of human trafficking has been identified in the Republic of Croatia since 2002, and even though the competent bodies and civil society organizations are active in their efforts to combat this, it is still necessary to dedicate attention to measures aimed at preventing trafficking in human beings and raising public awareness of this problem"⁴³⁸. And, she added "one of the main prerequisites to combat this phenomenon is having the right information and knowledge of the topic. Preventive campaigns should not only address potential victims, but also public administration bodies that work on creating the legislative framework, identification and providing assistance to the victims". Josipa also believes "[...] the Government of the Republic of Croatia strongly supports all activities carried out by ministries, civil society organizations and other bodies participating in the anti-trafficking system in terms of awareness-raising campaigns and strongly supports all educational activities targeting at risk groups in terms of preventing their situation of vulnerability."⁴³⁹

Unfortunately, this vision is not shared with the rest of the interviewees. In fact, the rest of experts agreed on the difficulties to engage the general public and raise awareness.

⁴³⁵ Interview with Silvia Tabusa, Lecturer, School of Law, Romanian-American University (Bucharest, Romania 17th June 2020).

⁴³⁶ Interview with Kirsten Theuns and Laura Sava Ghica, Head of Eastern Europe Delegation and Programmes & Advocacy Manager, Terre des Hommes (Bucharest, Romania 18th June 2020)

⁴³⁷ ILO (n 77) 7.

⁴³⁸ Josipa (n 423).

⁴³⁹ Ibid.

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Particularly interesting is the exposition that Dubravka Marušić made about the need of changing the mentality and attitude towards human trafficking.⁴⁴⁰ She illustrated how deep-rooted some attitudes and practices through the reaction of some members of the Croatian police, professionals that receive theoretical training about the topic of human trafficking, are. She is convinced that generally the Police ignore the children who are begging on the streets and she compared the situation with the mythological story of Sisyphus. Regarding the attitude of the policeman she considered that they are probably “[...] oriented into more complex criminal offenders or acts.”⁴⁴¹ Moreover she said: “I don’t think police officers are well educated and aware of all layers of this phenomenon, I am not sure they bear in mind that misconducting and missing all these procedures will result in criminal behaviour of this child in the future”⁴⁴².

Regarding security and justice, R.B mentioned the problem of criminalizing the people involved in begging.⁴⁴³ She exposed the particular situation of children “if the kid is younger than 14 years old, there is no criminal responsibility (behind the act), in the cases of children between the age of 14 to 16 years it is different, they can get fines, but they cannot go to jail. If they are between 16 and 18 years old, they can go to jail (in the Croatian system)”⁴⁴⁴.

When it comes to the general public, R.B said that “people think that begging is not a problem here. It was a big problem before 2010. Back then you could see on almost every corner people begging. Nowadays, you cannot see it. Even so, there are still some kids, especially Roma.”⁴⁴⁵ R.B believes that “there is a lack of public awareness about this problem”, after she added that “[...] people just turn their heads; nobody will call anyone [...] people consider it not their business.”⁴⁴⁶

Siniša-Senad Musić explained that “[...] if you go to the city centre or station there is always a Roma asking for money. It is not rare that the beggar is Roma”. He personally knows several people who are involved in begging or related activities and he thinks that “the government is doing nothing when there are children on the streets, probably they do not consider this is a problem. The institutions are overcrowded, so taking the children there is not a solution”⁴⁴⁷.

David D. Orlović said that begging is a “small size issue”⁴⁴⁸ but a lot of people are involved in it. According to him, “people from the Roma community avoid dealing with the issues related with criminal activity.”⁴⁴⁹ Even so, he also mentioned petty crime and sham

⁴⁴⁰ Marušić (n 426).

⁴⁴¹ Ibid.

⁴⁴² Ibid.

⁴⁴³ B. (n 428).

⁴⁴⁴ Ibid.

⁴⁴⁵ Ibid.

⁴⁴⁶ Ibid.

⁴⁴⁷ Musić (n 438).

⁴⁴⁸ Interview with David D. Orlović, Executive director of RNV (Zagreb, Croatia, 14th May 2020)

⁴⁴⁹ Ibid

marriages as a problem. He concluded that it “is not by chance that we don’t focus on begging, rarely (on the Roma side) people talk about child begging”⁴⁵⁰.

In Romania “we don’t have awareness at all regarding human trafficking and the risks of human trafficking, even there is a National Agency against Human Trafficking,”⁴⁵¹ said Silvia Tabusa. According to her, “human trafficking is a hidden phenomenon in Romania, no one talks about it, even if the 2018 Report at the European Commission said that 74% of the victims identified in the European level are Romanians. In Romania we do not have any information about the risks”⁴⁵². Added to that, Kirsten Theuns pointed that “the problematic of trafficking is that there is less public pressure, there are NGOs but there is not public request on this topic”⁴⁵³. Even so, Laura Sava Ghica emphasized that “everything is around blaming the victim and not so much blaming the traffickers and trading to punish them”⁴⁵⁴.

Nevertheless, Silvia Tabusa mentioned how the situation of awareness-raising activities slightly improved since 2019, as a result of several NGOs’ activities. She said that “the National Agency against human Trafficking started a new raising awareness campaign on Facebook, which seems to have more impact”⁴⁵⁵.

In relation to the role of mass media in terms of informing the audience and the reaction of the general public in front of the victims of human trafficking, Silvia Tabusa said “the public opinion is not in support of the victims of human trafficking and at the national level, because we have no real awareness about human trafficking and what human trafficking means. The general public believes that young Romanian girls are prostituting themselves because they are lazy and don’t want to work, this is based on the lack of information”⁴⁵⁶. Regarding the phenomenon of exploitative child begging and the reactions of society, “beggars are mainly ignored by Romanians or they are helped with money, money that goes to the networks. They support this kind of exploitation because there is not enough information”⁴⁵⁷.

Raising awareness and targeting particular at-risk groups

Awareness-raising actions are also included in the National Strategies that target specific at-risk groups. This can be seen in the Croatian *Children National Strategy for the period 2014-2020*⁴⁵⁸ and the area of *Violence against Children* in the Romanian *National Strategy on the Protection and Promotion of Children’s Rights for the period 2014-2020*⁴⁵⁹.

In the case of Croatia, the objectives and measures of the *Children National Strategy for the Period 2014-2020* dedicated to combatting child trafficking consisted in conducting an awareness-raising campaign. Besides, it should “encourage local communities to use

⁴⁵⁰ Ibid

⁴⁵¹ Tabusa (n 441).

⁴⁵² Ibid.

⁴⁵³ Theuns (n 442).

⁴⁵⁴ Ghica (n 442).

⁴⁵⁵ Ibid.

⁴⁵⁶ Ibid.

⁴⁵⁷ Ibid.

⁴⁵⁸ Government of the Republic of Croatia (n 185).

⁴⁵⁹ Government of the Republic of Romania (n 329).

national programmes in the field of combating trafficking in human beings” and include education about the topic on several level of the educational system. Also, specific trainings on the issue of human trafficking targeting primary and secondary schools, social welfare centres and health institutions were implemented and increasing efforts were made to improve the cooperation among the “social, health and educational institutions at the local level with state administration bodies responsible for human trafficking”⁴⁶⁰.

In the case of Romania, the area of *Violence against Children* in the *National Strategy on the Protection and Promotion of Children’s Rights Strategy* also talked about awareness-raising.⁴⁶¹

Having considered these points, it seems to me that there is a tendency to ignore or criminalize the victims. Usually the victims are made responsible for their own situation, blamed and stigmatized if not completely ignored and re-victimized.

Added to that, the way in which the cases of exploitative child begging deal with the judiciary and the fact that it is exceedingly difficult to convict them contributes to the lack of public awareness of the phenomenon. Moreover, the connection between human trafficking with corruption and influence peddling is also a big challenge. Examples as the Țândărei Case case questioned the independence of the judiciary and has a negative impact on the credibility of the system.⁴⁶²

Ultimately, all those inputs are shaped by the vision that media offers about the cases of human trafficking and, consequently, conditions the way that the general public sees and behaves before the phenomenon.

