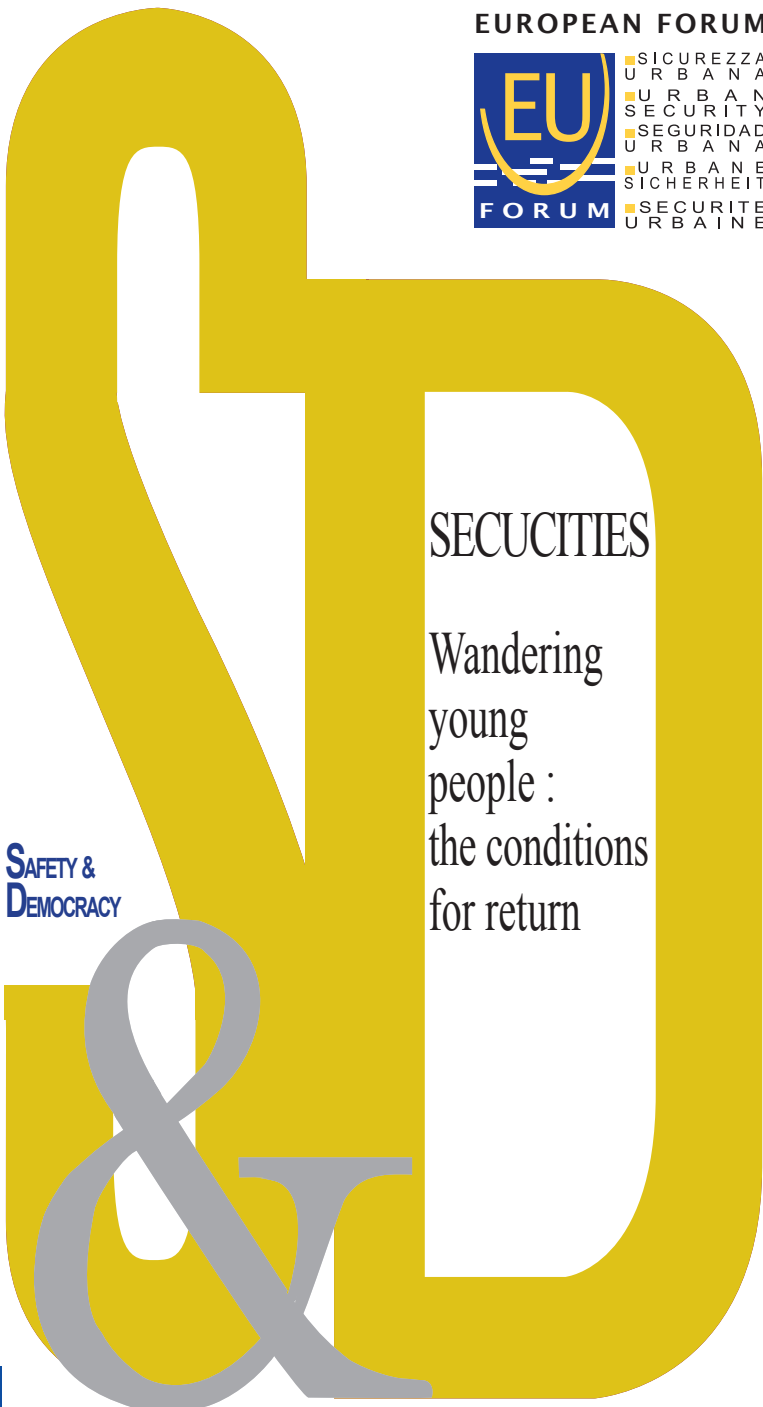


EUROPEAN FORUM



SECUCITIES

Wandering
young
people :
the conditions
for return

SAFETY &
DEMOCRACY



RETURN 2006

WITH THE SUPPORT OF THE EUROPEAN COMMISSION



RETURN 2006

European Forum for Urban Safety

*With the Association Jeunes Errants/Federation Jeunes Errants and
The Terre des Hommes – Aide à l'enfance Foundation (Budapest Bureau)*

WANDERING YOUNG PEOPLE : THE CONDITIONS FOR RETURN

*Feasibility study on the reintegration of isolated minors victims of trafficking,
Spain, France, Italy, Albania, Austria, Romania*

With financial support from the RETURN2006 Programme, European Commission

Sole responsibility lies with the author and the Commission is not responsible for any use that may be made of the information contained therein.

Translated from French by John Tuttle

Printed in Flémal (Belgium).

Lay out by JH Graphic.

ISBN : 2-913181-3-X.

Dépôt légal : février 2009.

EUROPEAN FORUM FOR URBAN SAFETY

38, rue Liancourt 75014- Paris- France

Tel : +33 (0) 1 40 64 49 00; fax : +33 (0) 1 40 64 49 10

Internet : <http://www.fesu.org>

Email : fesu@urbansecurity.org

Acknowledgments

The *Feasibility Study on the reintegration of isolated minors victims of trafficking* project is the result of a convergence of interests and questionings between local authorities—represented by the European Forum for Urban Security and, within it, the cities of Turin and Barcelona, to which was later added the *Land* of Tyrol—and associations specialising in taking care of and following up on foreign minors, represented by the Jeunes Errants association (based in Marseilles) and the Terre des Hommes – Aide à l’Enfance foundation (regional bureau based in Budapest). This sharing of expertise and know-how was enriched by the analysis contributed by Dr Brenda Oude Breuil of the University of Utrecht.

Witness to its topicality, this study lies within a growing body of knowledge in Europe. Beyond the international texts and numerous works quoted throughout the chapters, let us point out in particular the Report of the Group of European Experts on Trafficking in Human Beings (2004) and the EFUS publication ‘Trafficking in Human Beings, international knowledge and local practices’ (2007).

We would especially like to thank the elected officials and municipal personnel of the partner communities for having agreed to share their data and perspectives on these complex and often controversial issues. This study was carried out primarily by the teams from the Jeunes Errants association (in particular Dominique Lodwick, Ariane Genthon and Véronique Dubois), the Terre des Hommes Foundation, especially Vincent Tourneueillert and Dr Brenda Oude Breuil of the University of Utrecht, and Sven Engel and Elizabeth Johnston for EFUS.

This study received the constructive backing of Jordi Pons and Josep Lahosa in the City of Barcelona, Laura Marzin and Ilda Curti, of the City de Turin, and Mor Dieye of the Land of the Tyrol. Our warm thanks for the quality of their work and their exchanges.

We also thank the European Commission for supporting this project financially and thereby showing its interest in this fundamental issue of the right of isolated minors in European Union migratory policies.

February 2009

SUMMARY

Introduction	3
Executive summary	7
Chapter 1	
Minors in cross-border circulation in European cities	11
1.1 Our project: genesis, objectives and methodology	12
The genesis of the project	12
<i>The approach adopted</i>	15
The development and implementation of methodological tools	17
1.2 Transnational migration of children	21
‘Child migration’	24
<i>Studying the mobility of young people case by case</i>	26
1.3 Trafficking in children	27
<i>A very precise legal definition against persistent realities</i>	30
1.4 International responses and local actions	33
1.5 The ‘return’: a contested, sensitive subject from a political point of view	36
Chapter 2	
Results and Analysis of cases	44
2.1 Profiles of minors in cross-border movement	45
Profile 1: The Runaways	49
Profile 2: The Mandated	52
Profile 3: The Nomads	55
Profile 4: The ‘Adopted’	57
Profile 5: The Duped	60
Profile 6: The Recruited	63
Profile 7: The Exiles	65
2.2 Particular local contexts	67
2.2.1 Barcelona	67
2.2.2 Innsbruck	69
2.2.3 Marseilles	71
2.2.4 Turin	74
2.3 Observed dysfunctions and obstacles	78

Chapter 3

The Return

3.1	The doctrines of the return	84
3.2	General principles on the question of return	85
3.2.1	The principle of the durable solution	85
3.2.2	Steps to follow	87
	<i>Question the child, verify the information and look for the family</i>	87
	<i>Assessment in the country of origin</i>	88
	<i>Assessment in the host country</i>	90
	<i>The child's opinion</i>	91
3.3	Practical example of a re-integration programme, Operations TdH: help in the child's (re)integration.	92
	Multidisciplinary case-management team	93
	Return to the family of origin	93
	Other alternatives to the biological family	95
	Determining the best interest	96
	The role of the family and the community	97
	Necessary services	97
	The ADPARE example: taking 'complete' care after the return to the country of origin	100

Chapter 4

Conclusions and Recommendations		102
4.1	Conclusions	102
	On case analysis	102
	On dysfunctions and obstacles to remove	102
4.2	Recommendations	103
	1 st principle: case-by-case treatment	104
	2 nd principle: supporting the players' pluridisciplinary work and cooperation	106
	3 rd principle: developing transnational responsibility strategies and solidarities	108

Annexes

Topic list	112
Data relative to cases studied	114

Executive summary

Children and adolescents, ‘foreigners’, ‘wanderers’, ‘unaccompanied’, ‘in danger’, ‘isolated’, ‘separated’... the terms¹ are not lacking for designating these young people who are leaving their countries in ever-growing numbers to reach western territories. These various appellations and the definitions attached to them (and the different stakes that are involved), depending on the country and the situation, are however all part of the same reality: the presence of young foreigners, alone or (ill-)accompanied, in countries, regions or cities where they master poorly—if at all—the language, culture and codes of conduct, and are known or potential targets of traffickers. Even though not all being visible in the same way within the metropolises, they are indeed there and if they are under 18 years of age (and consequently considered ‘minors’ and catalogued as ‘children’), the States on whose territory they find themselves are obliged, in accordance with the *International Convention on Child’s Rights*, to ensure the protection of their rights without discrimination².

Minors in cross-border circulation in European cities

Today, European cities are increasingly concerned about the phenomenon of youth migration: North African adolescents selling contraband items (cigarettes in Marseilles, drugs in Innsbruck and Turin...), girls from Eastern Europe ensnared in the sex industry, girls and boys from sub-Saharan Africa entrusted by their family to receive an education in exchange for household chores, Chinese young people working in clandestine workshops... The transnational mobility of young people is not a new problem: there have always been young people trying to build a future far from home. However, these days, this migration seems to be taking on new characteristics. Globalisation plays a role in this state of events, just as the toughening of migratory policies and the consequential reduction in the possibilities of legally entering the territory of western States. The changes in the geopolitical landscape of Eastern Europe and Eurasia in the 1990s and the resulting imbalances have enabled organised crime networks to solidly establish their activities.

There is in fact a great amount to be earned today in the traffic of persons seeking to illegally enter the countries of Western Europe. There is even more to be earned in the trafficking in human beings since, in this sector, profits are not only derived from the cost of the journey but also from the active exploitation of the victims in various illegal activities.

¹ ‘Unaccompanied minor’ or ‘isolated minor’? The expression ‘unaccompanied’ was the one used most frequently in Europe in the 1990s. However, it may not always take into account the reality of young people who sometimes arrive on the territory ‘accompanied’ by adults who are not necessarily answerable for their security. The term ‘isolated’ takes this eventuality into account and is therefore frequently used these days. Depending on the country or institutions, the terms ‘unaccompanied’ and ‘isolated’ can therefore be used as synonyms or as applying to different situations. Similarly, each of these terminologies will, according to the country, correspond to different and more or less restrictive definitions.

Read: VAZ CABRAL, Georgina. Trafficking in Unaccompanied Minors for Sexual Exploitation in the European Union: A Comparative Approach. In *IOM, Trafficking in Unaccompanied Minors in the European Union, Research and European conference. October 2003, pp.7-58 (see in particular pp.17-20).*

² Article 2 al.1 of the CRC.

The exploitation of child labour is certainly not a recent phenomenon. Yet certain contemporary characteristics have influenced in a critical way its scope, the forms it takes and the social structures that could previously curb it. The international community's awareness of this situation has led to the elaboration of several agreements, including the *Protocol to Prevent, Repress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, which, in its Article 3, established a definition of trafficking. This definition poses certain questions when confronted with concrete situations. Indeed, the distinction that the Protocol makes between *forced migration* and *voluntary migration*, the question of *constraint* when concerning children and, finally, the difficulty that exists in knowing exactly what the notion of *exploitation* embraces means that professionals in contact with the children may sometimes have trouble applying the so-called 'Palermo' definition of the trafficking in children.

Two approaches are identified as concerns the phenomenon of trafficking: one *approach based on the application of the law* that aims at fighting against illegal practices in relation to trafficking on the one hand, and the other, *based on human rights*, which aims at the protection of the rights of victims of trafficking. Even though these two approaches can, in theory, complement each other, they are most often opposed. Amongst the States, it is the approach based on the application of the law (also called *repressive approach*) that dominates: however, various authors have pointed out the risks that exist when a government chooses to stress this approach alone, in particular the tendency to make the status of 'clandestine' pass before that of victim and expulse victims of trafficking from the national territory rather than give them the protection to which they are entitled according to international conventions. In fact, it is necessary to recall that the effectiveness of rights provided for in these international instruments depends on their transposition in national legislations, the setting-up of efficient systems of co-operation and coordination between the players concerned and the deconstruction of certain deep-seated stereotypes about victims of trafficking.

Just as there exist two general approaches concerning trafficking, the question of the 'return' can be apprehended in different ways. Our approach is the one founded on human rights and aims at ensuring the protection of children's rights as much as in the host country as in the country of origin: making sure that the 'return' does not put the minor (back) in a situation of danger must be the central concern, especially when there has been a trafficking experience. Then there is no 'pre-established' solution for the 'return'; the latter must be envisaged taking into account the young person's *specific situation* (recommendation of *case by case*). Thus one thinks of the 'return' as a *process* that can be part of the 'life plan' as defined by the Council of Europe in its Recommendation CM/Rec(2007)9 and which includes the notion of *reintegration*. In all cases, it is the search for *lasting solutions* and the respect of the child's best interest which must guide the organisation (or not) of a return.

Study of cases and contexts

In a case-by-case approach, our study allowed for the analysis by the project's various partners of 600 cases of minors potentially victims of trafficking. Initially it was a matter of identifying who these minors were, putting them back in their identity, history and life plan. The particular situation of these minors in fact requires appropriate responses. This can be done by proposing *typologies* and, for each of them, tracks for comprehension and resolution. Our categorisation was anxious to reproduce the nature of *complex process* of trafficking and migration, accounting for the children's histories in an overall approach. The notion of *vulnerabilities* is important here: identifying them can allow for understanding the sequences in an itinerary and the solutions to envisage, in particular in a *perspective of return* (as well as prevention of new cases of trafficking).

The study also allowed for studying how these minors become integrated into the environment of different European destination cities. For it is indeed the local and/or municipal authorities who are on the front line faced with the phenomenon of minors victims of trafficking and illicit activities that ensue and occur on their territory. On this occasion, a certain number of dysfunctions were noted.

