Introduction

- Legislation relevant to child begging – International and European
- Research on Child Begging in Europe and beyond
- What does the research tell us?
- Theorising child begging within the trafficking framework
- Responses in existing research
- How to Respond in the Future?
International Legislative Framework

- UN Convention on the Rights of the Child
- UN Supplementary Convention on the Abolition of Slavery
- UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, esp. Women and Children (Palermo Protocol - under the UN Convention Against Transnational Organized Crime)
- UN International Convention on the Protection of the Rights of All Migrant Workers and their Families
- ILO Convention on the Minimum Age for Access to Employment
- ILO Convention on the Worst Forms of Child Labour

Implications of the International Legislative Framework


- Art. 5 – Respect the responsibilities, rights and duties of parents… to provide … appropriate direction and guidance in the exercise by the child of the rights.

- Art. 27.3 – Take appropriate measures to assist parents… and… in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

- Art. 32 – Protect child from performing hazardous work, or work that interferes with the child’s education or is harmful to health or physical, mental, spiritual, moral or social development.

- Art. 36 – Protect the child against all other forms of exploitation.
Implications of the International Legislative Framework

Convention on the Abolition of Slavery – child is “delivered by his parents” with a view to exploitation; begging as slave-like conditions

Protocol to CRC on sale of children – child is “transferred by any person or group”

ILO convention on forced labour – child is “obliged to perform”, by means of “coercion”. The issue of “forced” vs. “free” begging.

Worst Form of Child Labour – slavery, prostitution, illicit activities (ban), “work which… is likely to harm the health, safety or morals of children.”

Rarely a specific mention of exploitation or abuse through begging.

Highest standard of international law should apply.

Implications of the European Framework

- **Council of Europe: European Convention on Human Rights** (1950)
  Art. 4 covers children who are forced to beg by prohibiting slavery, servitude and forced or compulsory labour. Art. 14 protects the rights of Roma and other minorities, prohibiting discrimination on any grounds, including race or national or social origin.

- **European Social Charter** (1961, revised 1966) secures children’s rights to social, legal and economic protection and obliges governments to protect children against negligence, violence and exploitation.
  Art. 7 on child labour. Article 17 obliges states to penalise different forms of violence against children in law and practice.

- **Council of Europe: Convention on Action against Trafficking in Human Beings** (2005)
  covers children and adults, and internal and cross-border trafficking. It covers trafficking by informal networks and families as well as organised criminal groups.

- **EU Charter for Fundamental Rights**
  Art. 5 covers slavery, servitude, forced labour and trafficking and Art. 21 non-discrimination.
Implications of the European Framework

✓ EU Directive on preventing and combating trafficking in human beings and protecting its victims (2011, to be transposed by 6 April 2013 by all EU MS except Denmark)

Preamble (11): Directive adopts a broader concept of trafficking in human beings:

"forced begging should be understood as a form of forced labour or services as defined in the 1930 ILO Convention No 29 concerning Forced or Compulsory Labour. Therefore, the exploitation of begging, including the use of a trafficked dependent person for begging, falls within the scope of the definition of trafficking in human beings only when all the elements of forced labour or services occur. […] when a child is concerned, no possible consent should ever be considered valid." […]

"The expression 'exploitation of criminal activities' should be understood as the exploitation of a person to commit, inter alia, pick-pocketing, shop-lifting, drug trafficking and other similar activities which are subject to penalties and imply financial gain."

Art 2.3: Begging as a form of forced labour or services within the Directive’s definition of trafficking.

Art. 4.2: Aggravated penalties in the case of a victim who is a child or is in a situation of vulnerability.

Research on child begging in Europe and Beyond
Research on Child Begging

Research in Albania/Greece, India and Senegal.


ILO *List of Operational Indicators for Child Trafficking for the Purposes of Labour Exploitation*. Assists in identifying cases of children trafficked for exploitation through begging.


European Roma Rights Centre and People in Need (2011). *Breaking the Silence: Trafficking in Romani Communities*. Budapest: European Roma Rights Centre and People in Need. Highlights the vulnerability of Roma people, including children to exploitation through begging, trafficking and exploitation in general.

Mario Project (2010). *Observation Report: Exploitation of Albanian children in Street Situation in Kosovo*. NGOs in the field of child protection formed a joint advocacy platform to enforce better protection of migrant children in Europe and put pressure on European and national decision-makers to better protect children from exploitation, abuse and trafficking. It targets professionals who come across cases of abuse, exploitation and/or trafficking of children in Central and South Eastern Europe.