Undoubtedly, these challenges need to be considered when designing activities for increasing public awareness. In other words, before implementing any activity it is fundamental to consider a communication strategy and have a long-term approach. An isolate activity that consists in distributing merchandising cannot be considered awareness-raising, because has nothing to do with informing and promoting a change of attitude.

Education

Another crucial aspect in terms of promoting a change of behaviour and mentality is education. In fact, everyone interviewed during this research agreed on the importance of education and how it can promote a change.

⁴⁶⁰Government of the Republic of Croatia (n 185) 64.

⁴⁶¹Government of the Republic of Romania (n 329) 47.

⁴⁶²Țândărei Case. Operation Golf initiated in 2004 to 2010 between the UK Metropolitan Police Service and the Romanian National Police targeting a specific Romanian Roma organised crime group that trafficked children for different purposes, all of them coming from the Țândărei Romanian Roma community. A total of 120 people were convicted in UK. Although the British Police gave to the Romanian prosecutors evidences of the exploitation of 181 children, ”the Romanian prosecutor did not properly use the evidence received from international partners and Europol to support the facts detained by the defendants, and the alleged traffickers were acquitted by the appellate court on December 23, 2019”. Source: B Gravett, *Operation Golf* (2017) < <http://www.ecler.org/wp-content/uploads/2019/02/Tandarei%20Case%20Summary%20-%20June%202017.pdf> > accessed “ August 2020. European Centre for Legal Education and Research, ‘Advocacy – Cazul Țândărei, România (solicitare demisie procuror)’ (2020) < <http://www.ecler.org/ro/advocacy-cazul-tandarei-2/> > accessed 2 August 2020.

The Croatian *National Action Plan to Combat Human Trafficking for the period 2012-2015* also developed prevention measures from the perspective of education. To be precise, the *Action Plan* focused on different seminars targeting professionals who can be in contact with potential victims and also seminars for preventing potential victims.⁴⁶³

The Romanian *Action Plan to Combat Trafficking in Human Beings* also considers education as a way to reduce the risk factors that lead to victimization.⁴⁶⁴ Having this in mind, training targeting professionals on the field, identification campaigns and activities addressing school dropouts were conducted in Romania during the period from 2012 to 2016 in order to reduce the risk factors. Finally, periodic work inspections were conducted in order to materialize the third specific objective.⁴⁶⁵ This inevitably brings us to reflect about the importance of promoting safe workplaces.

Several people were asked about their opinion about the main challenges in terms of education in Croatia. In short, everyone interviewed in Croatia during this research considered that this was a priority, particularly when talking about the Croatian Roma community.

According to Josipa, “continued work in the educational field has been closely related to preventing trafficking in human beings and it contributes to greater visibility of this phenomenon”⁴⁶⁶. In relation with the National Plan for Combating Trafficking in Human Beings from 2012 to 2015, she added that “systematic efforts were made to train all relevant groups, so that the competent state administration bodies and civil society organizations implemented seminars for the following groups: police officers, members of the armed forces of the Republic of Croatia who are sent to peacekeeping missions, professionals in the social welfare system, health workers, judges, state attorneys, diplomats and consular staff, journalists, students and civil society organizations”⁴⁶⁷. Special emphasis was made to a “programme of cross-curricular and interdisciplinary content of the Civil Education in primary and secondary schools (OG 104/14)” which, according to Josipa “[...] makes it possible for all children to develop competences for combating trafficking in human beings within their regular school curricula”⁴⁶⁸.

One of the main problems that the people interviewed pointed out were the high dropout rates. R.B suggested that the main problem is how to bring back the children to the educational system, “the problem is how to solve it, I think you can only do it if you are on the field, not with any kind of measure”⁴⁶⁹, later she added “even if (education) is for free and mandatory, there are still some areas in Croatia where the government needs to intervene and bring children back to school.”⁴⁷⁰

One of the communities represented among the dropouts is the Roma community. According to Musić, the education of the Roma community improved during the last 10

⁴⁶³ Government of the Republic of Croatia (n 158).

⁴⁶⁴ Government of the Republic of Romania (n 295)22.

⁴⁶⁵ Ibid 21.

⁴⁶⁶ Josipa (n 423).

⁴⁶⁷ Ibid.

⁴⁶⁸ Ibid.

⁴⁶⁹ B. (n 428).

⁴⁷⁰ Ibid.

years but “there is still much to do. Only 30% of the 15-18 years are in the educational system. 70% are not, that’s a big number. It is better than 10 years ago”⁴⁷¹. He emphasized that there is a “lack of space for the youth to step in and create their own policies and express their needs. The National Roma inclusion strategy should somehow create this space for youth and women. Especially in youth, investment to educate young generations, scholarships, they become potentials but then we are preventing them to step in. This is the big problem”⁴⁷²

In the case of Romania, Kirsten Theuns mentioned the importance of investing in improving the access to education and the quality of education.⁴⁷³ To be precise she said “the access is limited sometimes for children coming from poor families, certain minorities, with special needs. Romania is very rural, sometimes schools are far away from the community, this is something that needs to be addressed. The quality of education is quite poor in some areas. In rural areas the capacity of teachers is limited, even the infrastructure. Some of the schools are falling apart, there are no toilets, no hitting... But also, the curricula for after school care? in Romania is still very necessary.”⁴⁷⁴

Following this line, Laura Sava Ghica mentioned the importance of talking with children and young adults about gender and stereotypes from different perspectives. She concluded “it is also about the different role models that you show to children, you have to guide children toward the values that they should have and embrace. Children see people who get rich over night by committing different crimes, they are valued and appreciated at the local level. Children tend to say that this is the right thing to do, so they think they do not need to go to school and this is also what they want to do. It is also the role of the teachers to show positive models to children.”⁴⁷⁵

Education of the Roma community

Particular measures in the area of education were designed in the Croatian *Roma Inclusion Strategy for the period 2013-2020*⁴⁷⁶ and the *Strategy of the government of Romania for the Inclusion of Romanian citizens belonging to the Roma minority for the period 2012-2020*⁴⁷⁷. In examining the objectives it becomes clear that both focus on educational inclusion and the quality of education for the Roma community. Even the particularities of the Roma communities in Croatia and Romania, these two aspects were repeatedly mentioned during the interviews as a priority.

Talking about the main difficulties for the Roma community in Croatia, Siniša-Senad Musić, pointed out the big negative impact of the segregated settlements and the “different manifestations of anti-gypsyism”⁴⁷⁸. David D. Orlović added that “there are two big stones pressing Roma community today. Externally, the prejudices and racism, both built though

⁴⁷¹ Musić (n 426).

⁴⁷² Ibid.

⁴⁷³ Theuns (n 442).

⁴⁷⁴ Ibid.

⁴⁷⁵ Ibid.

⁴⁷⁶ Government of the Republic of Croatia (n 212)

⁴⁷⁷ Government of the Republic of Romania (n 370)

⁴⁷⁸ Musić (n 438).

centuries. Internally, the situation of isolation and the lack of an educated elite⁴⁷⁹. Moreover, he thinks that “these last two elements caused a lack of interest in support, and when the governments tried to do something it was always through leaders of the Roma community.”⁴⁸⁰. According to him the leaders of the Roma community not always look for the interest of the community but for the personal interests.