Return and reintegration

We observe that, in many cases, the local services in charge of the reception and protection of vulnerable childhood are not equipped with the appropriate tools. By focussing on the fight against illegal immigration and sending the 'offenders' back to their country of origin, the States implemented return policies that do not permit the resolution of the victims' situations and can result in feeding the traffic and trafficking networks. The experience developed by NGOs such as Terre des Hommes in Eastern European countries allows for proposing modes of intervention for evaluating the feasibility of and accompanying a return, in respect of the international instruments provided for vis-à-vis the particularly vulnerable group that are children victims of trafficking.

When an unaccompanied child, whether the victim of trafficking or not, is being taken into care, a decision must effectively aim at determining (amongst other things) whether or not the child can return to his³ country of origin. Diverse articles of the CRC imply that the possibility of reunification with the biological family must be studied when taking charge of an unaccompanied minor. However, this is not an absolute obligation and does not necessarily imply a return to the country of origin. A trafficking or exploitation experience leads to taking a diversity of parameters into consideration. The 'lasting' or 'durable solution' principle implies in fact that the child's rights be guaranteed as far as possible over the long term, which a return to the country of origin or being taken care of by the parents do not always guarantee. Finding the solution that will ensure a fair balance of rights implied in passing by taking the minor's opinion into account as

³ Translator's note: Whenever gender is unspecified, rather than writing 'his/her' each time, for simplicity's sake we have opted to use the masculine; no affront is intended.

well as an exhaustive evaluation in the country of origin and host country is what characterises an ‘assisted voluntary return’ and which will permit the minor’s reintegration.

The term ‘reintegration’ refers to the process that takes place after the return to the country of origin and aims at guaranteeing, over the long term, that the child within a protective environment (which is not necessarily the biological family) has access to these fundamental rights and can develop his capacity of action. This process implies a series of operational interventions based on the principle of the child’s best interest, and which is addressed to the child as well as to the family and/or community as providers or beneficiaries of the necessary services. The return solution may sometimes be abandoned if it turns out to be contrary to the child’s interest; the interventions will then have to support an ‘integration’ process in the host country.

Conclusions and recommendations

Between the development of organised networks and the toughening of States’ migratory policies, now more than ever the operationalisation of the child’s rights raises a question. This study aims at providing solutions to succeed in reconciling the two imperatives that are 1) the return of victims of trafficking in human beings to their country of origin and 2) taking into account the particular vulnerability of children victims of trafficking in human beings.

From this viewpoint, our recommendations are thus organised around three main lines: 1) case-by-case treatment; 2) the support of pluridisciplinary work and cooperation of players; 3) the development of transnational strategies and solidarities of responsibility.

1

Minors in cross-border circulation in European cities

Chapter 1

Minors in cross-border circulation in European cities

This chapter is divided in two distinct parts. In the first section, we lay out the origin of this project, methodologies used, difficulties and steps followed.

The following sections present the research and analytical work carried out on the phenomena (closely) related to the one at the heart of our study, trafficking in children: globalisation and the evolution in migratory movements (and in particular, those of children) (§1.2), the difficulties in apprehending the notions of exploitation and trafficking when it concerns children (§1.3), the responses elaborated at the international and local levels (§1.4) and finally, the particularly thorny question of the return to the country of origin (§1.5).

1.1 Our project: genesis, objectives and methodology

The present publication is the fruit of a project presented in 2006 to the European Commission in the framework of its RETURN programme financing preparatory actions in view of return management in the sphere of migration⁴. Becoming involved in this programme might appear paradoxical for players whose action often tends to oppose the wish for expeditious removal conveyed by certain migratory policies; however, we considered that we had our place in a project aimed at participating in the reinforcement of knowledge in order to lead to better practices⁵, which alone can ensure the durability of these returns.

This feasibility study on the reintegration of isolated minors (potentially) victims of trafficking is therefore a project arising from the reconciliation of several concerns, objectives and approaches.

The genesis of the project

Children victims of trafficking are a reality of which the international community has recently become aware, this giving rise to a certain number of questions, including: **How to reconcile the respect of measures necessary for the protection of the rights and interests of children victims of trafficking, taking into account their vulnerability and particular case (Article 8 of the Optional Protocol to the Convention on the Rights of the Child) and Article 8 relative to the repatriation of persons victim of trafficking of the Additional United Nations Protocol on Organised crime for a plan of**

⁴ http://ec.europa.eu/justice_home/funding/2004_2007/return/funding_return_fr.htm

⁵ See the specific objective C of the request for proposals, which, amongst other things, aimed at 'studies on state of play and possibilities for enhancing administrative co-operation among Member States in the field of return and/or on the structure and elements of integrated return management as well as on the role of International and Non-Governmental Organisations to be played in this context' and the 'Organisation of seminars for practitioners from several Member States on best practices focusing on specific third countries/regions or the return of particularly vulnerable groups'.

reintegrating children victims of trafficking into their environment of origin?

The opportunity of a study on the problem of return was underscored by Dominique Lodwick in 2006: ‘there is often mention of the question of return to the country in bilateral agreements, and there is even a RETURN request for proposals recently published by the Justice, Freedom and Security Department of the European Commission. We are rather numerous gathered here in Saragossa: communities, experts and NGOs. We could grasp this opportunity and together propose the implementation of a transnational project focussed on this issue of return. If a panel of communities here present wishes that be studied with the partners of the countries of origin and the parents of children concerned case by case, the validity and feasibility of a return to the family, that would suppose that we had the means for working together on spotting “preliminary causes” for each child’s departure on the situation of each family and make real proposals for improvement’⁶.

The European Commission’s request for proposals aimed at actions of particularly vulnerable target groups. The actions should be innovative and transferable, guarantee the participation of local partners within a transnational cooperation and contribute to the introduction of an added value for the European Community. A certain number of elements justified our involvement:

Original, in-depth knowledge of the problems linked to the migration and trafficking in children: indeed, the project partners have experience in receiving foreign minors as well as know-how regarding investigation and the reconstruction of a child’s itinerary and identity. The phenomenon of migrant minors is therefore neither unknown nor invisible to us (*see §1.2*); we are in contact with them every day, and every day we are struck by their astonishing experiences and the resources they are capable of bringing into play. Experience has shown us that these minors are players in their migration: their trajectories convey a will and a goal to achieve (regardless of what it is), which must be understood for taking charge in an adapted way.

The problem of minors victims of trafficking concerns all European states, and each of the various partners in this project is induced, in the exercise of his activity, to be in contact with this public, whether it be occasional (Marseilles, Innsbruck, Turin...) or daily (Bucharest). Although the return of the minor to his country of origin does not necessarily mark the end of the care, it is always considered scrupulously, especially when trafficking events are suspected or proved. The return is then envisaged as a mode of protection from the angle of *reintegration* into the minor’s environment of origin (country, family) and never as ‘punishment’ (developed in § 1.5).

A flexible capacity of networking amongst the various players from different states of the European Union: From the outset, the formula of a close partnership between organised civil society and communities has therefore been favoured, with, in view to the formation of a lasting network for the exchange of good practices, training of concerned personnel and essential information on the conditions and possibilities of returns. This original networking

⁶ LODWICK, Dominique. *Intervention of the Jeunes Errants Association in the ‘Young People under Violence’ workshop at the Saragossa international colloquium organised by the European Forum for Urban Security*, November 2006, available on: http://zaragoza2006.EFUS.org/IMG/pdf/Saragosse_intervention_AJE.pdf

of players as diverse as an anthropologist/criminologist, specialised NGOs, municipalities and local governments concerned, should permit the elaboration of ‘common professional guidelines’ making everyone’s practices perfectible in the analysis of the itineraries of foreign minors victims of trafficking, their educational and social support, and the possible implementation of a return of the child to his environment of origin. This partnership, by crossing the east/west and north/south axes, would also enable drawing up a list of a number of situations that might serve as references for the study and honing the analysis of young people’s itineraries based on a transdisciplinary (sociology, anthropology, law, psychology...) approach.

Thus the project’s objective was to contribute know-how and critical experience to the European Union’s stated desire to put, in the most organised way possible, illegal residents on the way home, **in the respect of the States’ involvement vis-à-vis the vulnerable group represented by children victims of trafficking. This project partakes of a concern for operationalisation of the child’s rights** for although there is indeed an awareness concerning the phenomenon of trafficking in human beings, proposed solutions still remain unsatisfactory.

In the following paragraphs we shall maintain that the migration and trafficking in children remain relatively unknown phenomena and subject to a certain number of descriptions. Here one will also see the absence of European standards on a clear definition of trafficking in children, as much as regards assistance and implementation of taking charge of migrant minors and return procedures. This is why it appeared important to us to **adopt a pragmatic point of view, going beyond the simple framework of legal definitions and primarily taking into account the child’s point of view and experience (see §1.3 and 1.4); take into account the impact of events endured or acted by particularly vulnerable subjects.** The choice of a resolutely qualitative approach imposed itself in the **exploratory research⁷ of a phenomenon that is still little understood.** In fact, a strictly quantitative approach was, to our mind, of little interest due to the following elements:

the difficulty of obtaining reliable figures, linked to the share of ‘invisibility’ of the combined phenomena of migration and trafficking, as well as the multiplicity of definitions and methods for collecting data already existent and used;

1. the risk of ‘loss’ in the way of information as opposed to the richness of the narration (investigation and listening to the child);
2. the lack of knowledge about the nature of the trafficking process: the facts alone are not interesting—it is the relations between the facts that must be important to us.

Thus, the case-by-case method imposed itself. Indeed, we believe that the notion of the

⁷ ‘Exploratory research can aim at clarifying a problem which has been defined more or less. It can also help in determining the adequate search estimate, before carrying out a larger-scale study. Exploratory research would then aim at filling a gap, to borrow Van der Maren’s terms (1995). It can also be a prerequisite for research, which, to spread, is based on a minimum of knowledge. Exploratory research would thus allow for mapping out a reality to study or choose the most appropriate data-gathering methods for documenting the aspects of this reality or else selecting the informers or sources of data capable of informing on these aspects.’ (Trudel, Simard and Vornax, 2007)

child's best interest, as inscribed in the CRC, implies that the minor, as subject of constantly evolving law, can be apprehended case by case, and his problem put back into its own context.

Knowing as precisely as possible the situation and individual itinerary of each child (the reasons for leaving, his values, his ability to overcome difficulties encountered and his life plan) is therefore fundamental for acting appropriately:

1. trafficking is not an isolated event but a process made up of a succession of events, which, considered individually, can be difficult to be associated with trafficking; from there ensues the necessity of a reconstruction for obtaining an overall view of the itinerary,
2. similarly, all children who emigrate are not victims of trafficking, and it is then important, even should it prove difficult, to *distinguish between exploited children and those who have left to build a future, who fall within a migratory project*,
3. finally, *when return is envisaged*, it cannot be done in ignorance of the experiences (negative and positive) that built the child's identity, as well as the perspectives (family/ community and regional/national contexts) that await him (*see Chapter 3*).

Wondering about the existence of typical itineraries, contexts propitious to exploitation, as well as to return and reintegration, is therefore the object of our study: this publication aims at providing concrete answers concerning the feasibility of a reintegration of unaccompanied foreign minors potentially victims of trafficking into their original surroundings, via case-by-case analysis of the children's itineraries, their being taken charge of and the modes of their accompaniment.

The approach adopted

A feasibility study allows for specifying how and with which means the objectives of a project can be achieved on a methodological level. In the case in point, for us it was a matter of examining the possibilities, necessary conditions and modes of intervention so that the return of a minor to his environment of origin not be unaware of internationally recognised rights and in particular the principle of the child's best interest.

In general, the object of a feasibility study is to grasp a reality, check off needs and difficulties and propose concrete responses; it must, in the case in point, allow for assessing several elements:

- the cogency of the minor's return (opportunity and legitimacy as regards the minor's personality and situation, and conformity with the law),
- the conditions for ensuring a 'lasting' reintegration of the minor (*sustainability*)

Here it is a matter of succeeding in **reconciling the two imperatives that are 1) ensuring the return of victims of trafficking in human beings to their country of origin; and 2) taking into account the particular vulnerability of children victims of trafficking in human beings**, provided for in the international instruments. In fact, Article 8 a1.2 of the Protocol to Prevent, Repress and Punish Trafficking in Persons, Especially Women and Children, stipulates that:

When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into territory, the right of permanent residence, **such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.**

Article 8 al.1 of the Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography recalls that:

States Parties shall adopt appropriate measures to **protect the rights and interests of child victims** of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

a) Recognizing the vulnerability of child victims and adapting procedures to **recognize their special needs**, including their special needs as witnesses;

These issues are the object of Chapters 2 and 3 of this publication.

In addition to the feasibility study, the research carried out had several specific objectives, as so many contributions to current knowledge and practices within the European Union:

1. a better gathering (from a point of view of wealth of information, as well as according to the definitions and harmonised gathering criteria) of data relative to the problems of migration, traffic and trafficking in minors,
2. the development and sharing of an interview methodology and detection of cases of trafficking with foreign minors in street situations based on the analysis of their migratory itinerary,
3. the analysis of elements gathered on children's itineraries and capitalisation of knowledge, the establishment of typologies for better taking charge, with return/reintegration being an alternative,
4. critical analysis of local taking charge,
5. the realisation and distribution amongst concerned players of a study on the possibilities, conditions and modes of return for child victims of trafficking, to their original environment,
6. the elaboration of suggestions aimed at improving procedures and the operationalisation of international law in the child's best interest.

These different results were able to be achieved by the **combination of phases of concomitant action and research**, conducted by a steering committee coordinated by the European Forum for Urban Security. The action phase consisted of appointing investigators (Jeunes Errants association and Terre des Hommes) in charge of intervening on location at the request of a partner municipality or NGO to carry out the examination of the local situation, compare work methods and help in launching the case analyses. The research phase consisted of the analysis, by each of the partners, of cases of minors potentially victims of trafficking and going deeper into theoretical knowledge useful to the study.

The organisation of three seminars allowed for enriching the process by ensuring the sharing of all collected data and the exchange of information on local contexts. The first seminar (Marseilles, December 2007) thus focussed primarily on questions of methodology

and organisation, setting the main lines of research and defining the objectives, whereas the Budapest seminar (June 2008) allowed for becoming aware of the first results observed and launching the study's writing work. The third and final seminar concluded the project by presenting the final text. The running and coordination of the different activities was the mission of the steering committee.

In each phase of the study, different levels of expertise collaborated, which can be enumerated as follows:

1. the 'field experts', i.e., the persons working on location in direct contact with the minors: street educators and social workers on the front line;
2. the 'local experts' of partners; managers, persons in charge of programmes or studies,
3. the anthropologist/criminologist in charge of bringing scientific expertise and methodological support.

The activities carried out in each of the various phases relied on methodological tools developed interactively by the partners.