What does the research tell us?

Begging definition:
“a range of activities whereby an individual asks a stranger for money on the basis of being poor or needing charitable donations for health or religious reasons. Beggars may also sell small items, such as dusters or flowers, in return for money that may have little to do with the value of the item for sale.” ILO (Pakistan), 2004

Parents as exploiters?
“Forced child begging constitutes a gross violation of children’s rights. Children forced to beg by third parties experience particularly severe abuse, but the problem of parents forcing their children to beg should not be ignored despite the particular challenges this involves.” Delap, Begging for Change, 2009.

Begging and Migration

- Migrant families begging in the country of destination (see: Save the Children, Regional Report, 2011).
- Roma ethnicity as a risk factor for trafficking and exploitation (see: Breaking the Silence)
- Significance of mobility in Roma culture
- Other ethnicities also involved, including majority
- Non-migrant families begging – does not constitute trafficking?
- Danger of stigmatising
What does the research tell us?

**Forced vs. “general” child begging**

- Children who are forced to beg suffer from more extreme abuses.
- Begging children are often greater in number than children forced to beg.
- Forced child begging and general child begging share the same root causes.
- Specific needs of children forced to beg should not be overlooked, especially in relation to the greater levels of violence and coercion they tend to experience. *Begging for Change.*

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**Begging and Exploitation**

- The concept of “forced begging”
- Connection between begging and other forms of exploitation, e.g. prostitution, drug dealing and petty crimes
- Evidence of children being physically abused
- Begging conditions – clothing, nutrition, heat/cold, dangers of the street, begging during school hours, etc.
- Impact on the child
Begging, Exploitation and Trafficking

Research shows that there is very little robust data available. Difficult to measure: gender, ethnicity, age, type of begging, migration status, etc.

Table 1: Estimated Representation of Roma by Trafficking Purpose and Target Country

<table>
<thead>
<tr>
<th>Country</th>
<th>Sexual exploitation</th>
<th>Forced labor</th>
<th>Domestic servitude</th>
<th>Forced begging/ Petty crime</th>
<th>Illega adoption</th>
<th>Debt bondage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria</td>
<td>80% police estimate, 90% service provider estimate</td>
<td>70% police estimate</td>
<td>present</td>
<td>70% police estimate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Czech Republic</td>
<td>70% on Georgian borders, service provider estimate, 30% overall, service provider estimate</td>
<td>present</td>
<td>present</td>
<td>present</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hungary</td>
<td>80% police estimate, up to 50% service provider estimate</td>
<td>present</td>
<td>present</td>
<td>present</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Romania</td>
<td>10% service provider estimate</td>
<td>50% police estimate</td>
<td>present</td>
<td>present</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slovakia</td>
<td>60-90% NGO estimate</td>
<td>up to 10% social service estimate</td>
<td>up to 100% social service estimate</td>
<td>present</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Responses: Trafficking and the Vulnerability of the Child

**Exploitation** + **Movement** = **Trafficking**

**IS TRAFFICKING THE RIGHT RESPONSE?**

**DIFFICULT TO PROVE**

**THB CARRIES AGGRAVATED PENALTIES**

Responses: Best Interests of the Child

Underlying principles to ensure compliance with Convention on the Rights of the Child (CRC)

Formal Best Interests Determination (BID): formal process with specific procedural safeguards and documentation requirements

Informal Best Interests Assessment: pursued continuously as the overall goal of any interventions


CRC, Art. 3: Best interests as primary consideration
Responses: Parental Custody

Art 9.1 CRC specific procedural safeguards:
“States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents [...].”

Proper identification as parent or legal guardian may be problematic

Complex balancing of factors and rights: deterrent Effect vs. Best Interests of the Child

Studies show disproportionate number of, e.g. Roma, parents deprived of custody (see: Rozzi, Elena (2012, forthcoming) MINORanze – Bambini e adolescenti rom: dall’esclusione alla tutela dei diritti e all’inclusione sociale; Osserv-Azione (2011) Protecting the Rights of Romani Children in the Italian Child Protection System.)

How to Respond?

Prosecute, Prevent and Protect

Legislative
-Gap in interpretation, rather than legislation
-Intervene based on severity – case-by-case
-If the situation is not severe, support the family as per Art. 27.3 CRC

Prevention
- Ban on child begging or begging with a child as appropriate response?
- Tell the public not to give money?
- Anti-poverty measures?

Protection
- Appropriate authority – police, child protection, schools, other?
- Always act in best interest of the child

From a campaign in 2008 in India
Thank you very much for your attention!