On one hand, Siniša-Senad Musić described the segregated settlements as a “nest of bad things”⁴⁸¹, that makes it difficult for the Roma community the access basic services and have contact with the mainstream society. Moreover, he emphasized the link between residential segregation and other types of segregation, and the repercussions that they have in terms of educating and training the Roma community, those who are going to be able to connect the Roma and non-Roma needs tomorrow/in the future.⁴⁸² He emphasized the existence of schools only attended by Roma pupils and how non-Roma families prefer to move their children to other schools. According to him, this not only cause short-term problems but also long-term problems as the perpetuation of segregation, difficulties in terms of combating discrimination and anti-gypsyism, and problems when it comes to combat dropouts, transfer of knowledge and the creation of a strong elite.⁴⁸³

On the other hand, Siniša-Senad Musić strongly believes that the “different manifestations of antigypsyism are [...] pulling the community down”⁴⁸⁴. Precisely, he differentiated the discrimination that exists between the non-Roma and Roma and the discrimination among the Roma.⁴⁸⁵

According to Siniša-Senad Musić, even though combating segregation is a priority in the Roma Inclusion Strategy, Croatia “doesn’t know how to do it”⁴⁸⁶. He mentioned the lack of proper Roma leadership and lack of political will as the main causes. In relation with the Roma leadership, David D. Orlović, mentioned that the problem is that some leaders have not the capacity, are ill-prepared and sometime have a criminal interest behind their acts.⁴⁸⁷

Bearing this in mind, David D. Orlović mentioned the need of approaching the Roma community differently. He suggested the importance of educating the young Roma, in order to build capacity among the community, and the promotion of the “principle of Roma and non-Roma together for Roma”⁴⁸⁸.

Laura Sava Ghica also mentioned the problem with segregation in Romania. She said that “[segregation] is happening less and less for sure, there are not such schools only for Roma. But you might find classes where there are only Roma students.”⁴⁸⁹

⁴⁷⁹ Orlović (n 454).

⁴⁸⁰ Ibid.

⁴⁸¹ Musić (n 438).

⁴⁸² Ibid.

⁴⁸³ Ibid.

⁴⁸⁴ Ibid.

⁴⁸⁵ Ibid.

⁴⁸⁶ Ibid.

⁴⁸⁷ Orlović (n 454).

⁴⁸⁸ Ibid

⁴⁸⁹ Ghica (n 442)

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Later, Kirsten Theuns mentioned how in some Romanian rural areas there is still a big problem with the education facilities.⁴⁹⁰ To illustrate this, she mentioned that in several occasions Terre des Hommes had to invest in providing or fixing some basic elements as toilets or hitting. In her opinion, this should be one of the main things to focus on in order to focus later on the implementation of school and after-school activities and combat dropout.⁴⁹¹

After the research and interviews it is reasonable to think that education is one of most important types of intervention in order to prevent child labour or exploitation and promote a change of mentality. Even so, education, which comprehends a wide range of activities, needs to be complemented with other types of intervention. What is more, no educational measure would have any positive result if any research of the area and its inhabitants' necessities has been done previously.

Having this in mind, educational measures are going to have positive impacts only if they are accompanied by effective legislation that ensures the translation of international standards into national laws and consequently sustainable long-term policies.

Moreover, we should advocate for the defence of a free basic quality education, accessible and affordable for every child. These imply the improvement of school curricula, the training of teachers, professors, and other professionals and, what is more important, the teaching of different role models and values based on non-violence or discrimination. Individual monitoring should be considered in order to be able to detect possible risk-factors or behaviours.

In the rural areas, it is particularly important to provide transport for those children who do not live close to the education centres, also measures that promote non-formal education or skill training can have an impact on groups at risk and can reduce unemployment. Again, in order to guarantee the success of these measures proper research of the job market and opportunities needs to be assessed.

The research needs to be constantly updated and accessible to the public. Efforts need to be done in order to collect data about the number of children who are not in the educational system or who have abandoned school in order to design specific measures to improve their situation.

To conclude, in Croatia and Romania, there is a lack of research, of a long-term vision, of politicized processes and a problem to include minorities into the educational system (pupils and teachers). In both countries the dropout rate is a problem, which inevitably means the urgency of designing particular programmes to combat it. Even though a lot of NGOs are working to reduce the levels of dropouts, the promotion of livelihood strategies for families and conditional cash transfers could be an interesting long-term solution.

⁴⁹⁰ Theuns (n 442)

⁴⁹¹ Ibid.

Social Inclusion

Social inclusion is considered to be the main pillar for combating exclusion and segregation, which indirectly means a change in mentality. For this reason, the measures designed for integrating particular at-risk groups were analysed.

The *National Strategy for the Rights of Children of the Republic of Croatia for the period 2014-2020* exposed concrete measures targeting Roma children.⁴⁹² Among them, two types of activities could be differentiated: On the one hand, there is a group of activities with a general character which also include activities targeting specific groups as children caught on begging or Roma children in contexts of violence.⁴⁹³ On the other hand, there is another group of measures which were implemented in terms of protecting Roma girls' rights and Roma children without citizenship documents. Also, measures to preserve Roma culture and to identify Roma children separated from their families, measures to strengthen the capacity of professionals working with Roma families and measures to guarantee the proper implementation of the Roma Strategy. In order to guarantee the application of the measures, the strategy considered instruments to assess the needs of the community, mechanisms to involve the community into the promotion of children's rights and measures targeting Roma and non-Roma foster families.

In the case of Romania, the objectives and measures of the Romanian *National Strategy on the Protection and Promotion of Children's Rights for the period 2014-2020* selected from the chapter of *Poverty and Social Exclusion* display several specific objectives and measures targeting the principal identified children risk groups.⁴⁹⁴ According to the Strategy, those risk groups include children living in poverty, children from rural areas, children with disabilities, children from the Roma community, children living in childcare institutions, street children, children in conflict with law, children with drug problems and children whose parents live abroad and young mothers.

In comparing the strategies it becomes clear that both mention the situation of children involved in begging and the Roma community. Bearing this in mind, one cannot ignore the representation and role of at-risk communities in drafting the national strategies and action plans. Several people familiar with the Croatian context were asked about the representation and involvement of the Roma organisations, since they have a particular situation of vulnerability, into the policy-making and drafting process.

Siniša-Senad Musić gave his opinion about the representation of the Roma community in Croatia, the situation of Roma civil society and their role in the drafting process of the Action Plans for the Roma Inclusion Strategy. He considers that the system of representation is far from perfection and added that "Roma civil society in Croatia is so much underdeveloped compared with the Macedonian, Serbian, Hungarian, even Bosnian"⁴⁹⁵. Also, he mentions that "they build an enormous civil society under pressure, because a lot of money was put into society, everybody started to open associations as private companies, you have established Roma leaders who are very often rich people, not

⁴⁹² Government of the Republic of Croatia (n 185).

⁴⁹³ Ibid 64

⁴⁹⁴ Government of the republic of Romania (n 329)

⁴⁹⁵ Musić (n 438).

educated and often with previous criminal record or experience in jail”⁴⁹⁶. He explains that nowadays “you have young Roma, with education, without money on the other side, they are fighting for their positions. The position allows them contact with the government. If you have good connections in Croatia, this is very often the solution”⁴⁹⁷.

In connection with the system of representation, David D. Orlović, emphasized the importance of influences and political parties in Croatia. Also, he mentioned the extended corruption as one of the main causes of the deterioration of the current system.⁴⁹⁸

Siniša-Senad Musić said that the Roma community in Croatia “[...] has the tools to participate and so on, but the main problem is that the overall community is having a very low educational level, so the problem is that the number of people who can contribute in an efficient way is very small.”⁴⁹⁹ In short, the channels to communicate and participate in the drafting process exists but the opportunities to be on the same level of knowledge do not exist. As a consequence of the lack of education and preparation, Musić says that the Roma representatives lose their credibility.⁵⁰⁰

Another group at risk that is mentioned in the Romanian *National Strategy on the Protection and Promotion of Children’s Rights for the period 2014-2020* are street children.⁵⁰¹ The Strategy exposes concrete objectives but does not present concrete measures to achieve them. Whereas in Romania street children are considered as a problem due to the number of children who are on the streets, in the Croatian strategies street children are not considered.

In relation with street children and children exploited by organized networks in Romania, Silvia Tabusa exposed during the interview that “they [people who exploit these children] train the children in Romania for a few months and then they exploit children abroad. As a consequence of the COVID-19-pandemic, a lot of beggars came back to Romania, we can see them on the streets but otherwise they are not very visible in the streets of Romania”⁵⁰². Tabusa describes that “children are trained how to beg and when they are good at it, they are exploited abroad. For the networks these children are only a means to have money”⁵⁰³.