The development and implementation of methodological tools

Conducting our research necessitated the use of adequate tools in order to gather knowledge necessary for answering our questions. Qualitative research generally implies a gathering phase and a data-processing phase; however, the aim of exploratory research is to 'fill in a gap', for example by choosing more appropriate collection methods or sources of data.

In our research, methodological tools were thus used for gathering information, but new tools have also been created: these methods and tools are a result in themselves, from the viewpoint of elaborating new means of detection and common professional guidelines. The diffusion of these tools falls within a perspective of improving and harmonising practices, and operationalisation of the law.

1. the 'topic list' and open/semi-directive interview method

The first working tool to be perfected was an open interview methodology, intended for professionals in contact with isolated minors potential victims of trafficking. An *open interview* is an interview method allowing the person interviewed to speak very freely and in his own way. In the case in point, one can favour instead the *semi-directive interview* since the topics that one hopes to see broached by the child, in order to clarify and develop all the elements that could be related to trafficking, are predefined in a *topic list*.

In the perspective of detecting cases of trafficking in migrant minors, these types of interviews are particularly adapted tools, **combining several interests:**

➤ these are *flexible, reactive* methods, adapted to a young 'public' sometimes having a low educational level and/or on the defensive: the open interview permits adapting to the child's personal situation and leaving him the choice in the orientation of his discourse and the way of expressing himself (choice of simple words, a certain register of language...);

➤ unlike ‘closed’ questions, which imply a single possible answer, open questions leave a large number of possible answers: thus, this is a method that allows for preserving the *wealth of information* and gathering very extensive data, particularly adapted to the case-by-case approach.

This type of interview calls for:

➤ above all, explaining to the child, in a simple, accessible way, the goal of the interview and what is expected of it, in order to win his consent and be sure of his cooperation;

➤ keeping an *open attitude*, i.e., avoid expressing any contempt or disapproval, which might prevent, embarrass or ‘block’ the young person and bias his responses;

➤ *active listening*: i.e., one will avoid wanting to follow the order of questions at all costs but strive to touch on all the topics by slightly directing the discourse and encouraging the speaking without however influencing it. Obviously, attention will be paid to the information inherent in the very content of the discourse, as well as to the form of the discourse (wealth of vocabulary, choice of words, rapidity of enunciation...) and to non-verbal manifestations, body language, gesticulations, eye contact... (Nils and Rime in: Moscovici and Buschini, 2003, pp. 166-185)

The scientific expert therefore drew up a topic list serving as a general framework for an interview by establishing a series of themes to be broached during the interview (*see in appendix*): These topics must allow for covering the minor’s whole itinerary, from his situation in the country of origin to his projects for the future after being taken care of. This only concerns general themes: there are no pre-written questions or predefined answers, just as the range of answers is not limited; these lie naturally in the discourse of the interviewee and are not limited by any framework.

2. the elaboration of a questionnaire and the collection of data

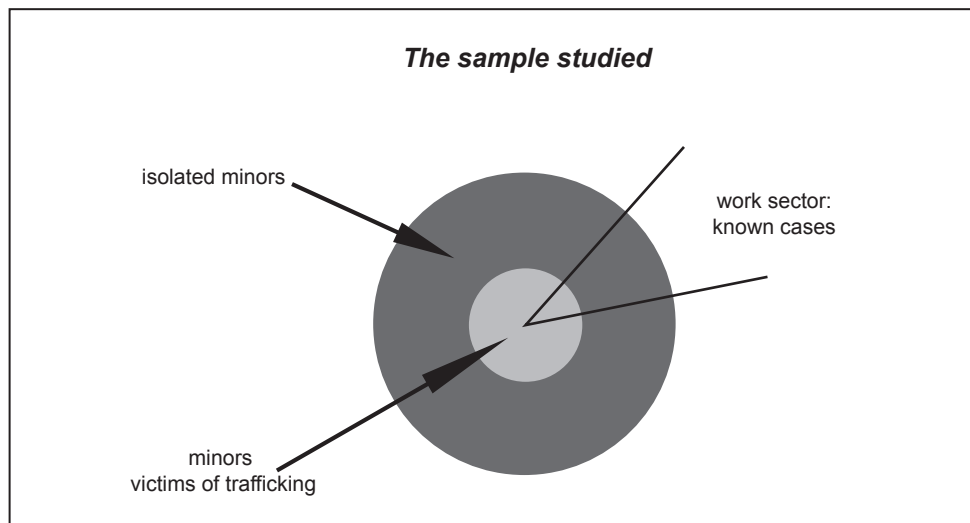
The questionnaire selected for analysing the cases serving as a reference for the study is the fruit of the comparison of the topic list and an earlier questionnaire already used internally by the AJE in Marseilles. The different field trips were the occasion for testing it (Turin), progressively refining it and adapting it to local contexts (Innsbruck, Barcelona, Bucharest).

The choice of the method for collecting the data necessary for the study was made according to the objectives (qualitative case-by-case approach before leading to concrete actions) and constraints (deadlines, means...), in order to find the best compromise whilst favouring the reliability and precision of the data collected. Hence the interest of a retrospective approach with a new reading tool: the critical rereading of files with a questionnaire should result in improving reception methods.

It was chosen not to dismiss any case in the study: we start from the principle that migrant children must always be considered to be in potential danger of trafficking, whether they arrive accompanied on the territory (by persons whose aim is their exploitation), or alone (awaited by persons who will seek to exploit them); the sole

criteria for selection were the age of the cases (we chose to go back from the most recent to the oldest until reaching a satisfactory number), and the information contained (dossiers that were insufficiently complete were put aside but not totally dismissed, for the absence of information or the disappearance of the minor can reveal a case of trafficking).

The initial number of cases to be studied was revised downwards, which is explained in particular by the fact that the qualitative rather than quantitative approach, relying on the experience of the various partners involved and their familiarity with the targeted public was favoured.



The questionnaire consists of 71 questions divided up into six main sections, as follows: 1) elements of the minor's identity, 2) his life before the trip, 3) his trip, 4) his arrival in the host country, 5) his being taken charge of, 6) reuniting him together with his family.

A seventh part was added for the partners taking charge after the return to the country of origin (such as ADPARE in Romania or Terre des Hommes in Albania).

The different types of questions make up a *longitudinal approach* to the young person's itinerary, allowing for retracing the different stages (date of departure, countries crossed, date of arrival, first moment of 'visibility', being taken care of and, eventually, return), as well as *taking into account the various interactions* of the young person with third parties (family, friends, other young people, smuggler...) and with his environment (means for getting about, staying alive, finding shelter...), with legislative frameworks (lying about his identity, offences committed, possible incarcerations) and the affects on his health (toxic, psychological).

The large number of questions must both allow for having the most precise idea possible of each young person's itinerary, as well as *bringing out certain occurrences*. **In fact, although the targeted public is distinguishable by certain criteria of unity (being underage, alien status), the factors of diversity are, in the end, multiple and must be**

found. For that, certain headings of the questionnaire turned out to be more important than others. Typologies then appear and can constitute pertinent *leads for analysis*.

‘In the qualitative methods, what characterises the collection techniques is essentially the researcher’s involvement in the handling of the technique he is using.’ (Mucchielli, 1996: p. 183) Thus, the study of cases is carried out in-house, by the **interpretation of the contents of the dossiers after appropriating the working methods of each team**. The more complete the dossier, the closer to reality will be the interpretation.

The data-gathering phase ran up against certain methodological difficulties that it had to get beyond:

➤ difficulties inherent in the methodology used:

- Retrospective examination of a case by a person who has not necessarily followed or known the minor implies that there are not always ‘neat’ answers to the questionnaire’s questions; so, when possible, it was necessary to deduce the answer from the data in the case, or else have the possibility of discussing with the person who had been in charge of the youth. That became even more difficult the older the cases were.

- What is at stake for the minors followed can influence their discourse and the information they may provide (*see the notion of ‘productive life history’ in §1.4, as well as problems encountered by the social workers in Innsbruck, §2.2.2*). How to optimise the collection of sincere answers? The seeking of truth must therefore rely on the investigation techniques implemented by the teams that followed the minor⁸: the data-collecting phase was the occasion here for introspection work and sharing know-how for the project partners.

➤ difficulties linked to particular local contexts:

Access to the dossiers could turn out to be problematical: in Barcelona, the sharing of competences between the municipality and the region (Generalitat de Catalunya) on taking charge of children called into question the possibility of an optimal collection of data.

What characterises the analysis phase in a qualitative method, ‘is essentially the implementation of resources of the intelligence to grasp meanings’ in the sense that it is always a matter, ‘through intellectual work, of bringing out the sense which is never an immediate given’ (Mucchielli, 1996: p. 183). Although the methodology used allowed for establishing very rich statistics, the data collected and observed were also the subject of an exercise in reflection, first of all in-house for the various project partners, then joint during the Budapest seminar in the course of which profiles were brought out.

⁸ In Marseilles, we based ourselves on the Investigation and Educational Orientation reports, the fruit of a pluridisciplinary work of the AJE, which the latter is authorised to transmit to the Children’s Judge. An IEO is a socio-educational process over six months punctuated by regular appointments between the minor and the AJE team. Thus, an IEO dossier generally includes a collection of socio-educational information written down during the first meeting with the minor, identity elements, an evaluation of the minor’s academic level, psychological and sometimes psychiatric evaluations, an account of the visit to the family in the country of origin when possible and finally a final report for the judge.

3. the focus group and the establishing of typologies

Owing to the impossibility of transcribing the analysis of each of the approximately 600 dossiers studied in its totality in the study, it was decided to *elaborate a typology of the minors encountered* in these cases. That responded to material concerns (how to give an account of our case-by-case approach in an imposed 100-page format?) as well as to one of transferability and practical application for those persons for whom the study was intended (necessity of generalisation and simplification for an adaptation to diverse contexts).

In order to determine the various profiles of minors that appeared in the study of cases, the project's scientific expert thus took charge of organising a *focus group* bringing together the project's local experts: this was a rapid qualitative inquiry method, which, used at an advanced stage in our research, allowed for refining the comprehension of data already collected with the questionnaire and summarising them.

The practice of the focus group in social sciences goes back to the Second World War and responds to a precise methodology (Markova in: Moscovici and Buschini, 2003, pp. 221-242): put together for research, the focus groups *are distinguished from simple discussion groups* in the sense that they 'do not give rise to spontaneous discussions but to exchanges that the researcher provokes with a research objective in mind'. A focus group thus brings together a group of persons (generally between 4 and 12) with *common experiences*, under the guidance of a '*moderator*'. In the case in point, the validity of the method used is based on communication encouraged between experts on the migration of young people and trafficking in children and the consensus at which they arrived, analysed by the project's scientist.

The analysis of interactions occurring between the experts during the focus group allowed for, by an empirical approach, the establishment of typologies of minors potential victims of trafficking, out of a concern for putting in order and coherence. Typology is an operation of 'stylistic of social reality so as to better understand it' (Schnaper in: Moscovici and Buschini, 2003: p. 297): by intentionally accentuating certain characteristics of the object of research through simplification and schematisation work, we aim at a better understanding of the real phenomenon. It is therefore not a matter of representing pure reality but *combining with observation of the real, an effort at intellectual construction* (Schnaper in: Moscovici and Buschini, 2003: p. 297; Loubet Del Bayle, 2000: p. 168).

We must stress that typology contains a share of subjectivity and artificiality (Loubet Del Bayle, 2000: p. 170), which is why the profiles we present in Chapter 2 must be viewed as reading grids and analysis trails for helping players concerned with carrying out a 'selection' in a heterogeneous population (isolated foreign minors) on which they rarely have the necessary knowledge at their disposal.

1.2 Transnational migration of children

Even though migration is as old as mankind, migratory movements, according to most experts, have changed since the second half of the 20th century, in their proportions as much

as in their forms. Thus there is a general *increase* in migration (for example, according to the Global Commission on International Migration, the number of persons who were living far from their country of birth in 2005 had nearly doubled in relation to 1985 (GCIM, 2005) but furthermore, its *characteristics* have also changed (e.g. Lewis & Neal, 2005: p. 425; Whitehead & Hashim, 2005: p. 6; Fass, 2005: p. 943; Penninx, Spencer & Van Hear, 2008: p. 2). The processes associated with globalisation are especially responsible for these changes, the most obvious of them being the neo-liberal demand for flexible foreign labour; the accentuation of the socio-economic polarisation between ‘rich’ and ‘poor’, which is both the current form taken by capitalism and the very consequence of it; means of transportation and communication technologies that facilitate the lessening of distances (physically or virtually), and the influence of the media all over the world, which present western consumerism as the predominant lifestyle.

A first change in characteristics of contemporary migration concerns its *origins*, which have become increasingly diverse. Migration in Europe fell into only three categories up until the 1980s: at the time, migrants came from 1) countries previously colonised by the host countries; 2) countries from which the host countries brought ‘guest workers’ in order to rebuild their economies; 3) politically unstable regions, in particular Eastern Europe (Penninx, Spencer & Van Hear, 2008). However, nowadays, migrants come from a larger number of countries and travel to a broader range of countries.

To that can be added the observation that migrants henceforth move about for a *greater variety of reasons* (Penninx, Spencer & Van Hear, 2008). Whereas political instability and poverty are still important factors, one can increasingly observe highly-qualified employees who move in search of better work opportunities (a process commonly called ‘*brain-drain*’), students seeking a better education or else doctors, nurses and temporary workers who meet the needs of health-care personnel in Western European societies (phenomenon also dubbed ‘*care-drain*’). Another large group is made up of migrant nationals from countries recently admitted into the EU, who seek to improve their living conditions by working temporarily in the building industry, the agricultural sector or even the sex industry. Beyond these groups, one can recognise a whole other range of categories of temporary or permanent migrants—elderly persons attracted by regions with milder climates for their retirement, tourists, ecological refugees, etc.—who move for more or less urgent reasons. In these examples, one notes the varied socio-economic positions from which persons are moving away: all are migrating, rich and poor, unqualified and overqualified workers (Castles, 2000; Lewis & Neal, 2005).

Another important change is what is called the *feminisation* of migration (Bastia, 2005; Fass, 2005; Parreñas, 2005). Whereas in the past it was men who migrated in order to support their families, today female work is increasingly demanded by the international neo-liberal economic system. Women are responding to this demand in ever-greater numbers. As in most countries, since it is women who traditionally take care of the family, that implies important changes in the distribution of roles between the genders and the organisation of care at the world level (Parreñas, 2005; Fass, 2005). As concerns this feasibility study, we see that this trend is reflected in the case of young girls (particularly) from African countries,

who work as domestic slaves for well-off families in Western Europe (*see Chapter 2*) or in the cases of girls from Nigeria or Eastern Europe who move, voluntarily or constrained, in order to work in the sex industry of Western Europe.

Another change is reflected in the fact that migration has become an increasingly 'normal' part of family life. We have gone from a definitive break in the ties between the individual migrant and his family remaining at home on the one hand, to *fluid migration practices* on the other. Migration is henceforth no longer a movement from a place of origin, with its own community and culture (let us say Place A) to another place with different community and culture (Place B), in which the two places are clearly separated by physical limits requiring migrants to cut themselves off from their origins and integrate into their new societies. On the contrary, the ties between the migrants and their families are henceforth more often maintained thanks to transportation and communication technologies. Migrants can go home more easily, if not physically then at least virtually: the telephone, Internet and webcams have made all that possible and are accessible to a wide group of persons. Thus, the migrants and those who have 'stayed behind' can find themselves in two different places at the same time, by blending, so to speak, these two places into a single social framework. Places previously separated are thus more intensely connected by a constant exchange of money, merchandise, information, media images, etc. Consequently, contemporary migrants are linked to their native land as well as to their host society, and these two places are part of the person's 'transnational circuit' (Rouse, 2002: p. 160). This is an idea to keep in mind when analysing the possibilities of a voluntary return of child migrants and to which we will return in § 1.5 (*see also Chapter 2*).

Finally, the largest part of contemporary international migration concerns *migration to the cities* (Fass, 2005). According to Penninx, Spencer and Van Hear (2008: p. 2), '[...] the large cities have become the visible faces of globalisation'. Within these urban spaces, communities of migrants are often concentrated in certain sectors or districts. Thus, the French sociologist Loïc Wacquant (1999) observes that European cities are witnessing a phenomenon that he calls 'advanced urban marginality'. By this he means a constant socio-economic marginality 'has been established' in certain urban neighbourhoods, which are thereby stigmatised, considered areas of pending disorder where crime is endemic. The inhabitants of these areas tend to be stereotyped as 'The Others', feared and kept at a distance. These observations must be kept in mind when trying to understand the public reactions to children who are migrants and in a street situation.

In comparison with the past, migration these days seems more '*spontaneous*', in the sense that the governments of the host countries are not seekers and do not encourage it (at least not consciously), as they did in post-war Europe; one might even say they often feel incapable of controlling it. This may explain why, in political and public speeches, migrants are presented as 'invading' the country and provoking a serious problem of security and control (and not an enrichment). Such is even more the case when it comes to the migration of minors.

‘Child migration’

The changes in contemporary migration probably explain the transnational movement of children/adolescents as well as adults, although we cannot say in certainty, given that we still know little about the independent migration of children. To begin with, estimating the number of child migrants is extremely complicated. For most countries, child migrants are ‘statistically invisible’. Quite often, they are not mentioned as a particular group of migrants. In addition, different countries use different definitions of age, which makes the comparison of data impossible (Whitehead & Hashim, 2005). Certain types of child migration benefit from intense lobbying and defence actions on the part of NGOs, which make these child migrants excessively visible and leave others underestimated. Moreover, the definitions ‘child migrants’, ‘isolated/unaccompanied minors’, ‘street children’, ‘trafficked children’ are not unanimously recognised; it is therefore impossible to make general, international estimations as to their number.

Consequently, we know neither the number of child migrants—estimations must be dealt with critically and carefully—nor *the consequences* of this migration. One tends spontaneously to judge that the migration of children is not a good thing for them, probably because we perceive it in an ethnocentric way, like an aberration in comparison with the western conception of ‘childhood’, i.e., a period of leisure activities, school and play. In the modern western conception, the child is viewed as ‘immature, irrational, incompetent, passive, vulnerable and powerless’ (Theis, 2001) and certainly not as a head of a family or responsible for his own decisions. It is clear that this ‘portrait’ does not correspond to experiences currently lived by many children in the world. According to Paula Fass, it is essential to broach such suppositions critically in order to better understand the life of child migrants. More particularly, she invites us to question our postulates on childhood:

‘We need [...] to question the assumptions [...] that the normal state of child life is stability, and that children are naturally innocent and dependent. These assumptions have become deeply embedded in a Western ideal of childhood that is increasingly broadcast through Western media and international agencies to the rest of the world.’ (Fass, 2005: p. 937).

Thus, it is important to examine child migration and labour from a less normative point of view and judge each situation in its own context. In other words, rather than examining what childhood *should be* according to western norms, we should concentrate on *what it really is* for the children and adolescents concerned in order to understand the consequences, possibilities and dangers of child migration.⁹ One should take into account the point of view of the child/adolescent as well as that of the members of his family.

So what is truly known about the migration of young people? There seems to be a general consensus, based on various regional studies on child migration, that the number of young people migrating independently of their family is on the rise (Whitehead & Hashim, 2005). They are migrating for *diverse reasons*, such as political conflict and family insecurities ensuing from that situation; a high rate of HIV/AIDS that turns families upside down and with which a young person often has trouble dealing; or else because of severe economic crises that influence society, the neighbourhood or the family. Even though poverty is

⁹ Since the concept of ‘children’ has emotional and normative connotations, and the category is not universally cited, one may prefer the concept of ‘young people’. By ‘young people’ one signifies those aged under 18. If necessary, one will make the distinction between ‘children’ (11 and under) and ‘adolescents’ (12-18).

pointed out as the first reason for migrating, there are several authors (in: Whitehead & Hashim, 2005; Bastia, 2005) who challenge this widespread hypothesis. Not only does migration require a certain amount of money (for the trip) that the poorest families cannot provide, but other reasons may be even more urgent, such as the need for emancipation and maturity (Keilland & Sanogo in: Whitehead & Hashim, 2005: p. 26; Thorsen, 2007).

High levels of adult migration to a given location can bring down the threshold of migration of minors (Keilland & Sanogo in: Whitehead & Hashim, 2005), revealing 'normal' migration. That should not appear exotic or strange to us: the aforementioned stability is not necessarily the normal state of children or adolescents, and home is not always the place they most want to be. Anthropologist Ulf Hannerz is clear:

'But home sometimes becomes a bit too much of itself. Most often among young people, who cannot stand so much continuity, so much repetitiveness, so much transparency, there may just be a crushing sense of boredom. Home is a bit of a prison. So impatiently they dream of "the world", a larger city perhaps, and in the end some will take off for it.' (Hannerz, 2002: p. 220)

The processes of globalisation affect this 'aspiration' of young people in several ways. The neo-liberal demand for cheap, flexible labour creates (illegal) work prospects, such as selling in the street, domestic work, textile workshops (sweatshops), agricultural labour or working in the sex industry. Media coverage showing images of a consumerist western lifestyle also plays an important role. Young people imagine the West like the 'land of their dreams' or else, as a social worker noted: 'Eldorado' (Oude Breuil, 2008). They believe they will easily earn salaries unimaginable in their country of origin and are unaware of the difficulties associated with job-hunting. Sometimes, *they are aware of it* but prefer to leave since the future prospects in their country are even more limited.¹⁰

Globalisation also has an impact on the migration of young people in the sense that the tradition of leaving the family home is carried on but *over greater distances*. This complicates the family's ability to protect the child in his new environment. For example, in certain Andean or African countries it is common for daughters of poor families to find themselves entrusted to richer families. These families are linked by real or fictive bonds, and the girls work as servants, sometimes in exchange for their education (Bastia, 2005; Thorsen, 2007). Nonetheless, the story of Henriette Akofa (Akofa, 2000) bears witness that henceforth distances are being reduced thanks to new means of transportation and that the girls can be transported much farther than before. Henriette was sent to a 'quasi-family' in Paris, which had promised to pay her education expenses but in fact exploited her as a domestic slave (Badinter in: Akofa, 2000). Thus, whereas before, young people moved to a nearby village or city to increase the possibilities of a good salary, rapid transportation allows, for a trip of equivalent duration, to cover much greater distances, thereby cutting them off from their local social network.

The primary motivation then of young migrants hardly differs from that of adults: they are searching for possibilities of earning a 'fitting' salary. Some migrate in search of a better education, others to help their families financially and yet other to support their own desired

¹⁰ Bruno Ulmer's document 'Casa Marseilles Inch Allah' (2002) attests to North African boys' attraction for 'Europe'.

mode of consumption (Whitehead & Hashim, 2005; Bastia, 2005; Thorsen, 2007). Thus, Dorte Thorsen (2007: p. 8), in her study on the migratory aspirations of young people in Burkina Faso (as well as Iman Hashim, 2006, in his study on the migration of children in Ghana), stresses the need to examine young people not only from a ‘general point of view on childhood—by presenting passive, dependent young people—but also from *their* point of view. In these studies, young people saw themselves as *independent economic agents*, ‘with the responsibility of contributing to the household and financing their own lifestyle’ (Hashim, 2006: p. 26).

Combining these results with certain cases in our feasibility study, one may conclude that migration is, for some young people, ‘a rite of passage’—a ritual that signifies their transformation from adolescent to adult. Migration can enable young people to earn money to get married, start their own business or, in other words, be independent. That would have been the case for Gabriela had her parents’ plans materialised. Gabriela is a young Albanian woman who was engaged to a young man from her native village. When her fiancé—who turned out to be a member of a mafia family—asked her parents to send Gabriela to Italy, where he was living temporarily, they accepted, without knowing that they were setting the process of Gabriela’s trafficking in motion. To our question of whether she did not find strange that her ‘fiancé’ ask her to join him in Italy, Gabriela answered that it was common, that many young couples left their village to go live in Italy. There, they would have worked (illegally) to finance their upcoming marriage. Gabriela thought their stay in Italy would be temporary, a preparatory phase for life as independent adults in their village of origin.¹¹

Thus, the displacement of young people far from home is not always a sign of family dysfunction. This does not mean that this is *never* the case: in his study, Haslim (2006) found that a significant number of young people had migrated either because they were orphans or had lost their father. In our feasibility study one can also find young migrants who have lost a parent, father or mother. Intergenerational conflicts can also push young people to leave.¹² Amongst the most serious cases of family dysfunction that were examined were those of two young people who were abused, physically, mentally or sexually, at home. Tanja Bastia (2005) indicates that the discrimination between men and women as well as oppressive patriarchal structures are further reasons for which some girls leave home. Family dysfunction can therefore be a reason for migrating but it should not be supposed in advance.

Studying the mobility of young people case by case

In the previous section, we devoted our attention to the ‘normal’—rather than deviant—character of the phenomenon of youth mobility. However that should not blind us to the negative experiences and consequences of migration. As will be seen later on

¹¹ In Gabriela’s case, her husband-to-be had arranged for her to work for him as a prostitute. Once she understood the situation, Gabriela succeeded in leaving Italy and went to live in France.

¹² It is however difficult to establish a clear cause-and-effect relation between such a conflict and the decision to leave. Many young people experience intergenerational conflicts but not all leave home.

in this report, many young people from our study did not evaluate the consequences of their migration—they knew *why* they were leaving but not necessarily the situations to which they would be exposing themselves—and they found themselves in need of support to confront the daily risks. However, we wish to draw attention to the fact that young people can have sensible, rational reasons for leaving home. Moreover, they are not always the passive victims of decisions made by adults; on the contrary, they can show perseverance and resiliency to succeed in their migratory itineraries. If we take that into account, we shall be able understand the attitudes of the young faced with a potential return ‘home’—as well as the conditions envisaged for such a return.

The description of migration as a reasonable choice on the part of young people allows us to counterbalance the current hyper-importance of ‘traffic of children’ in popular and political discourse. This phenomenon is increasingly taking the form of a ‘moral panic’ (Cohen, 1972; *see also: Agustín, 2008: p. 2; Kempadoo, 2005: p. xiv*), overshadowing the other forms of transnational mobility of young people and preventing a neutral, in-depth understanding of the phenomenon (Whitehead & Hashim, 2005). We agree with the authors who put the accent on the need to examine each migration situation in its unique context (case by case) and take an interest in the opinions of the young on themselves, their migration and their direct social environment.

Thus, one renounces the negative prejudices on the mobility of young people to wonder about the point of knowing whether, in the case in point, the young people (and their families) truly profit from their migration or whether third persons also profit. Even if that seems taboo in regards to repressive national positions on migration, one can learn a great deal when considering migration as a ‘normal’, rational strategy rather than a deviance from the norm. Thus, it seems enlightened to study whether migration can improve young people’s living conditions and opportunities and, if this be the case, might one dare take a more open stand in order to accept a certain type of youth migration, regularised and securitised (*see Kempadoo, 2005*)? At what moment may one deem that the young are truly exploited and in a situation of risk and danger—and do they consider themselves exploited or in danger? And one will not be able to ignore this question if envisaging the return of these young people ‘home’. What does exploitation consist of? Risk? Danger? Harm? We shall come back to this in the following section, broaching the phenomenon of trafficking in children from an international and legal point of view.

1.3 Trafficking in children

Even though child migration and trafficking in children are treated as *related* phenomena here, that does not mean they are identical. Good sense allows us to distinguish between them, first and foremost by the voluntary nature of the movement: we start from the principle that child migration is, more or less, a ‘voluntary’ action (even though it may be caused by social deprivation and a lack of opportunities), whereas with trafficking in children, the latter are forced to accept the movement and a situation they would never have chosen of their own free will. However, according to the legal definition, this (*lack of*) *consent* on the part of the minor is of no importance in distinguishing between (illegal) migration and

trafficking in children. An act can be described as an act of ‘trafficking’ according to its *objective*: when persons under the age of 18 are recruited, transported, housed or taken in by other persons for *exploitation purposes*, we then speak of trafficking in children. This difference may seem clear and simple, but we are going to see in the following paragraphs that this is not always the case.

It is difficult to advance *how many* minors are victims of trafficking annually, for figures are often hard to obtain, unreliable or distorted (O’Connell Davidson, 2005; Kempadoo, 2005: p. xx; Mertus & Bertone, 2007: p. 43). Even though numerous organisations give a few indications on the figures of child victims of trafficking each year, rare are they that clearly show how this evaluation was carried out. As an illegal act and highly reprehensible crime from a moral point of view, it would not be surprising that the larger part of this phenomenon be hidden from us; various institutions and agencies will see only a minuscule part of the real situation. Thus one cannot say with certainty whether the number of child victims of trafficking in Western European cities has truly increased or whether the growing media, public and political attention has simply made them *more visible*. If we are to judge by the newspaper articles, documentaries, films, NGO studies and recent local and international reports dealing with this phenomenon, it is quite likely that we are witnessing a rise in figures because we are, in truth, *more aware* of the phenomenon (e.g. O’Connell Davidson, 2005).