In the cases where the children are exploited by relatives, Silvia Tabusa emphasizes that “street beggars are not very visible here, it used to be (present) but now they are not very present. Even if they are exploited by their parents, the parents prefer to go abroad and exploit them there, they will get more money than in Romania”⁵⁰⁴. Moreover, she adds that “the problem with these children is that they are identified abroad – even if they were exploited by their parents – and they are repatriated. The Romanian authorities act after following ‘the best interest of the child’⁵⁰⁵, which means that the child should be returned

⁴⁹⁶ Ibid.

⁴⁹⁷ Ibid.

⁴⁹⁸ Orlović (n 454).

⁴⁹⁹ Musić (n 438).

⁵⁰⁰ Ibid.

⁵⁰¹ Government of the Republic of Romania (n 329)

⁵⁰² Tabusa (n 441)

⁵⁰³ Ibid.

⁵⁰⁴ Ibid,

⁵⁰⁵ Ibid.

to the family. Most of the time, the evaluation of the situation and risks of the victims of human trafficking are not well done or the Romanian authorities are not willing to do it properly. They are sent back to their families and re-trafficked immediately”⁵⁰⁶.

“Another problem, under Romanian legislation, is that a person is not considered a victim of human trafficking if she/he consents”, consequently, Tabusa explains that “we have two challenges here: victims exploited by lover boys and children exploited by their families or network for longer periods of time.” Tabusa exemplifies the second situation by adding that “when children call the traffickers mum and dad, they consider themselves part of this extended family and they forget about their real family left behind. The same situation happened in the Tanderei case,”⁵⁰⁷ said Silvia Tabusa.

Roma inclusion

Regarding the specific situation of the Roma community, The Croatian *Roma National Inclusion Strategy for the period 2013-2020* also has an area dedicated to social inclusion and cultural life. In relation with the first specific aim, dedicated to increasing the quality and availability of social and community services, three measures were developed. The first consists in increasing the number of workers in those social centres with a higher percentage of Roma. The second measure consisted in providing training and increasing awareness among the professionals working in this field in order to improve the services and social mentorship. The third measure consisted in providing training to Roma mediators to improve their role and function in mediating between the Roma and non-Roma community.⁵⁰⁸

To increase the quality of life in the Roma family contexts was established as the second aim. Consequently, several measures were developed aimed at providing family aid and support to solve conflict and possible violence, deal with teen marriages or preventing the separation of children from their families.⁵⁰⁹ Added to that, measures were developed in order to encourage foster care and adoption of Roma children among Roma and non-Roma families. Finally, the Plan mentions the implementation of a measure to improve behavioural problems among children and teenagers.⁵¹⁰

Responding to the aim of empowering “[...] the local Roma community for recognising the risks of exposure to human trafficking, sexual abuse and other types of violence with special emphasis on women and children”⁵¹¹ several measures were designed. The activities consisted in producing a survey to collect data and to design and implement educational programmes in order to raise awareness about different types of violence and discrimination.

In a similar way, the *Strategy of the government of Romania for the inclusion of the Romanian citizens belonging to Roma minority 2015-2020* also deals with social inclusion

⁵⁰⁶ Ibid.

⁵⁰⁷ Ibid.

⁵⁰⁸ Government of the Republic of Croatia (n 212)

⁵⁰⁹ Ibid 67-68.

⁵¹⁰ Ibid 69

⁵¹¹ Ibid 61

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in the context of child protection.⁵¹² The *Strategy 2015-2020* focuses on “empowering the family for raising, caring and educating their own children”⁵¹³. This main objective is concretized in “educating the teenagers and the parents to family values, to parental responsibilities and to the new vision on the protection of child rights in the family” and “raising awareness of the population on the legal provisions concerning the overriding responsibility of the parents for raising, caring and educating their children, and the sanctions incurred in case of noncompliance with the parental obligations.”⁵¹⁴

In this case the measures focused on shaping family values towards awareness rising campaigns, the development of specific units in charge of preventing the separation of children from their relatives and awareness raising about violence and abuse against children.

All these objectives and measures have the aim in common to create or reinforce a safety net around children in order to provide them enough protection and resources to avoid their victimization.

According to Kirsten Theuns from Terre des Homes, “straightening of service providers at community level is very necessary because there are a lot of vulnerable communities and groups and there are high risks for them (to be involved into human trafficking). If there is no one to support them they are easy victims. Our idea (Terres des Hommes) is to create a safety net for the children and young people, since is our target group, especially in this kind of communities.”⁵¹⁵

The training and sensibilization of service providers and making accessible information about different types of violence, exploitation and human trafficking are essential in terms of reducing the risk factors and empower the local communities. Spreading awareness and information among the different actors that interact with children can help to combat situations of exploitation, early marriages or sham marriages, for example.

David. D Orlovic mentioned that in Croatia some families still celebrate sham marriage. According to him these practices expose young people to becoming victims of human trafficking. He emphasized that today “the income from selling daughters are significant”. He adds that there is a “strong partnership between countries of origin and destination”⁵¹⁶.

To sum up, there are still important structural problems that make the improvement of the situation of the Roma community in Croatia and Romania difficult. To start with, a unified system of data collection reliable enough to have real numbers about poverty and social exclusion among the Roma community is still missing. In terms of anti-trafficking, there is no data disaggregated by ethnicity in Romania or Croatia, which makes it difficult to evaluate the real number of Roma victims and perpetrators and consequently difficult to design accurate measures.

⁵¹² Government of the Republic of Romania (n 378)108.

⁵¹³ Ibid.

⁵¹⁴ Ibid 108.

⁵¹⁵ Theuns (n 442).

⁵¹⁶ Orlović (n 454).

Secondly, as the report *Breaking the Silence* affirms, “there is a striking overlap of the most significant factors that contribute to human trafficking and those that contribute to the marginalisation of Roma in general”⁵¹⁷. This seems to be a message that is not currently transmitted towards awareness-raising, which explains the continuity of the association of begging as a “Roma issue”.⁵¹⁸

Thirdly, discrimination and poverty affect the Roma communities in Croatia and Romania disproportionately. The difficulties big parts of the Roma communities face in order to earn a living are seen as opportunities for traffickers, usurers, and loan sharks. Those people enjoy a certain impunity and are rarely brought before the courts because

Finally, even the difficulties to modify and shape family values, the figure of family counsellors can be appropriate in terms of working on conflict resolution skills and empower the family members. Even so, the fact that sometimes the children are exploited by members of the family or close relatives and the difficulties to change these practices cannot be ignored.

Success or effectiveness of the National Strategic Plans and Action Plans

The personal opinion about the effectiveness of the National Strategies and Action Plans was asked to all the people interviewed for this research. In short, all of them, except Josipa from the OHRRNM, were sceptic about the implementation of the measures. As an example, David D. Orlović said that “you shouldn’t do a National Strategy if you don’t do research about the situation beforehand”,⁵¹⁹ “they provide cure without diagnose”⁵²⁰. He went as far as to say that Croatia does not do the Strategies and Action Plans for itself but to satisfy Brussels and he believes that “we dream big because we know we don’t need to implement”⁵²¹.

Moreover, different elements were pointed out as problematic. Special mention was made to the judicial system and the difficulties to charge the crime of human trafficking, the constant political and legal changes, the lack of clarity of the state agencies in charge of counter-trafficking, the lack of inter-sectoral collaboration and need of a change of mentality⁵²².

Particularly interesting was the reflexion of Kirsten Theuns from Terre des Hommes.⁵²³ She mentioned the necessity to firstly “improve the group of people who work on drafting the documents, to make sure they reflect the realities. There are different consultative processes and those need to be improved”. Secondly, she advises to improve “the links between the strategies [...] and also among the institutions in charge of the

⁵¹⁷ European Roma Right Centre (n 69) 42.

⁵¹⁸ Ibid.

⁵¹⁹ Orlović (n 454).

⁵²⁰ Ibid.

⁵²¹ Ibid.

⁵²² These elements were identified in all the interviews. For more information Annex 3.

⁵²³ Theuns (n 442).

implementation”⁵²⁴. Thirdly, she highlights to “focus on prevention work instead of just reacting to situations” and, fourthly, to promote a “clear implementation plan”⁵²⁵.

Another aspect observed after the study of the National Plans is that they present several form limitations. To start with, the Croatian *National Plan for Combating Trafficking in Human Beings for the period 2012-2015* does not present a clear separation between the strategic level (Strategy) and the operational level (Action Plan), which means that the analysis and understanding of the document is not as easy and clear as it could be. Second, the areas awareness-raising and education do not present detailed information about the actions. Consequently, the document does not present concrete actions to reach the strategic goals and objectives. Third, generally the deadlines of the activities are described as “continuous”⁵²⁶. The lack of a specific time framework makes difficult the definition of an indicator and as a result the evaluation of the results.

In the case of Romania, the strategic level and the operational level of the *National Strategy against Trafficking in Persons and the Action Plan for the period 2012-2016* are presented separately. Both documents are complementary and in general offer more detailed information than the Croatian *National Plan for Combating trafficking in Human Brings*. Even so, the Romanian *National Strategy against Trafficking in Persons* and its *Action Plan* also present several limitations. First, only the strategic level is translated into English. Second, an important number of activities are described imprecisely, for example saying “some sessions of training [...]”⁵²⁷. Third, the indicators are problematic again, due to the difficulties to quantify them.

In the case of the Croatian *National Strategy for the Rights of Children in the Republic of Croatia for the period 2014-2020*⁵²⁸ and the Romania *National Strategy on the Protection and Promotion of Children’s Rights for the period 2014-2020*⁵²⁹ the situation is similar. Firstly, the *Croatian Strategy* does not present a clear separation between the strategic and operational level, the Romanian presents the strategy and the action plan in two documents, but the second one was not available. Secondly, both Strategies which I had access to do not specify the indicators, deadlines, and budgets necessary for each activity, which make their evaluation difficult.

Finally, the strategies and action plans that focus on the Roma community are surprisingly more detailed than the rest. Despite that, some periods of the strategies have not an action plan associated, and an important part of the measures were never implemented.

⁵²⁴ Ibid

⁵²⁵ Ibid

⁵²⁶ Government of the Republic of Croatia (n 158) 11.

⁵²⁷ Government of the republic of Romania (n 289) 22.

⁵²⁸ Government of the Republic of Croatia (n 185).

⁵²⁹ Government of the Republic of Romania (n 329).

CONCLUSION

After navigating towards the Croatian and Romanian national strategies that comprehend the period 2012- 2020 with an impact on the prevention of exploitative child begging and interviewing several professionals engaged with children, minorities and human rights protection, in order to identify the main gaps in preventing exploitative child begging, several conclusion can be made.

Firstly, the comparison of the preventive Croatian and Romanian policies targeting children at risk to exploitative begging is difficult to do, because the realities and needs of both countries are different.⁵³⁰. Added to that, the shape and information that appears in the national strategies is not equal and important documents were missing, which difficult the creation of a complete image of the national policies.

Moreover, it can be seen that combating child begging is not a priority in Croatia and Romania and this can be perceived when talking with the authorities or reading the national strategies. With this in mind, it seems obvious to me that no preventive measures are going to be effective without the proper previous research. In other words, the main gap, or reasons why all the measures exposed in the national plans are not preventing exploitative child begging is because there is a lack of knowledge about the phenomenon. Consequently, the national strategies are not connected with the reality, and the monitoring and evaluation of the actions is a challenge.

During this research, the connexion between people's awareness, behaviour and tolerance towards exploitative child begging has been central. Even the differences between Croatia and Romania, it can be said that there is almost no public pressure to combat exploitative child begging and there is a general tendency to make invisible or criminalize it. This is, the result of the politization of the national strategies, the poor interest in discovering which are the root causes and difficulties to design long-term actions to tackle them. It seems

⁵³⁰ The rates of poverty and material deprivation in Croatia and Romania evidence the differences between countries. As example, the rates of severe material deprivation 2019 were: in Croatia, total population=8.6%, children under 18=7.6%, and children under 6= 6.3%. In Romania, they were: total population=16.8%, children under 18=19.7% and children under 6=19%. See: Eurostat, 'Material deprivation statistics - early results' (April 2020) <https://ec.europa.eu/eurostat/statistics-explained/index.php/Material_deprivation_statistics_-_early_results#Severe_material_deprivation_rate:_variations_between_countries> accessed 2 August 2020

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reasonable to think that there is a lack of continuity in the actions exposed in the action plans which make difficult the evaluation of the results.

Certainly, the lack of information and the attitude of the Government, Police and Judiciary has an impact into people's perception about the phenomenon. This can be seen in the Tandarei Case, for example. In order to promote a change, efforts should be made to connect people with the available information, empower the most affected groups and raise awareness.

After considering all this challenges, I would like to suggest social mentorship and mentoring programmes as a possible solution. On one hand, the implementation of social mentorship could empower the most vulnerable groups at- risk of exploitative begging. Added to that, the creation of mentoring programmes could help to deconstruct discrimination and build bridges between people. In my opinion, these actions require time but, together with other actions aim at reducing poverty, can stimulate the creation of a safe network and prevent exploitative child begging.

Lastly, I would like to mention the relation between corruption and human trafficking and other related activities. Even though this thesis did not focus on this, I think that the study of this phenomenon from that perspective could be helpful.

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Annexes

Annex A: Human trafficking for exploitative begging.

The complexity to tackle human trafficking increases when it comes to cases of exploitation though forced begging. For this reason, further explanation of the global situation of human trafficking worldwide is required.

Since 2003, the United Nations Office on Drugs and Crime (UNODC) has been collecting data on victims of human trafficking around the world.⁵³¹ This data does not reflect the totality of the phenomenon owing to the remaining big areas of impunity around the globe but offers an approximate picture of the phenomenon.

The ‘Global Report on Trafficking on Persons 2018’ confirms that there has been during the recent years a global increase of the convictions for human trafficking and specifies that the numbers of detected victims has increased in the Americas and Asia, while in Europe and Africa there is a stable number of detection of victims per year.⁵³² The reason of this increase is not clear, could be attributed to a growth of the number of victims or can be the result of a positive development in the tools and anti-trafficking policies.⁵³³

Even though the difficulties to deal with data, the UNODC defends that the increase of the anti-trafficking measures generally means an increase of chances to detect its victims and the number of convictions. The link between the development of the anti-trafficking measures and the improvement in the detection of victims and convictions is visible around the world, with the exception of Europe and Central Asia, where the absolute numbers of convictions remains exceptionally low.⁵³⁴

Regarding the profile of the victims of human trafficking, the population group which is more affected are women and girls representing around the 70% of the global detected victims.⁵³⁵ These tendencies differ not only depending on the region and the type of exploitation but also depending on who collects the general data. The 2018 global overview collected by UN affirms the 49% of victims of human trafficking are women, 23% girls, 21% men and 7% boys⁵³⁶, meanwhile the ‘Counter Trafficking Data Collaborative’ exposed that during 2016 the 52% of the victims detected were women, the 20% girls, the 24% men and the 5% boys.⁵³⁷ But what makes this data relevant is that the number of male victims is increasing every year, reaching the 40% of the total victims detected in 2018.⁵³⁸

⁵³¹ UNODC (n 4)7.

⁵³² Ibid 23.

⁵³³ Ibid 21.

⁵³⁴ Ibid 23.

⁵³⁵ Ibid 25.

⁵³⁶ Ibid.

⁵³⁷ Counter-trafficking Data Collaborative, 'Counter-Trafficking Data Collaborative (CTDC)' (Ctdatacollaborative.org, 2020) <<https://www.ctdatacollaborative.org/>> accessed 3 April 2020.