Even though certain media reports may give the impression that what we are confronted with today is a growing ‘evil’ typical of our era of contemporary neo-liberal globalisation, we must not forget that trafficking and the exploitation of children *is not a new phenomenon*. Over the ages, children have always been exploited for their labour and/or their sexuality (let us remember, for example, the colonial era during which children were exploited as slaves or else the industrial era when they worked in the factories). However, a few contemporary characteristics seem to have a negative impact on this phenomenon. Thus, the observation above, mentioning a *growing socio-economic gap* between rich and poor, and bringing with it a migratory ‘push/pull’ from ‘the South’ and ‘the East’ to ‘the North’ and ‘the West’, is combined with stricter-than-ever protection of national borders in ‘the West’ (in the United States as well as in Western Europe). With the peoples from the world’s poorest regions, these simultaneous processes provoke an ever-stronger desire to leave, which thereby makes them even more dependent on criminal networks enabling them to do so. In other terms: the combined effects of a greater push/pull dynamic leading to migration and fewer and fewer possibilities to do so legally, seem to play into the hands of *organised criminal groups*, which are not frightened by the idea of exploiting the people they transport. In addition to the causes linked to poverty, several studies mention the impact of *armed conflict and displacement* of marginalised populations on the affect of trafficking in persons (e.g. Friman & Reich, 2007: p. 3; Ebbe, 2008: p. 35). These processes disturb social protection structures, like community and family ties, and create a void in terms of application of the law, which allows organised crime networks to prosper. Sometimes, certain *cultural practices* are brought up as also being able to lead to trafficking in children such as, for example, the practice of sending children to richer relatives to have them take care of household chores in exchange for their education. But, as is shown in convincing fashion by O’Connell Davidson (2005) and Bastia (2005), we must be

prudent when describing such practices as ‘trafficking in children’.

As concerns trafficking towards Europe and within Europe, *the fall of the Soviet Union* is often mentioned as a triggering factor insofar as it left a void of powers propitious to the development of criminal groups (Friman & Reich, 2007: p. 7). This is also what happened with the war and the *division of Yugoslavia* that resulted from it. This sparked off another aspect of trafficking in children: the presence of a large international community of peace-keeping soldiers and other international workers brought with it a sudden development of *the sex industry* for which labour was often supplied by means of techniques typical of trafficking in persons. (Mertus & Bertone, 2007: pp. 41-42; Ebbe, 2008: p. 28). More generally, the *regionalisation of Europe*—namely, cooperation between European states and the disappearance of national borders in this zone—lessened the authority of European States in their efforts aimed at regulating the transnational movement of individuals; this facilitated cross-border criminal activities (Friman & Reich, 2007: p. 4).

Children would be victims of trafficking for various reasons; several *forms of exploitation* can be identified. In his report on trafficking in children (2004), Mike Dottridge took up the following eight forms:

1. commercial sexual exploitation (e.g., child prostitution or pornography);
2. marriage (essentially bound for China where the number of marriageable young women is insufficient);
3. adoption;
4. slavery or work (it happens that children must work in order to allow parents to pay their debts; think, too, about the children working in sweatshops);
5. domestic servitude;
6. begging (e.g., informal work such as selling flowers, washing windscreens or waxing shoes);
7. illicit activities (e.g., breaking and entering, pickpocketing, destruction and emptying of parking meters);
8. the work of children at risk (e.g., what are called ‘three-D jobs’: dangerous, difficult and disgusting; Ebbe, 2008: p. 21).

Moreover, other reports mention trafficking in children in the sports industry, by clubs that, in this way, manage to acquire cheap, ‘malleable’ (potential) talents (IOM, 2002). There are other, more specific, forms of trafficking but they can generally be classified under one of the aforementioned forms.

Even though these categories seem quite precise and may give the impression that trafficking in children can be easily identified and classified, it is far from always being the case. In this feasibility study, several educators expressed their confusion as to knowing whether the circumstances of some of the children they met could be described as trafficking in children (*see also: Oude Breuil, 2008: p. 223*). One sees the same reactions during the congress on trafficking in children: street educators and social workers have trouble applying the ‘Palermo’ definition of trafficking in children (*see following section*)

to real daily situations to which they find themselves confronted. In her article on the domestic work of children in Bolivia, Tanja Bastia raises the question of knowing whether this type of work in this region should really be designated as ‘trafficking in children’ or rather considered a ‘migration of adolescents’ (Bastia, 2005; *see also Ahmad, 2005*); other specialists (such as, for example, O’Connell Davidson, 2005) raise identical questions on the way of determining whether a given situation should or should not be termed trafficking in children. In order to better understand this problem, let us examine the legal definition more closely, as stipulated in the ‘Palermo Protocol’ of the United Nations.

A very precise legal definition against persistent realities

¹³In November 2000, the UN General Assembly adopted the United Nations Convention Against Organised Transnational Crime, which included two new protocols, generally called the ‘Palermo Protocols’ (for the opening conference of the Convention was held in Palermo, Italy). The first protocol deals with the phenomenon of the *contraband* of migrants, the second with trafficking in persons. The fact that these two protocols were part of a convention aimed at fighting transnational organised crime enlightens us on the existing repressive position vis-à-vis (different forms of) illegal migration, to the detriment of a point of view of protection of human rights.

The Protocol to Prevent, Repress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Organised Transnational Crime defines trafficking of persons in its Article 3(a)¹⁴ as follows:

- a) 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 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;
- c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d) “Child” shall mean any person under eighteen years of age.

¹⁵In this article, we identify two important notions, which, when combined, make a clear distinction between the experiences of children and those of adults. First of all, there is the distinction between *forced migration* and *voluntary migration*: subparagraphs (a) and (b)

¹³ In this report, we shall not go into the national and international legal instruments dealing with the phenomenon of trafficking in children. Other reports tackle this question in a more in-depth manner. See, for example: Whitehead & Hashim, 2005: pp. 36-40; Ebbe, 2008: pp. 7-13; EFUS, 2007: pp. 47-58.

¹⁴ The author stressed this section.

¹⁵ What follows has already been broached by B. Oude Breuil (2008: pp. 226-227).

clearly show that trafficking is being talked about solely when it comes to a situation in which a person was taken by force or else by means of coercion or deception—at very least when it comes to adults. Subparagraphs (c) and (d), establish the second important distinction, in particular between children and adults. It stipulates that, as soon as it concerns children, their eventual consent to recruitment, transportation, etc. or to the exploitation to which they are subjected, has no importance as to describing the situation of trafficking in children. Consequently, whereas for adults it is important to know whether the individual is subjected to pressures (as defined in subparagraph (a)) in order to give consent; as concerns children, their possible consent or agreement is not taken into account. As soon as a person under 18 is recruited, transported, transferred, harboured or received for purposes of exploitation, it is, according to this definition¹⁶, a matter of trafficking in children.

This perception of trafficking in children infers that children, unlike adults, are not in a position to make free choices and with full knowledge of the facts as regards migration, which can lead to their exploitation by others. We do not wish to give the impression here that young people can *choose* or *will choose* to be victims of trafficking and exploited. However, we saw in paragraph 1.2 that young people make independent choices of migration and that these choices are often rational, free and made with full knowledge of the facts. In this sense, it is possible to imagine that children can accept an exploitation situation for they consider it preferable to what they have at home. This may be difficult to conceive if one imagines the young person's home as the idealised, safe environment in which the latter is protected and loved. However, as we have also seen in paragraph 1.2, for numerous young people, this ideal home does not correspond in any way to their daily realities in which poverty, the lack of opportunities for a future, conflict, violence and ill-treatment are a common occurrence. Consequently, even though the Palermo definition is useful from an ideological point of view—rising up against very precise treatment of children—, we should make sure not to subscribe to the idea that consists of ignoring their ability to make their own decisions, independently of adults. We must pay attention not to treat children as 'immature, irrational, incompetent, passive, vulnerable and powerless' beings (Theis, 2001) and be ready to take into account the previous decisions they have made during or after their trafficking experience, in order to better understand the context of that experience. This clearly calls for an approach centred on the child.

Another problem raised by the Palermo definition is the notion that trafficking is always forced, in one way or another—whether a matter of *adults*, owing to certain forms of coercion or deception, or *children* because the latter are supposed to be incapable of consenting due to their young age. Illegal migration is then automatically presented as the opposite: it is supposed to be 'voluntary'. But if we examine the poor future prospects (from an economic and social point of view) of numerous migrant children, we can perhaps wonder whether the migration of children is truly as 'voluntary' as that.

¹⁶ Contrary to what many people think, according to this definition, a young person *does not need* to be moved to be a victim of trafficking. Thus, in the Netherlands, young boys (called 'loverboys') who seduce Dutch girls in order to turn them into prostitutes, well and truly commit the crime of trafficking in persons, even though the latter in most cases remain in their original environment (Bovenkerk et al., 2006).

If children are ready to risk their life during a dangerous journey to a western city and sometimes even several times in a row, for this reason being ‘well informed’ on their migratory movement, can we continue to defend the idea that they are doing all that in a totally voluntary way? Something that is in no way surprising, the young themselves present their cases as situations where they have ‘no choice’ and ‘no alternatives’ (Oude Breuil research data, 2008). O’Connell Davidson (2005: p. 68) raises the same question when declaring: ‘If we want them [children who migrate in order to find work, Brenda Oude Breuil] to make other choices, we would do better to think about the way we could find a solution for the inexistence of their alternatives.’

A final difficulty stemming from the Palermo Protocol definition of trafficking consists of knowing *what exactly the term ‘exploitation’ encompasses*. Even though this is developed in the second phrase of subparagraph (a) of the article, the definition nevertheless remains general, and therefore O’Connell Davidson quite legitimately poses the following question: What degree of exploitation must a work relationship reach before one can affirm that a person has been recruited and victim of trafficking ‘for purposes of exploitation’? Once again, it seems obvious that the reality is often much more complex than the very precise legal definition suggests. Let us take as an example the case of young North African migrants who leave for Marseilles illegally and independently. Once there, many of them begin selling contraband cigarettes on the (informal) local market places. At first sight, there does not seem to be obvious exploitation. But how to describe the situation if the (adult) person who sells these cigarettes by the packet asks them for a certain percentage on the sales, leaving the young boys only a meagre income for numerous hours of work? Might one be in the presence of an ‘exploitation’ situation here? Or if this person demands his share of the profits even if the young person has been stopped by the police and made to turn over all his cigarettes? Or imagine as another example, that this person offers room and board to these young people and, in exchange, asks them to sell cigarettes for him; can that be called ‘exploitation’? (This strongly resembles an abuse ‘of power or of a situation of vulnerability’ to use the terms of the Palermo Protocol). Let us push the example a bit further still: what if an adult offers room and board to a young person and, in exchange, asks him or her to sell cigarettes as well as sexual favours?

Thanks to these examples (which, in truth, are not so far from reality: in the Marseilles context, social workers were confronted with such situations or similar situations), we hope to show to what point it is difficult to decide whether a situation deserves the label ‘exploitation’ or not—and thus able to be termed ‘trafficking in children’. To what point must a young person suffer before being considered a victim of exploitation (O’Connell Davidson, 2005: p. 73)? This question has been brought up in several articles, reports and legal instruments (*see, for example, Invernizzi, 2003-04: pp. 459-481; Whitehead & Hashim, 2005: pp. 38-39*); nonetheless, the problem of definition remains because legal definitions need precision, of a distinction often binary of this *what does* and *what does not* constitute a crime, whereas in reality, exploitation experiences are only quite rarely as clear-cut. We will find, in particular, innumerable nuances when taking into account the opinion of young people as to their situation.

1.4 International responses and local actions

Most studies on trafficking in persons admit two general approaches as concerns this phenomenon: an approach based on the application of the law on the one hand, and an approach based on human rights on the other (Kempadoo, 2005; O’Connell Davidson, 2005; Friman & Reich, 2007). It happens that these two approaches may be identified simultaneously in the policies of a country, but it also happens that only one of the two receives the government’s full attention. These approaches often seem to be in contradiction (even though, in principle, we might also imagine that they complement each another). *The approach based on the application of the law* aims at fighting against the illegal practices in relation to trafficking—including, for example, the arrest of and legal proceedings against smugglers and recruiters, the fight against illegal and forced labour, as well as the repression of illegal migration. Regarding the latter example, Julie Mertus and Andrea Bertone (2007) further distinguish a ‘model of illegal migration’ aimed at controlling illegal migration. Both of these are called ‘repressive approaches’ regarding trafficking.

On the other hand, the approach *based on human rights* aims at protecting the rights of victims of trafficking, also including rehabilitation and prevention policies. The approaches based on human rights can thereby examine the real causes of trafficking mentioned above (poverty, conflict, etc.), undertake preventive measures, such as the diffusion of information on trafficking in ‘the countries of origin’, and striving to protect victims’ rights. This approach is also called the ‘empowerment approach’ insofar as it aims at ‘empowering’ (potential) victims of trafficking.

Several authors observe that the approach based on human rights could easily run up against the approach based on the application of the law (Kempadoo, 2005: p. xiv; O’Connell Davidson, 2005: p. 69). This is very well illustrated, for example, in the critique that Kempadoo (2005: p. xv) made regarding international responses in the application of the law vis-à-vis trafficking: ‘[...] even though the migrant persons/victims of trafficking are called “victims” in accordance with different policies and laws, they are treated as illegal immigrants, criminals and threats to national security¹⁷, unless working as informers for the police’. Thus, an approach based on the application of the law may consider persons victims of trafficking as illegals and aim at expulsing them from the national territory rather than giving them the protection to which they are entitled. The partners in this feasibility study pointed out that this tendency was also present in European migration policies: national debates focussing on the negative aspects of migration seem to undermine an approach based on human rights vis-à-vis the rights of victims of trafficking.

Another problem occurring when a unilateral accent is put on the application of the law is indicated by Mertus & Bertone (2007), who declare that such an approach risks making traffickers react by concealing the places of exploitation even better. According to a report of the IOM (2004) on trafficking in the Balkans, local police raids incited the traffickers to hide their sex trade in, for example, private flats, thus making women and children disappear

¹⁷ Kempadoo (2005: p. xviii) alludes to the influence of the United States’ definitions regarding ‘crime’ and the war on terrorism, aimed at international anti-trafficking efforts, thereby favouring an overall repressive approach.

from the view of local authorities and thereby rendering them even more vulnerable. This report affirms, moreover, that an approach based on the application of the law ‘victimises’ women and children (Mertus & Bertone, 2007: p. 51; *see also O’Connell Davidson, 2005; Kempadoo, 2005*). Depicting them as being only victims comes down to denying their capacity of resiliency and action, i.e., their ability to manage on their own, make their own decisions and act in consequence.

From this we may conclude that the approach of only unilaterally applying the law raises numerous critical questions. Despite this observation, that approach is the predominant one at the international level, and the largest share of the financing devoted to the phenomenon of trafficking in persons is invested in projects along the lines of this approach (Kempadoo, 2005; Mertus & Bertone, 2007; O’Connell Davidson, 2005). Participants in our feasibility study shared with us their concerns about this development, which, according to them, undermines their efforts in view of protecting victims of trafficking.