⁵³⁸ Ibid.

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According to the ‘Global Report on Trafficking in Persons 2018’, 83% of the detected women victims are trafficked for sexual exploitation, 13% are trafficked for forced labour and the 4% for other purposes.⁵³⁹ In relation with the male detected victims, the 10% are trafficked for sexual exploitation, the 82% for forced labour, the 1% for organ removal and 7% for other purposes.⁵⁴⁰

The form of exploitation also changes among children, depending on their age. Girls are mostly victims of sexual exploitation (72%), forced labour (21%) or other practices (7%) and boys are victims of sexual exploitation (23%) and other practices (23%), which includes forced married, forced begging, child soldiering and forced criminal activities are considered.⁵⁴¹

When the type of exploitation is analysed, it can be seen than sexual exploitation is the most detected type of human trafficking representing in between the 59% (UN)⁵⁴² and the 53% (Counter Trafficking Data Collaborative)⁵⁴³ of the total victims detected in 2016. The second most common exploitation is forced labour, representing in 2016 in between the 37% (UN) and the 44% (Counter Trafficking Data Collaborative).

In the case of UN, the statistics show that around the 7% of the victims detected in 2016 were exploited for other purposes as forced marriage, removal of organs, criminal activities, production of pornographic material, child soldiering or forced begging.⁵⁴⁴ Contrarily, the global overview presented by the ‘Counter Trafficking Data Collaborative’, included activities as begging, domestic work and illicit activities under the umbrella of labour exploitation.⁵⁴⁵

⁵³⁹UNODC (n 4) 28.

⁵⁴⁰ Ibid.

⁵⁴¹ Ibid.

⁵⁴² Ibid 29.

⁵⁴³ CTDC (n 537).

⁵⁴⁴ UNODC (n 4) 29.

⁵⁴⁵ Today around the 3% of the total victims of forced labour are exploited to beg. CTDC (n 537)..

Annex B: Legal developments in Human Trafficking

The scale of human trafficking, together with its historical evolution, evidence the necessity of establishing a common ground and criminalize this and related exploitations in the local, regional and international level.

On the international level, the main source of law are treaties. The thematic of the treaties can be diverse, some deal with slave trade, forced labour, child labour, rights of women and children, migration and migrant workers, persons with disabilities or, in a more general way, economic, social and cultural rights as well as civil and political rights⁵⁴⁶. Moreover, there are instruments as the UN Convention against Transnational Organized Crime (2003), the UN Convention against Corruption (2006) or the Rome Statutes of the International Criminal Court (2002) that deal with human trafficking from a major crime perspective and others that strictly deal with human trafficking.⁵⁴⁷

Other relevant sources are custom, general principles and decisions from the tribunals. Those even being less common also contribute to the establishment of a framework, specially “determining what is required of State in their response to trafficking”⁵⁴⁸.

Special instruments to deal with human trafficking were created also in the regional level, those “affirm and sometimes extend the rights contained in the international treaties, including rights that are directly and indirectly relevant to trafficking”⁵⁴⁹. In the European Regional level, the main instruments are treaties as the Council of Europe Convention on Action against Trafficking on Human Beings (2005) but there are also other relevant instruments as the Charter of Fundamental Rights in the European Union (2000) or directives as the 2011/36/EU of the European Parliament and Council on Preventing and Combating Trafficking in Human Beings and Protecting Victims.

Regarding the national level is important to mention that every case differs from the other, so the analysis needs to be made case by case. Even that, the instruments designed in the national level always align with the State’s obligations in the regional and international level. In other words, “by becoming a party to a treaty, States undertake binding obligations in international law and undertake to ensure that their own national legislation, policies or practices meet the requirements of the treaty and are consistent with its standards”⁵⁵⁰.

⁵⁴⁶United Nations Human Rights Office of the High Commissioner, ‘Human Rights and Human Trafficking: Fact. Sheet No.36’ (United Nations 2014) <<https://www.refworld.org/docid/5566d0e84.html>> accessed 2 August 2020 9.

⁵⁴⁷ Ibid.

⁵⁴⁸ Ibid

⁵⁴⁹United Nations Human Rights Office of the High Commissioner (OHCHR), *Commentary on the Recommended Principles and Guidelines on Human Rights and Human Trafficking* (United Nations November 2010), <<https://www.refworld.org/docid/4d2eb7cf2.html>> accessed 14 April 2020 22.

⁵⁵⁰OHCHR (n 546) 9.

Annex C: Legal Framework Croatia

The Republic of Croatia has ratified the most relevant international instruments in terms of fight against human trafficking and protection of children and has, consequently, created a logical legal system. Additionally, “since 2002, statistics on the number of trafficking in persons are being recorded”⁵⁵¹.

The Constitution of the Republic of Croatia has different provisions that protect children from exploitation. Firstly, article 62 determines that “the state shall protect maternity, children and young people, and shall create social, cultural, educational, material and other conditions promoting the exercise of the right to a decent life.”⁵⁵²

In relation with the situation of children in situation of vulnerability article 63, mentions that “children with physical and mental disabilities and socially neglected children shall be entitled to special care, education and welfare” and also “ [t]he state shall devote special care to orphans and minors neglected by their parents.”⁵⁵³.

Also, article 64 of the Constitution mention that “[c]hildren shall not be employed before reaching the age specified by law, nor shall they be forced or allowed to do any work that is harmful to their health or morality” and “young people, mothers and persons with disabilities shall be entitled to special protection at work. [OG 76/10, Art. 11, 16 June 2010]”⁵⁵⁴.

Regarding national minorities, the Constitution of the Republic of Croatia recognise “Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Rusyns, Bosniaks, Slovenians, Montenegrins, Macedonians, Russians, Bulgarians, Poles, Roma, Romanians, Turks, Vlachs, Albanians and others who are its citizens and who are guaranteed equality with citizens of Croatian nationality and the exercise of their national rights in accordance with the democratic norms of the United Nations and the countries of the free world”⁵⁵⁵ Additionally, article 15 recognise the equal rights for the individuals belonging to national minorities, considering it an act of self-affiliation, and guarantees their representation.

People with disabilities should enjoy protection and their inclusion should be guaranteed according Article 57 of the Constitution. Also, “children with physical and mental disabilities and socially neglected children shall be entitled to special care, education and welfare.”⁵⁵⁶ And “young people, mothers and persons with disabilities shall be entitled to special protection at work”⁵⁵⁷.

⁵⁵¹ S Golubovic Škec and M Radeva Berket (n 137) 17

⁵⁵² Consolidated Version of The Constitution of the Republic of Croatia (2014) OG 59/90 Art.62.

⁵⁵³ Ibid Art.63.

⁵⁵⁴ Ibid Art.64.

⁵⁵⁵ Ibid 3.

⁵⁵⁶ Ibid art 63

⁵⁵⁷ Ibid art. 64

The Constitution of Croatia also prohibit slavery and force and compulsory labour, under articles 22 and 23, respectively.⁵⁵⁸ Indirectly compulsory or forced labour is prohibited under article 55.⁵⁵⁹

Another important legal instrument to take into consideration is the Criminal Code. Since the 1st of January 2013 the Republic of Croatia has a new Criminal Code that criminalise slavery under the article 105 and trafficking in human beings under article 106.⁵⁶⁰

The article 106, formed by 7 paragraphs, has been able to expand the scope of application to other forms of trafficking traditionally not considered. This is the case of “illicit or forced marriage, the exploitation of criminal activities and the use of victims in armed conflicts”⁵⁶¹. Added to that, GRETA remarked that “the new provision retained illegal adoption amongst the forms of exploitation”⁵⁶²

Another positive aspect remarked by GRETA of the new Criminal Code is the use of the expression “difficult position” and “dependent relationship” in Article 106, substituting previous “position of helplessness” or “authority” used previously under the article 175 in the old Criminal Code. This new terminology, according to GRETA, “could be more broadly interpreted in favour of victims”⁵⁶³.