In addition to tensions that can occur between the abovementioned approaches as to trafficking in persons, there is also the problem of *the implementation* of national and international laws and policies. The Palermo Protocol is, after all, a *model* for national legislation; the rights stemming from this instrument cannot be claimed directly inasmuch as the Protocol is not legally binding. Thus, States are duty bound to include the rules of the Protocol in their own national laws, and generally, the countries having signed the Protocol do so. Nonetheless, these national anti-trafficking laws and protection measures are not always really applied, owing to the lack of resources, personnel or practices of corruption (Whitehead & Hashim, 2005: p. 40; *see also Friman & Reich, 2007*). To summarise: international laws reflect the ideals to achieve and not ‘*hard-line*’ guarantees ensuring the effective protection of young people’s rights.

Moreover, there is also the difficulty of a well-coordinated international approach. Inasmuch as trafficking practices are often transnational, crossing several national territories, this phenomenon calls for an *integrated international approach*. The differences existing on the level of defining the problem (and related concepts such as ‘illegal migrants’, ‘unaccompanied minors’, etc.); favoured ways of tackling it; national systems of application of the law and divergent philosophies, etc., risk hampering combined efforts aiming at dealing with the phenomenon of trafficking in persons (*see, for example, Sanghera 2005 and Lindstrom, 2007*). According to several studies, one of the most disturbing trends would be the lack of sharing reliable information between the various international anti-trafficking institutions (Mertus & Bertone, 2007: p. 53; Kempadoo, 2005: pp. xix-xxi). The ECPAT report *Joint East West research on trafficking in children for sexual purposes in Europe: the sending countries* (2004: p. 96) thus underscores the importance of ‘cooperation between state agencies, international organisations and NGOs.’ The latter recommends a ‘*multi-party approach*’ and suggests 13 partners each playing a role in the fight against trafficking in persons: international organisations; the media; the judicial system; customs; the educational system; the children themselves; the NGOs; the parents/care-givers; the health system; the private sector; the social security system; the countries of origin and churches (ECPAT, 2004: pp. 97-98). It also indicates what the different partners can or should take charge of.

One in the other, several promising measures were taken in different countries as well as at the international level: progress has been made on the legislative level (e.g., most countries in Eastern and Western Europe henceforth have minimum anti-trafficking legislation); numerous countries 'of origin' in Eastern Europe have elaborated National Action Plans (NAP), thereby benefiting from aid on the part of the OSCE for their implementation (Mertus & Bertone, 2007; ECPAT, 2004); the IOM points out positive developments as regards assistance to victims and their protection in South eastern Europe (Surtees, 2005); transnational networks of militants have developed, thereby allowing for linking together anti-trafficking players beyond national borders; general awareness of the trafficking phenomenon is stronger in Western as in Eastern Europe, and all sorts of institutional players (NGOs, GOs, religious organisations, etc.) have endeavoured to improve the infrastructures in order to guarantee the protection of persons victims of trafficking. Nonetheless, there still remain several obstacles which must be taken into account, especially as regards (greater) international cooperation, guaranteeing that the NGOs' anti-trafficking initiatives be financed in a more continuous and lasting way (ECPAT, 2004: p. 96) and that media coverage refrain from presenting stereotyped reports on trafficking and the victims of this phenomenon (ECPAT, 2004: pp. 94-95; Agustín, 2007: pp. 2-4).

It would be appropriate to add a final word concerning the stereotypes of which victims of trafficking are the subject. Several authors (*see, for example: Agustín, 2007; ECPAT, 2004: pp. 94-95*) point out that the victims are presented (by the media as well as by NGOs and local organisations) as vulnerable, incompetent, lacking moral standards (in the case of trafficking victims working in the sex industry) and not totally reliable. This image can be partially explained by the difficulty felt by numerous victims in relating an unequivocal truth about their trafficking experiences. This is perhaps due to traumatic experiences about which it is generally difficult to speak. However, as De Wildt (2007) demonstrates convincingly in his (Dutch) master's thesis on Romanian women victims of trafficking in Rome (Italy), incoherent stories can also be 'fabricated' *because of* stereotypes existing within organisations in charge of assisting and protecting victims. His study shows that trafficking victims can quickly realise that *only a certain type of account* of their trafficking experience will enable them to claim measures of protection more than necessary. For example, saying that one was aware of the type of work (prostitution) that awaited us in the 'host country' risked compromising any request for aid or protection, in spite of the fact of having been deceived as to working conditions, payment, etc. Thus, even though the Palermo Protocol continues to define such persons as 'trafficking victims', local notions as to what the victims 'resemble' and the way they 'should conduct themselves' can run up against the legal definition and lead to an unfavourable result for the victim. When they are aware of these local 'images of victims', stereotypes and moral notions, persons who are trafficking victims can, in truth, 'change' their narrative in order to ensure themselves the protection to which they are entitled. We can thus speak of '*productive life histories*' (De Wildt, 2007): personal narratives inspired by the stereotyped image of the 'deserving' victim existing within an organisation. The primary value of these does not lie in the fact that they are 'true' but rather in the fact that they produce the necessary result. Sometimes it even happens that the heads of organisations in charge of the selection of individuals for such and such a form of assistance help the latter in elaborating such life histories so that the victims receive the aid they need.

This example clearly shows that the stereotyped notions of trafficking victims can hinder equitable treatment (from the legal and social points of view), being, as a result, harmful to the fate of victims of this phenomenon. As we have already mentioned, we stress the importance of treating each account of trafficking individually and in its specific context, and considering the trafficking victims as individuals having their own, unique life history, an objective that can only be achieved by means of a case-by-case approach.

1.5 The ‘return’: a contested, sensitive subject from a political point of view

As with the two different approaches (concerning the phenomenon of trafficking in children and the way of tackling it) stated above, we could say that the notion of ‘return’ can also be the subject of a repressive approach favouring the application of the law or an approach by instead putting human rights forward. When the ‘return’ is broached according to the principles of the application of the law, policies and practices aimed at identifying illegal migrants are going to be favoured in order to send them back to their country of origin and arrest their smugglers or traffickers. On the other hand, when we tackle the ‘return’ from the human rights point of view, we try instead to create the necessary conditions so that individuals can return to their country in full security when they so wish. This is applicable when it comes to a ‘return’ following a trafficking experience, but we can also imagine the ‘return’ as a preventive instrument, after a voluntary migration, in order to avoid the person being exploited and/or becoming a victim of trafficking in the host country. According to the human rights approach, the ‘return’ involves the protection of (potential) trafficking victims’ rights both in the country of origin and in the host country, meaning that a return should be without danger for the ‘repatriated’ and that trafficking victims should in no event be forced to return home when a danger exists. It perhaps appears obvious in this feasibility study that our approach to ‘return’ is the one based on human rights.

As concerns the return of young people, it would be appropriate to make certain remarks about the notion of ‘home’, constructed culturally. As has already been shown in a previous article (Oude Breuil, 2008; *see also: Agustín, 2007; Scheper-Hughes & Hoffman, 1998*), the concept of ‘home’ is not an objective, neutral concept insofar as it is generally defined affectively (and not cognitively), according to different cultures. Consequently, in ‘the West’, the notion of home today signifies the ‘suitable’ place where women and children should be, who are not ‘supposed’ to spend too much time ‘in the streets’. Home is the principal place of benevolence and social reproduction, and family members are supposed to feel good there, protected from the dangers of the ‘outside world’. It is quite likely that these idealised notions of home are mentioned or unconsciously constitute a point of departure in discussions and thinking about an eventual ‘return’ of trafficking victims. However, as innumerable studies have shown, ‘home’ is not always, and not for everyone, the ‘paradise’ that it is supposed to be. As we saw in section 1.2, numerous young people leave home precisely because (from an economic, social or cultural point of view) they *do not feel* in security, or because they feel that their family environment hinders them in their personal progression. Thus the idea that all children are better off at home with their family is highly

misleading and can result in decisions that are not necessarily ‘in the child’s interest’¹⁸.

Moreover, it must not be forgotten that young people seeking asylum are entitled to special guarantees, including those of *non-turning back* and the seeking of *lasting solutions* (Council of Europe, Rec(2007)9). Therefore, the ‘return’ instrument can never be applied solely in the goal of tackling insertion problems of the ‘host countries’, which are confronted with unaccompanied minors (sometimes in large number). Just as ‘the child’s best interest’ constitutes a fundamental notion when taking care of unaccompanied minors (Council of Europe, Rec(2007)9), it is also the case, or should be—and perhaps *even more*—when it comes to young trafficking victims (*see Chapter 3*).

As we shall see in the following chapter, several forms of trafficking in children and adolescents can be identified, some looking increasingly like (illegal) migration rather than trafficking. It will become obvious, after having examined our case studies, that in extreme cases of organised trafficking in children, especially when it comes to the sex industry, a return to the country of origin is rarely conceivable insofar as the traffickers may have a continued means of pressure over the victim and his or her family. In this case, we would suggest that the notion of ‘return home’ be broadened, thus giving young people the possibilities (legal, social, economic, political, cultural, etc.), tools and support necessary for the construction of a *new home* in the host country.

Irrespective of the degree of seriousness of the trafficking situation, we approach (in each case) the ‘return’ as a *process* and not a ready-made solution. In this sense, it could fully be part of a life plan, as recommended by the Council of Europe in its recommendation Rec(2007) 9. According to this, life plans should take into account *specific situations* of young people, such as their personal profile (age, sex, culture of origin, etc.); their migratory itinerary; family environment; expectations, hopes and perceptions of the young person himself; the situation in the country of origin; special guarantees offered to unaccompanied minors and the situation in the host country. This list of pertinent elements in the case of unaccompanied minors also seems useful for collecting information on young trafficking victims—something that can also be observed by the fact that this list strongly recalls the interview topics proposed in this feasibility study (*see appendix*). If one takes into account all these elements, it then becomes obvious that the ‘return’ is a complex problem and that it would be thoroughly inadequate to tackle it as simply being a way of removing young people from the national territory of the host country.

Considering the ‘return’ as a process implies that it is necessary to include in this concept a notion of *reintegration*—in the country of origin or, when the young person cannot return home in full security, integration in the host country. In this feasibility study, we often resorted to the concept of ‘*symbolic reintegration*’, which generally precedes true reintegration of the young person. The term ‘symbolic reintegration’ embraces all the actions

¹⁸ On the other hand, it would also be a mistake to start from the principle that young people who are victims of trafficking have *always* known family dysfunctions and a dangerous environment at home; as stipulated in section 1.2, this is not the case. Consequently, the young person’s family context should be evaluated and examined individually.

aimed at (re)making the young person a member of his social environment, *in thought*. Thus, before an individual can truly become reintegrated in his family, his neighbourhood, his school environment, his village or city, etc., he must be (re)imagined as *belonging* to this social environment. After all, these original feelings of belonging are often destroyed by the migratory movement and/or trafficking. The young person, as well as those ‘close’ to him (parents or guardians, distant family, neighbours, friends, teachers, etc.) must therefore get used to the idea that he is going to again become an integral part of the social group. The symbolic reintegration can, for example, be expressed by regular telephone calls home when the young person is still in the host country, or else by sending photos or video messages to the family (and others close to him). This notion of symbolic reintegration can also be applied to young people who cannot return to their country of origin, thus having to construct a new ‘home’ in the host country. In that case, the young person can then, for example, be encouraged to imagine what his life might be like in the new society, think about an educational future or job possibilities, etc., and, from the point of view of the receiving society, symbolic reintegration could be translated by the preparation of a host family to the coming of the young person through photos or letters, or else from a school explaining the history, wishes and expectations of the trafficking victim that he is on the point of noting down. If the necessary attention is paid to symbolic reintegration, the real integration will be able to take place gently, thereby enabling the young person to encounter less resistance and adapt more easily to his new life.

The minimal conditions for guaranteeing a quality return, in agreement not only with the young person’s desire but also according to the constituent elements of the child’s best interest on the individual level, are summarised here by six criteria. Thus, the return must be:

a. Of heightened security: a crossed collection of information between the host country and country of origin must allow for evaluating the degree of direct and broadened involvement of the child’s environment in the migratory process, taking into account the factors of exploitation or even trafficking.

b. Legal: the return of a young person to his country of origin must be organised in accordance with the texts and practices used by the authorities in charge of the child’s protection and combined between the host country and country of origin;

c. Prepared with the child: experience clearly shows that the quality of the return conditions the quality of the child’s reintegration into his milieu of origin. The different intervenors in charge of preparing the return must therefore support the child in his decision-making. The return must be voluntary.

d. Prepared with the family / environment of origin: in the country of origin, the intervenors who co-organise the return process with the team of the host country must make sure of the material feasibility and of the psychological and affective environment of the family, favourable to the child’s return. Good transnational coordination, especially on the criteria of quality of reception, is indispensable.

e. Adapted case-by-case: every eventuality of return must be evaluated individually (in order to avoid possible abuses of group repatriation envisaged for adults).

f. Rapid: in accordance with the points mentioned previously, the time of the return operation, once the decision has been made, must be reduced to operational constraints. A delay, whether administrative or due to slowness of communication between the parties involved, can only affect the quality of the return. A young person in ‘a pending return’ can change his mind quickly if the wait drags on. The quality of support also implies handling the different moments / stages in the return process.

Read:

TdH Policy Paper on Return of Foreign Unaccompanied Minors, downloadable on the Terre des Hommes regional site: http://tdh-childprotection.org/component/option,com_doclib/task,showdoc/docid,482/

Bibliography for §1.1

LODWICK, Dominique. *Intervention Saragosse Association Jeunes Errants: ‘Jeunes sous violence’*, October 2006. Available on: http://zaragoza2006.EFUS.org/IMG/pdf/Saragosse_intervention_AJE.pdf

LOUBET DEL BAYLE, Jean-Louis. *Initiation aux méthodes des sciences sociales*. Paris: L’Harmattan, 2000. 272 pp.

MOSCOVICI, Serge and BUSCHINI, Fabrice (dir.). *Les méthodes des sciences humaines*. Paris: Presses Universitaires de France, 2003, 1st edition, Fundamental collection, 472 pp.

MUCCHIELLI, Alex (dir.). *Dictionnaire des méthodes qualitatives en sciences humaines et sociales*. Paris: Armand Colin/Masson, 1996, 1st edition, 275 pp.

TRUDEL, Louis, SIMARD, Claudine and VONARX, Nicolas. *La recherche qualitative est-elle nécessairement exploratoire?* 2007, *Recherches Qualitatives?* Special edition no. 5, pp. 38-45. Available on: http://www.recherche-qualitative.qc.ca/hors_serie_v5/trudel.pdf

Protocol to Prevent, Repress and Punish Trafficking in Persons, Especially Women and Children

Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography

Bibliography for §1.2-1.5

AHMAD, N. *Trafficked Persons or Economic Migrants? Bangladeshis in India*, in: Kempadoo, K. (ed.) *Trafficking and Prostitution Reconsidered. New Perspectives on Migration, Sex Work, and Human Rights*. Boulder, CO: Paradigm Publishers, 2005, pp. 211-227.

AGUSTÍN, L.M. *Sex at the Margins: Migration, Labour Markets and the Rescue Industry*. London: Zed Books, 2007, 248 pp.

- AKOFA, H. *Une esclave moderne*. Neuilly-sur-Seine: Éditions Michel Lafon, 2000, p. 216.
- BASTIA, T. *Child Trafficking or Teenage Migration? Bolivian Migrants in Moneyina*. International Migration 2005, 43 (4), pp. 57-89. Available on: http://www.childtrafficking.com/Docs/bastia_2005_teenage_migration_0108.pdf
- BOVENKERK, F., SAN, M. VAN, BOONE, M., BOEKHOUT VAN SOLINGE, T. & KORF, D. *Loverboys of modern pooierschap*. Amsterdam: Uitgeverij Augustus, 2006, 265 pp.
- CASTLES, S. *Ethnicity and Globalization*. London: Sage, 2000, 240 pp.
- CMMI *Migration in an interconnected world: New directions for action. Report of the Global Commission on International Migration*. Geneva: Global Commission on International Migration, 2005, 88 pp. Available on: <http://www.gcim.org/attachements/gcim-complete-report-2005.pdf>
- COHEN, S. *Folk Devils and Moral Panics. The Creation of the Mods and Rockers*. Plaats: MacGibbon & Kee, 224 pp.
- CONSEIL DE L'EUROPE. *Life plans for unaccompanied migrant minors, Recommendation Rec(2007)9 and explanatory memorandum*. Strasbourg: Editions du Conseil de l'Europe, 2008, 34 pp. Available on: <http://book.coe.int>
- DOTTRIDGE, M. *Kids as Commodities? Child Trafficking and what to do about it*. Lausanne: International Federation Terre des Hommes, 2004, 98 p. Available on: <http://www.terredesmen.org/pdf/commodities.pdf>
- EBBE, O.N.I. *Causes of Trafficking in Women and Children*, in: Ebbe, O.N.I. & Das, D.K. (eds.), *Global Trafficking in Women and Children*. Boca Raton: CRC Press, 2008: p. 33-38.
- ECPAT (O'BRIAIN, M., BORNE, A. VAN DEN, NOTEN, T.) *Joint East West research on trafficking in children for sexual purposes in Europe: the sending countries*. Amsterdam: ECPAT Europe Law Enforcement Group, 2004, 172 p. Available on: <http://www.ecpat.se/upl/files/93.pdf>
- EFUS/FESU *Trafficking in human beings. International knowledge and local practices*. Paris: EFUS, 2007, 59 pp.
- FASS, P.S. *Children in Global Migrations*. Journal of Social History, 2005, 38 (4), pp. 937-953.
- FRIMAN, H.R. & REICH, S. (eds.) *Human Trafficking, Human Security, and the Balkans*. Pittsburgh, PA: University of Pittsburgh Press, 2007, 214 pp.
- HANNERZ, U. *Where We Are and Who We Want to Be*, in: Hedetoft, U. & Hjort, M (eds.), *The Postnational Self. Belonging and Identity*. Minneapolis: University of Minnesota Press, 2002, pp. 217-232.
- HASHIM, I.M. *The Positives and Negatives of Children's Independent Migration: Assessing the Evidence and the Debates (Working Paper T16)*. Brighton: Development Research Centre on Migration, Globalisation and Poverty, 2006, 35 p.
- INVERNIZZI, A. *Des enfants libérés de l'exploitation ou des enfants travailleurs*

doublement discriminés? Positions et oppositions sur le travail des enfants. Déviance et Société 2003/4, 27, pp. 459-481.

IOM *Trafficking in Unaccompanied Minors in the European Union; Belgium, France, Germany, Greece, Italy, the Netherlands, Spain.* Paris: IOM, 2002, 95 pp. Available on: http://www.childtrafficking.org/pdf/user/iom_trafficking_in_unaccompanied_minors_in_the_european_union.pdf

IOM *Changing Patterns and Trends of Trafficking in Persons in the Balkan Region.* Geneva: IOM, 107 pp. Available on: <http://www.iom.hu/PDFs/Changing%20Patterns%20in%20Trafficking%20in%20Balkan%20region.pdf>

KEMPADOO, K. (ed.) *Trafficking and Prostitution Reconsidered. New Perspectives on Migration, Sex Work, and Human Rights.* Boulder, CO: Paradigm Publishers, 2005, 247 pp.

LEWIS, G. & NEAL, S. *Introduction: Contemporary political contexts, changing terrains and revisited discourses.* Ethnic and Racial Studies (Special Issue Migration and Citizenship), 2005, 28, pp. 423-444.

LINDSTROM, N. *Transnational Responses to Human Trafficking: The Politics of Anti-Trafficking in the Balkans*, in: Friman, R.H. & Reich, S. (eds.) *Human Trafficking, Human Security, and the Balkans.* Pittsburgh: University of Pittsburgh Press, pp. 61-80.

MERTUS, J. & BERTONE, A. *Combating Trafficking: International Efforts and Their Ramifications*, in: Friman, R.H. & Reich, S. (eds.) *Human Trafficking, Human Security, and the Balkans.* Pittsburgh: University of Pittsburgh Press, pp. 40-60.

O'CONNELL DAVIDSON, J. *Children in the Global Sex Trade.* Cambridge: Polity Press, 2005, 178 pp.

OUDE BREUIL, B.C. *Precious Children in a Heartless World? The Complexities of Child Trafficking in Marseilles.* Children & Society, 2008, 22 (3), pp. 223-234.

PARRENAS, R.S. *Children of Global Migration. Transnational Families and Gendered Woes.* Stanford, CA: Stanford University Press, 2005, 224 pp.

PENNINX R., SPENCES, D. & VAN HEAR, N. *Migration and Integration in Europe: The State of Research (Report commissioned by the Economic and Social Research Council (ESRC) for NORFACE).* Oxford: ESRC Centre on Migration, Policy and Society (COMPAS), 2008, 18 pp. Available on: <http://www.norface.org/files/migration-COMPAS-report.pdf>

ROUSE, R. *Mexican Migration and the Social Space of Postmodernism*, in: Inda, J.X. & Rosaldo, R. (eds.) *The Anthropology of Globalization.* Malden, MA: Blackwell Publishers, 2002, pp. 155-171.

SANGHERA, J. *Unpacking the Trafficking Discourse*, in: Kempadoo, K. (ed.) *Trafficking and Prostitution Reconsidered. New Perspectives on Migration, Sex Work, and Human Rights.* Boulder, CO: Paradigm Publishers, 2005, pp. 3-24.

SCHEPER-HUGHES, N. & HOFFMAN, D. *Brazilian Apartheid: Street Kids and the Struggle for Urban Space*, in: Schepher-Hughes, N. & Smoney, C. (eds.), *Small Wars. The Cultural Politics of*

Childhood. Berkeley: University of California Press, 1998, pp. 352-398.

THEIS, J. *Participatory research with children in Vietnam*, in: Schwarzman, H.B. (ed.), *Children and Anthropology*. Westport, CT: Bergin & Garvey, 2001, pp. 99-109.

THORSEN, D. *'If Only I Get Enough Money for a Bicycle!' A Study of Childhoods, Migration and Adolescent Aspirations Against a Backdrop of Exploitation and Trafficking in Burkina Faso (Working Paper T21)*. Brighton: Development Research Centre on Migration, Globalisation and Poverty, 2007, 28 pp.

WACQUANT, L. *Urban Marginality in the Coming Millennium*. *Urban Studies*, 1999, 36 (10), pp. 1639-1647.

WHITEHEAD, A. & HASHIM, I. *Children and Migration (Background Paper for DFID Migration Team)*. London: Department for International Development, 2005, 57 pp. Available on: http://www.livelihoods.org/hot_topics/migration/policy.html

WILDT, R. DE (2007) *Tasten in het duister; een studie naar de handelingsmogelijkheden van Roemeense straatprostituees in Rome*. Masterthesis, Utrecht University.

2

Results and Analysis of cases

Chapter 2

Results and Analysis of cases

In the first chapter, we saw that in the scientific knowledge of the phenomena of youth migration on the one hand, and of traffic and trafficking in children on the other, there still remain many gaps. The lack of quantitative data and those at our disposal must be examined with considerable prudence: numerous cases remain invisible [*black number*], either because the situations themselves are difficult to spot or because the players do not know how to define the phenomenon of trafficking.

From the qualitative data available, we have drawn six important conclusions:

1. More and more young people are leaving home *of their own free will*, hoping to escape a context and an environment that, in their opinion, offer them little chance for building a future;
2. For many young people, an independent migration (independent of parents, the family) seems to be a sort of *rite of passage* by which they leave the stage of childhood and try to achieve adult status by showing themselves capable of earning their own living;
3. Contrary to public and media representations, the differences between the two groups of young people ‘in movement’ (e.g. young migrants and young trafficking victims) are not always evident or pertinent. In other words, there is only a thin *porous separation* between the group of young migrants that of young trafficking victims, and the two situations can *coincide* in certain cases;
4. The difference between ‘young unaccompanied migrants’ and ‘young trafficking victims’ is found in the *exploitation* that the child was subjected to before (recruitment phase), during (transfer phase) or after (housing and forced-labour phase), the national or cross-border movement, and the profit that a third party made from her or him—however, the definition of the concept of ‘exploitation’ is not always clear or internationally uniform;
5. In general, young migrants or trafficking victims demonstrate capacities of *resiliency* and *strength* and are *never without some capacity for acting*—the reason for which their opinion of their own situation and future is important and must be heard and taken into account;
6. No migration, trafficking or exploitation experience is the same as another; each person comes from a different social context, has different capacities and life plans and lives his situation in a unique manner. To well understand and guide him in his life journey, it is necessary to apprehend every migration or trafficking experience in the *unique context of the child*—a *case-by-case approach* is therefore strongly advised.

In this chapter we present the results of the feasibility study, taking into account, as far as possible, these six conclusions.

In the first section we present the results of the rereading, case by case, of 600 dossiers of minors in cross-border movement. In order to have an overall view of the data collected, we

have summarised and categorised them, establishing ‘profiles’ of young people encountered in this research. To each profile we have added a ‘typical’ history in order to give a more vivid idea of the young people behind the profiles.

Then, in the second section, we specify the local contexts, in particular the occurrence of certain profiles by city and the methods of taking into care. The following section deals with the main difficulties and dysfunctions encountered in dealing with the young people.

2.1 Profiles of minors in cross-border movement

In this research we reread the dossiers of some 600 minors in cross-border movement. In these dossiers, there are flagrant cases of trafficking, but there are also some that seem rather to be cases of ‘voluntary’¹⁹ migration of minors. We chose to consider all these cases, given that the definition of trafficking is not always clear or applied in the same way everywhere. Starting from a broad definition—involving all minors in cross-border movement who are isolated²⁰—we ensure an open approach and avoid excluding pertinent cases by too narrow a selection.

In the previous chapter we concluded that a case-by-case approach is strongly advisable. We therefore studied again the 600 dossiers with the help of a questionnaire. Since this report can obviously not take into consideration all the cases one by one, we made profiles corresponding to the young people encountered in these 600 dossiers. These profiles are built on the basis of the *focus group* that brought together local experts during the second seminar (see §1.1). To each of these profiles we will make a corresponding ‘model narrative’, allowing for recreating the richness of data collected thanks to the questionnaire²¹.

At first glance, it might seem logical to base such a categorisation on the type of exploitation undergone by the minor, or else on his geographical origin; however, we chose a different approach. Trafficking is not an isolated event but a *complex process*. Concentrating solely on the type of exploitation or the region of origin comes down to neglecting the succession of events that composes it. We therefore based our profiles on a holistic approach of the young person’s history. The profiles account for the reasons for leaving, the situation of life in the country of origin, the itinerary up to the exploitation situation, the activities (forced or otherwise) in the country of destination and the possible projects for the future. **This type of categorisation allows for apprehending the migration and trafficking as a process, not a set, unidirectional event and, in our opinion, meets the demand coming from previous scientific studies of putting the**

¹⁹ On voluntary migration linked to economic reasons, see Chapter 1, section 1.2.

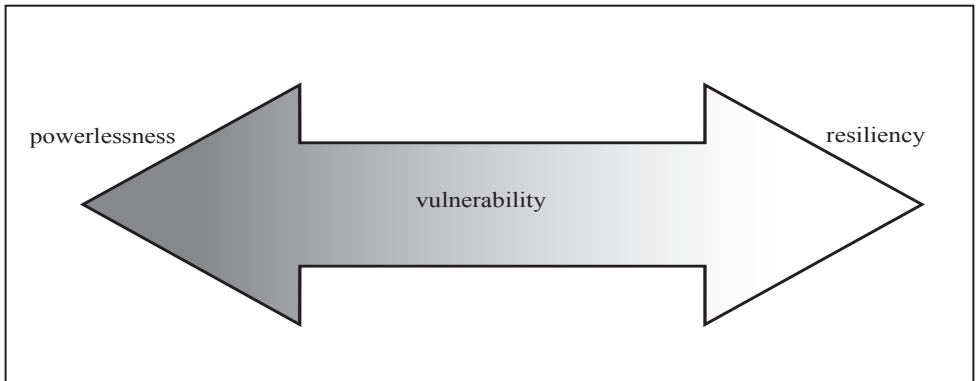
²⁰ Rom children are not always unaccompanied—in fact, most of the time they come with their families. We have included them in this study nonetheless for several partners had questions, as much on the possible exploitation situation of these children as on their belonging to supposed ‘parents’ (the problem of the lack of papers and the custom of children circulating between different families; indeed, it is not easy to determine whether the child is a ‘real’ member of the family to which he says he belongs).

²¹ One categorisation per profile always involves the risk of stereotyping unique experiences. One must therefore keep in mind that these profiles are only an analysis tool and do not reflect a young person’s life in all its complexity.

child back in his context, in his ‘singular history’²².

In the double objective of detection and accompaniment (in the return), the study of these profiles in a comprehensive perspective allowed us to pinpoint elements increasing the risks of trafficking (*vulnerabilities*) as well as those favouring a return/re-integration (*capacities and resiliency*). A certain number of questions were raised: Is it possible to distinguish ‘vulnerabilities of departure’? Are there ‘predestined itineraries’, relations of sense or cause and effect? What is going to distinguish one itinerary from another? At what moment is the process going to topple?