Other relevant articles of the Criminal Code are articles 169, regarding forced marriage, article 171, abandonment of a Family member in a situation of distress, article 172, violation of Duty of Maintenance, article 173, non-implementation of the Decision for the Protection of child Welfare, article 174, Abduction of a Child, article 177, neglect and abuse of the right of a child, and 178 violation of the privacy of a child.⁵⁶⁴

Particularly interesting is article 177, which says:

- (1) A parent, adopter, guardian or another person who seriously neglects his or her duties of raising, upbringing and educating a child, shall be punished by imprisonment not exceeding three years.
- (2) Whoever coerces a child to work excessively or to carry out tasks that are inappropriate to his or her age, or to beg, or whoever encourages a child to exhibit other forms of behaviour that are detrimental to his or her development or in some other way grossly abuses a child's rights, shall be punished by imprisonment from six months to five years.
- (3) If as a result of the criminal offence referred to in paragraph 1 or 2 of this Article a child takes to begging, prostitution or other forms of socially unacceptable

⁵⁵⁸ H Eterović, *Severe forms of Labour Exploitation - Supporting victims of severe forms of labour exploitation in having access to justice in EU Member States. Croatia 2014* (FRANET 2014) <https://fra.europa.eu/sites/default/files/fra_uploads/severe-labour-exploitation-country_hr.pdf > accessed 2 August 2020 6.

⁵⁵⁹ Ibid.

⁵⁶⁰ GRETA (n 143) 7

⁵⁶¹ Ibid 30.

⁵⁶² Ibid.

⁵⁶³ Ibid.

⁵⁶⁴ Constitution of Croatia (n 552).

behaviour, or if a child suffers a serious bodily injury, the perpetrator shall be punished by imprisonment from one to eight years.

(4) If as a result of the criminal offence referred to in paragraph 1 or 2 of this Article a child dies, the perpetrator shall be punished by imprisonment from three to fifteen years.

In examining this article can be seen that “criminalize forced or excessive labour or labour that is not suitable for the age of a child, as well as begging or instigating any other behaviour which is detrimental to the child’s development or which severely abuses the child’s rights in any other way. An aggravated form consists of a criminal act that results in a child begging, child prostitution or other forms of socially unacceptable behaviour, or inflicting serious bodily injury”⁵⁶⁵

The Criminal Procedure Act of Croatia, recently amended in transposition of the EU Directive on Victims’ Rights, presents several articles that make reference to the treatment of victims of human trafficking. This is the case of articles 8, 45, 44, 43, 53 and 292.⁵⁶⁶

In the case of no national children, the Aliens Act of 2013 also present several articles that are relevant. This is the case of article 69, which preserves:⁵⁶⁷

(1) All bodies involved in the assistance and protection programme of a victim who is a minor shall bear in mind the best interests of the minor.

(2) If the victim is a minor referred to in paragraph 1 of this Article, the Ministry shall take the necessary measures to determine his identity, nationality and to locate other members of his family.

(3) The body competent for social welfare shall appoint a guardian for the victim who is a minor.

Added to that, articles 66,67,68,69,70,71 under the section “victims of human trafficking” of the Aliens Act are also relevant.

In terms of anti-discrimination legislation, the Anti-discrimination Act plays an important role. Especially important are articles 1, 2 (prohibits direct and indirect discrimination) and 8 (discrimination by public authorities). Also, Labour Act art.7 “prohibits direct and indirect discrimination in the field of employment and working conditions”⁵⁶⁸

Additionally, the existing national institutional framework to combat human trafficking consist of National Anti-Trafficking Coordinator, National Committee for Combating Trafficking in Human Beings, Operational Team of National Committee for Combating

⁵⁶⁵ Eterović (n 558).

⁵⁶⁶ Group of Experts on Action Against Trafficking in Human beings (GRETA) ‘Reply from Croatia to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties’(24 February 2015) < <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630eb7>> accessed 6 August 2020 6.

⁵⁶⁷ Ibid 13.

⁵⁶⁸ ECRI (n 150) 12.

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Trafficking in Human Being.⁵⁶⁹ In terms of elimination of discrimination and promotion of equality the Ombudsperson has a central role, also the Ombudsperson for Gender Equality and the Ombudsperson for Children.⁵⁷⁰

⁵⁶⁹ GRETA (n 36) 8.

⁵⁷⁰ ECRI (n 150) 14.

Annex D: Legal Framework in Romania

The legal framework for combating forced begging in the Romania is diverse due to the link of the phenomenon with other protection frameworks. Having this in mind, and taking into account the percentage of child victims, the Romanian child protection framework should be taken into account.

Firstly, “Romania ratified all international instruments relevant for anti-child trafficking and signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse [...]”⁵⁷¹. As a result, Romania adapted the national legislation to the regional and international standards and assumed the responsibility of fulfilling its obligations.

Secondly, the Constitution of Romania must be considered. The article 49 of the Constitution of Romania is dedicated to the protection of children and young people and says:

“(1) Children and young people shall enjoy special protection and assistance in the pursuit of their rights.

(2) The State shall grant allowances for children and benefits for the care of ill or disabled children. Other forms of social protection for children and young people shall be established by law.

(3) The exploitation of minors, their employment in activities that might be harmful to their health, or morals, or might endanger their life and normal development are prohibited.

(4) Minors under the age of fifteen may not be employed for any paid labour.

(5) The public authorities are bound to contribute to secure the conditions for the free participation of young people in the political, social, economic, cultural and sporting life of the country.”⁵⁷²

Other articles of the Constitution are also relevant in terms of tackling exploitative child begging. This is the case article 4 (unity of people and equality among citizens), article 6 (right to identity), article 16 (equality of rights), article 17 (Romanians living abroad), article 20 (International treaties on human rights), article 21 (access to justice), article 32 (Education) and article 42 (Forced Labour).⁵⁷³

Thirdly, the Criminal Code of the Republic of Romania from 2009 and amended in 2017 also plays an important role.⁵⁷⁴ This one unlike the previous Criminal Code don’t criminalize begging *per se* “ [...]rather the exploitation of begging (the act of forcing a

⁵⁷¹I Ionescu and G Fusu-Plaiasu, ‘FRA. Thematic Study on Child Traffic’ (2009) <https://ec.europa.eu/anti-trafficking/publications/thematic-study-child-trafficking-romania_en> accessed 6 August 2020 8.

⁵⁷² Constitution of the Republic of Romania as of 21 de November de 1991 art 49.

⁵⁷³ Ibid.

⁵⁷⁴ GRETA (n 276) 7.

person to beg).”⁵⁷⁵ In other words, “both prostitution and begging were decriminalised with the entry into force in 2014 of the new C[riminal] C[ode], but they still remain administrative offences for which fines may be issued”⁵⁷⁶ In the context of forced begging, article 182 (Exploitation of Persons), article 210 (trafficking in person), article 211 (trafficking in minors) and article 367 (organized criminal group) are fundamental.⁵⁷⁷

Among them, special attention should be given to the article 211 regarding trafficking in minors. The paragraph 1 mentions that the “The recruitment, transportation, transfer, harbouring or receipt of a child, in order to exploit it” will be punished with between 3 and 10 years of prison.⁵⁷⁸ Added to that, if the offence was committed under article 210 paragraph 1, if the offense was committed by a public official in performance of duties, if the offence endangered the life of a minor, if the offense was committed by a relative of a minor or by a person in whose care, protection, education, protection or treatment is minor or a person having abused their recognized position of trust or authority over the minor will be sentenced from 5 to 12 years of prison.⁵⁷⁹

In fourth place, the Criminal Procedure Code of 2010 and amended 2014, also contains provision on human trafficking that are relevant to this study.⁵⁸⁰

Finally, several specific laws should also be remarked in terms of child protection. This is the case of Law no 272/2004, which used to regulate “[...]the legal framework concerning the observance, promotion and guaranteeing of the rights of the child”⁵⁸¹. This one was amended and supplemented by Law no. 257/2013, which focus on the protection of children’s whose parents work abroad.⁵⁸²

Also, the Anti-trafficking Law No. 678/2001 needs to be considered. This one constitute “the legal framework for measures to prevent THB and to protect and assist its victims, including the setting up of shelters for temporary housing of victims of trafficking”⁵⁸³ Besides, Law no. 292/2011 of December 20 2011 on Social Assistance “regulates the general framework for the organization, operation and financing of national social assistance system in Romania”⁵⁸⁴ and complements the assistance measures presented in the law of 2001.

⁵⁷⁵ Healy C and Rogoz M, (n 10) 249.

⁵⁷⁶ GRETA (n 276) 37.

⁵⁷⁷ GRETA ‘Reply from Romania to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties’ (17 April 2015) <
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168063bc57>> accessed 6 August 2020 6.

⁵⁷⁸ Criminal Code of the Republic of Romania from 2009 and amended in 2017 art. 211 para 1.

⁵⁷⁹ Ibid para 2.

⁵⁸⁰ GRETA (n 276) 7.

⁵⁸¹ Parliament of Romania Law no. 272/2004 on the Protection and Promotion of the Rights of the Child (2004)

⁵⁸² GRETA (n 276) 7.

⁵⁸³ Ibid 22.

⁵⁸⁴ Parliament of Romania Law No. 292 Of December 20, 2011 Social Assistance (2011).

Added to that, there are several government decisions relevant to this topic. This is the case of the “Government Decision no. 1.443/2004 on the methodology for the repatriation of unaccompanied Romanian children and the provision of special protection measures for them; Government Decision no. 617/2004 on the establishment and organization of the National Steering Committee for the Prevention and Combating of the Exploitation of Child Labor, as subsequently amended and supplemented; Government Decision no. 867/2009 on the prohibition of hazardous work for children; and. Government Decision no. 49/2011 for the approval of the Framework Methodology on Multidisciplinary and Networking Prevention and Intervention in Child Violence and Domestic Violence and of the Multidisciplinary and Interinstitutional Intervention Methodology on Exploited Children Who are Involved in Occupational Risks, child victims of trafficking, as well as Romanian migrant children victims of other forms of violence on the territory of other states”⁵⁸⁵.

The institutional framework in charge of combating trafficking in children is led by the. National Authority for the Protection of the Rights of the Child and Adoption (ANPDCA). The ANPDCA, created after passing the Government Decision no.299/2014, can be described as an “specialized body of the central public administration, with legal personality, subordinated to the Ministry of Labour and Social Justice”⁵⁸⁶ and “[...] responsible for the coordination and monitoring of public policies in the field of child protection, including minor victims”⁵⁸⁷.

Even so, the government clarified in the 2015 GRETA questionnaire that “there is no distinct mechanism for referral of minor trafficking victims.”⁵⁸⁸ and that “the institutional framework does not provide a distinct structure specialized in combating child trafficking within [the Department for Countering Trafficking in Persons within the Police] DCCO”⁵⁸⁹.

⁵⁸⁵ GRETA (n 755) 43.

⁵⁸⁶National Authority for the Protection of the Rights of the Child and Adoption, ‘Mission’ (2020) <<http://www.copii.ro/despre-noi/misiune/>> accessed 2 August 2020.

⁵⁸⁷ GRETA (n 577) 17.

⁵⁸⁸ Ibid.

⁵⁸⁹ Ibid.

Annex E: questions of the interviews.

A total of nine professionals accepted to be interviewed in eight semi- structured interviews during this research. Due to the contact restrictions, six interviews were conducted via Skype and two in-person.⁵⁹⁰

Baring this in mind, the questions were formulated according to each professional' background and expertise. On one hand, I designed different interviews forms for the experts familiar with the Croatian and Romanian context. On the other hand, I adapted the questions to the particular field of each expert.

Therefore, each interview became a unique guided conversation that allowed me to exchange different ideas and learn from professionals who are familiar with the topic of exploitative child begging. Having said that, the main questions are going to be presented down below.

Questions asked to all the interviewees

Questions related to the organization(s) you work(ed)

- 1. Tell me about the organization you work (or worked) with and the relation that it has with groups in situation of vulnerability (children, people with disabilities, people belonging to national minorities, migrants, asylum seekers...)**
- 2. What roles it plays (or played) in terms of studying/ monitoring/ developing/ implementing targeted prevention for children at risk to forced labor? Exploitative begging? (If possible, please mention specific projects or initiatives.)**
- 3. Could you mention some of the achievements of the organization you work (or worked) in terms of reducing the vulnerability of children to trafficking/ labor exploitation?**
- 4. What should be in your opinion the key elements to focus on terms of prevention of child forced labor/ trafficking in Croatia? What has been done? Which are the main challenges?**

Questions asked to the professionals familiar with the context in Croatia

⁵⁹⁰ All the professionals were contacted and informed via mail. After, a consent form and interview guide were sent to them. Only after receiving the consent form the interviews were conducted.

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Prevention

- 1. In terms of prevention, could you explain how are (were) the campaign focused on rising public awareness of various forms of exploitation of victims of human trafficking in Croatia? How was the one conducted during the period 2012-2015?**
- 2. Which are the main goals and challenges of the awareness raising campaigns in Croatia?**
(Please mention some examples, if possible).

Education

- 3. In terms of education, could you explain how are (were) the educational activities in the context of combating human trafficking in the Republic of Croatia? Which are the groups considered in the educational activities?**
(please, mention some examples, if possible)
- 4. Which are the main goals and challenges in terms of implementing educational activities in Croatia?**
(Please mention some examples, if possible).
- 5. How do (did) the government respond to the cases of labor exploitation? And exploitative begging?**
- 6. How did (and does) the government view, restrict or support the activities carried out in terms of awareness raising and education targeting at-risk groups in terms of preventing their situation of vulnerability?**
- 7. How did the preparation for EU accession affect, impact, support or limit the designs and implementation of national strategies aim at reducing the vulnerability of certain groups? What was the impact of the Case Oršuš and Others v. Croatia in the development of national strategies?**

Additional question *(This question asks for your personal experience)*

- 8. What is your view on the success or effectiveness of the National Roma Inclusion Strategy 2013-2020 and/or National Plan for Combating Trafficking in Human Beings 2011-2013 in Croatia? How is their effectiveness or lack of it evident today?** *(Feel free to comment on what you think worked or not and elaborate why you think that is.)*

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Questions made to the professionals familiar with the context in Romania

National Plan for Combating Trafficking in Human Beings for the period from 2012-2015

Prevention

- 1. In terms of prevention, could you explain how are (were) the campaign focused on rising public awareness of various forms of exploitation of victims of human trafficking in Romania? How was the one conducted during the period 2012-2015?**
- 2. Which are the main goals and challenges of the awareness raising campaigns in Romania?**
(Please mention some examples, if possible).

Education

- 3. In terms of education, could you explain how are (were) the educational activities in the context of combating human trafficking in Romania ? Which are the groups considered in the educational activities? (please, mention some examples, if possible)**
- 4. Which are the main goals and challenges in terms of implementing educational activities in Romania?**
(Please mention some examples, if possible).
- 5. How do (did) the government respond to the cases of labor exploitation? And exploitative begging?**
- 6. How did (and does) the government view, restrict or support the activities carried out in terms of awareness raising and education targeting at-risk groups in terms of preventing their situation of vulnerability?**
- 7. How did the preparation for EU accession affect, impact, support or limit the designs and implementation of national strategies aim at reducing the vulnerability of certain groups? What was the impact of the Tandarei Case v. Romania?**

Additional question *(This question asks for your personal experience)*

- 8. What is your view on the success or effectiveness of the National Roma Inclusion Strategy 2013-2020 and/or National Plan for Combating Trafficking**

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in Human Beings 2011-2013 in Romania? How is their effectiveness or lack of it evident today? *(Feel free to comment on what you think worked or not and elaborate why you think that is.)*