By definition, what is vulnerable is what is fragile and sensitive to external attacks. However, vulnerability goes beyond the simple framework of physical capacities and touches on the socio-economic dimension. It refers to notions such as precariousness and insecurity. Thus, according to Holzmann and Jorgensen (quoted in: *Boîte à outils pour les OEV*, 2005: p. 11), ‘vulnerability is conditioned by the characteristics of risk and stress, such as scope, frequency, duration and the extent of the problem to which individuals, families and communities are exposed. **Thus, the degree and type of vulnerability vary, with time, from one country to another, and are highly contextual. This implies that vulnerability is a relative state—a multi-faceted continuum between resiliency and absolute powerlessness.**’



It is common to think that the main factor leading to trafficking is poverty, but the phenomenon is more complex. What then are the *vulnerability factors*? Vulnerability is the state of a person who will be unable to satisfactorily face up to the vagaries to which he will be exposed. One may envisage vulnerability from the angle of social groups, economic activities exercised or else the geographical area in which a person is located (Balde, 2006). Taking previous studies as a basis, Truong (2005: p. 70) distinguishes between three types of trafficking factors in Western and Central Africa—socio-cultural, economic and legal—and emphasises the existence of factors particular to the situation of women and children explaining that they can *easily fall back into trafficking*, such as their exclusion from decision-making mechanisms or a social and cultural environment stigmatising victims of trafficking.

²² Georgina Vaz Cabral (2006: p. 8) recalls the difficulty in perceiving trafficking in its entirety, for ‘although it is fundamentally a matter of recruiting, displacing, subjugating and exploiting a person, it manifests itself differently according to the victim’s origin, destination and form of exploitation’, trafficking ‘is continually evolving’ and adapting to contexts, political and legal systems, the variety of players, routes and means...

Thus, amongst what can be called ‘departure vulnerabilities’, may appear:

DEPARTURE VULNERABILITIES	
personal factors	environmental factors
- economic precariousness	geopolitical (insecurity)
- joblessness, absence of prospects	- political instability, armed conflict
- risky profession/activities	- bad governance, corruption
- precarious housing, life in the street	- absence of basic services (health...)
- low level of studies, school drop-out	- natural disasters (famine, flooding...)
- ‘inferior’ status (gender, ethnic group, social class)	- presence of organised networks in the country or region
	social (isolation)
	- fragile family cell
	- intra-family violence/conflicts
	- disaffiliation, break of ties
	- social exclusion

To these vulnerability factors are added those encountered during the journey: the number and identity of persons with whom the child interacts (family, smugglers, ‘welcoming’ persons in the country of destination), the situation in the countries or regions of transit and destination, the length of the journey, the sums at stake (debts), the need for survival (question of activities).

In the ‘*downwards spiral of vulnerability*’ concept (*Boîte à outils pour les OEV*, 2005: p. 11), when a child, a person basically already more vulnerable than an adult, finds himself in a state of even greater vulnerability, he exposes himself to ‘shocks’, each of which takes

him to a level of greater vulnerability indissociable from new risks, with the situation thus getting progressively worse. Boris Cyrulnik (2001) compares this situation to a ‘cascade of blows where each bit of suffering seems to lay the groundwork for the following’ or to a ‘torrent’, in which the children must find something or someone to hang on to.

The question of resources and the child’s capacity of resiliency then arises. Indeed, not every vulnerability situation is necessarily synonymous with trafficking; thus, a minor will be able to mobilise his own capacities or profit from *protective factors* that will prevent the trafficking process from getting underway or else succeeding: personal knowledge, resourcefulness as well as belonging to a solid social network, community solidarity or the existence of ‘locating’ organisms and effectively taking care are so many examples. Similarly, the resiliency process (capacity of getting over a trauma) can be favoured by elements such as precociousness of the stage at which one has intervened or methods of the intervention (protection, access to justice, listening and medical assistance...).

These factors of risk and protection are found again in the established profiles.

Selective bibliography

BALDÉ, Demba. *Les enfants en situation de rue, un groupe social vulnérable*. In: *Les Échos de la Banque mondiale* no. 6, December 2006 Available on: <http://web.worldbank.org/WBSITE/EXTERNAL/ACCUEILEXTN/PAYSEXTN/AFRICANFRENCHEXT/SENEGALINFRENCHEXTN/0,,contentMDK:21177543~menuPK:461591~pagePK:2865066~piPK:2865079~theSitePK:461478,00.html>

CYRULNIK, Boris. *Dans notre culture, l’enfant blessé est encouragé à faire une carrière de victime*. *Le Monde de l’éducation* no. 292, May 2001. Available on: <http://www.leworld.fr/mde/ete2001/cyrulnik.html>

Région Afrique de la Banque mondiale et Institut de la Banque mondiale. *Boîte à outils pour les OEV, une Boîte à outils pour la prise en charge des Orphelins et enfants vulnérables (OEV) en Afrique sub-saharienne (ASS)*, December 2005, 1st edition, 148 pp. Available on: www.worldbank.org/ovctoolkit

TRUONG, Thanh-Dam. *Pauvreté, genre et traite des personnes en Afrique sub-saharienne: Repenser les Meilleures Pratiques en matière de gestion des migrations*. UNESCO, March 2005, 167 pp.

VAZ CABRAL, Georgina. *La traite des êtres humains: Réalités de l’esclavage contemporain*. Paris: Editions la Découverte, 2006, 260 pp.

For other examples of establishing profiles:

IOM. *Trafficking in unaccompanied minors in the European Union, pilot project aimed at fighting against trafficking in human beings*. December 2002, 109 pp.

IOM. *Trafficking in unaccompanied minors in the European Union, research and European conference*. October 2003, 159 p.

Save the Children Italia. *Protocollo di identificazione e supporto dei minori vittime di tratta e di sfruttamento*, 2007

Profile 1: The Runaways

The first profile recognised in the cases studied concerns minors who have left a rather precarious living situation alone to try to build themselves a future in Europe. Various players will be able to take advantage of them at different stages in their journey: here one can speak of ‘exploitation of the desire to leave’. These minors who have ‘grown up too quickly’ are migrants with a life plan (more or less well defined, admittedly) and whom it will be necessary to avoid treating like children.

Situation at home

These are predominantly boys from families with numerous siblings, who find themselves especially at the *bottom of the socio-economic ladder* and in which several members of the family are out of work. Often coming from the *Maghreb* region, the majority of them live in modest or poor neighbourhoods, working-class suburbs or slums of large metropolises, often harbour cities.

One observes a strong affect of *family dysfunction* linked to illness /disability of one or both parents, alcoholism or conflicts between the parents and children or between the parents themselves: cohabitation of a large family in confined space (housing crisis and absence of income) is the source of tensions.

This group of minors is characterised by *dropping out of school early*, the example of elders out of work and the lack of family revenues/income push to leave school early on; most of them are already involved in drug-dealing at the moment of departure. The decision to leave can then stem from a desire to support the family financially.

But for some, migration is more a question of *passage from adolescence, aimed at achieving autonomy*. For this group, one might say that migration is the rite of passage that must confer independent adult status on them. Several local experts have remarked on the desire to leave a ‘*castrating society*’; the young people affirm, for example, having wanted to free themselves from an environment where the police are omnipresent and perceived as corrupt. They do not see any possibilities of constructing a future at home and decide to take their future in hand by going to Europe.

We cannot avoid mentioning in this study the existence of local opposition forces and clan and mafia systems to which the ‘young entrepreneurs’ are in fact linked. Carrying out the migratory plan indeed presupposes acquisitions: money, information, relations or even training. Most of these boys proceed like adults from all the social categories who want to leave: they pay and contract debts and enrol in a project where the gains must largely offset the losses in order to constitute a ‘self’. By gains we also mean self-esteem, recognition, apprenticeships. What the upholders of the law, authority and security (family, school, justice) did not know or were unable to propose during childhood and adolescence is ardently and constantly sought in other surroundings and in other climes.

Passage/Transit

In general, the destination can be chosen for reasons of *geographical proximity* (existence of migratory traditions between two countries or even two cities) or by *word of mouth*, if they know someone on the spot.

The passage to Europe is (almost) always *clandestine* (i.e., illegal): they slip onto boats or lorries leaving for European cities. Unless they board small boats or ferries (Libyan network) that ply the Mediterranean, they may then have to spend a few hundreds or thousands of euros to pay a smuggler in an ‘organised voyage’ unless they club together to build their own craft. It is therefore possible that a third party profits from these voyages, but it is an arrangement that, in general, suits the minor. He will have then prepared his trip by saving on his dealing in order to put together the necessary sum.

The shorter and more direct the voyage, more one may think that that might limit the intervention of possibly ‘exploiter’ third parties. In all cases, the voyage of the *harragas* (those who ‘burn’ their papers before leaving) is dangerous (linked to the means of transportation, sometimes unsafe, the place where they hide, the possibility of being discovered by a crew ‘not particularly conciliatory’ towards stowaways...) and trying. When they arrive, it is often after having been deprived of food for several days and having skirted catastrophe. Upon arriving, they slip discreetly into the city of arrival, unless they are picked up by the police at the borders; they will then have to succeed in getting out of the detention centre before continuing their journey.

Situation in the country of destination

In the cities where they arrive, these minors are generally *quite visible* because of the formation of *street gangs*, the *sale of illicit products* (contraband cigarettes in Marseilles, drugs in Turin), and the *consumption of toxic substances*, which can influence their behaviour. These problems encountered are often also their greatest risks, at variance with achieving their plans for the future.

They are often *misinformed* on the real living conditions for minors in the countries where they go: even if the word of mouth gives them detailed information on the destinations (for example, on organisations that can help them), those who migrated before them often hush up problems encountered: life in the street, violence in the squats, the lack of income and food, police checks and the fact that, as minors, they cannot work legally... The distance between what they had imagined (the Europe-Eldorado) and the actual situation is often hard to accept for these young people, who thought they were ‘expected’ or ‘awaited’. Their experience of work in the street in the country of origin can then turn into a valuable ‘resourcefulness’, but some run the risk of becoming *dependent on adults who want to take advantage of them* (housing in exchange for sexual services, working illegally in ‘exploitation’ conditions, petty crime...).

However, the country of destination is often chosen according to the presence of a social network of persons of the same origin, perhaps even from the same village, and they can count on *a certain intracommunity solidarity*. This community can represent a more or less ‘protective’ framework or, at very least, a point of reference in a foreign country (example of Ramadan, which they continue to observe together); this same community can, on the other hand, be that which ‘orients’ the minor towards illicit activities for survival.

Plans for the future

Young people in this category have an *obvious plan for the future*: they want to earn

money in Europe—a place they often think of as an Eldorado—to support their families and their own futures.

If remaining in the city of arrival turns out to be impossible (violence, administrative situation...), one will observe a continuation of the journey elsewhere in Europe rather than a return, which backs up our previous observation that these minors make their own decisions, according to their objectives and life plans. These young people consider themselves ‘adults’ must be helped to rediscover their place as a child and resume a normal rhythm of life; the more time they spend in the street, the more difficult this will be.

The organisation of the return poses a problem in connection with the reason for leaving: the absence of prospects in the country of origin and the feeling of being a burden for the family. Almost all refuse the ‘voluntary’ return, and *this question will therefore arise after they have come of age* and their stay in the country of destination is then challenged.

How to find a place for them in their family and their country? Support must be provided for, otherwise most will try to leave again in spite of the dangers of the trip.

Reception in the country of destination must therefore be a valuable *time of training and apprenticeship* for them, so that they may hope to construct their life in the country of origin. The problems of addictions and behaviours acquired in the street must also be the object of educational work.

During this same time, *the link with the family* must be re-established and encouraged in order see to it that the family might be ready to welcome him back or at least back him up.

Acting on the profound causes of leaving for these young people is an ambitious initiative, which includes setting up partnerships between the countries/cities of origin and of destination in development programmes (support for local employment, schooling and training initiatives, social aid, housing) and prevention (dropping the myth of the Europe-Eldorado, explaining the dangers of the journey).

Illustration

Innsbruck: A.-K., 15 years old, Moroccan

A.-K. initially lied, saying that his father was dead and that his mother had driven him out of the house. After a long investigation with one of his friends, the true reasons for his leaving Morocco came out: he wanted to join his uncle in Turin, Italy but once he had arrived, the uncle wanted nothing to do with him. After that, the Innsbruck team helped him to find a place in its centres, but he stayed only a few weeks before disappearing ‘into thin air’. According to the last news, he was in Belgium.

Marseilles: Z., 16, Algerian

Z. is the youngest of nine children in a family of very modest income. The parents are elderly (60-70 years), the father out of work, the mother at home and, for lack of means, some of the siblings still live with the parents. The family lives in Annaba, a harbour city, in a housing estate of 400 flats in the Sidi Salem district on the edge of the beach. This neighbourhood was formerly made up of slums, and violence is quite present there. Despite the difficulties, the family remains affectionate and close.

Z. dropped out of school in second form and began dealing to earn a living like many other young natives of Bône. Since 2007, Annaba has become a frequently used point of departure for illegal migrants leaving for Europe via Southern Italy (Sardinia is quite close). Word of mouth as to job opportunities in Marseilles and the hope of professional training in order to construct

a future prompted Z. to leave with two friends from the neighbourhood. Z. saved up (hawking in the street and working illegally in a restaurant) to pay the 350€ of the crossing, which would be done in makeshift craft: a small boat equipped with an outboard motor, a GPS and a gas can, transporting seven other persons.

Once in Sardinia, Z. was picked up by the Red Cross, then placed in a detention centre near Naples from which he escaped, finally arriving in Marseilles after spending a month in Naples in difficult conditions. In the street in Marseilles, he was quickly taken in hand by the Algerian community of Noailles, especially by other young people who carry out activities of petty crime to survive and live together in squats with precarious adults. Amongst his activities: the sale of contraband cigarettes in certain working-class districts of Marseilles (Noailles, Porte d'Aix) on behalf of a well-implanted, highly organised network profiting from the influx of 'minions' who have to 'work' in exchange for their place in the squats. The degree of control over the young people is not very high, but in the event of confiscation of the cartons by the air or border police, the minor must reimburse the losses from his pocket.

His numerous questionings linked to his survival activity led the AJE to be mandated for an evaluation of his situation, but without follow-up given the young person's lack of co-operation. However, the difficult daily life (frequent police checks, insecurity in the squats, scarifications, consumption of cannabis) progressively resulted in a request for protection. The question of return is problematical given the family's precariousness. Z., who 'self-mandated himself' to support his family, again risks attempting a dangerous crossing in case of a forced return.

The discovery of a traffic in false birth certificates involving Bône civil servants is holding up the obtaining of a residence permit.

Read:

ULMER, Bruno et MANGEOT, Florent. Casa Marseille Inch'Allah, Attik, Othman, Karim, Tarik, des enfants clandestins marocains à Marseille. Marseilles: Images en Manœuvre Editions, 2004, 119 pp.

Profile 2: The Mandated

The central element of this profile is that *the migration plan is the family's before being the minor's*; this will have to be taken into account, in the question of return and re-integration, for the family is not necessarily ready to take him back in. These minors leave, given a 'mission' by their family: here we particularly touch on the problems of *child migration* and the *traffic of migrants* and those who take advantage of it.

Situation at home

The minors of this profile are often of a *higher socio-economic level than those of Profile 1*. Coming from countries of Africa (Ivory Coast, Cameroon, Egypt...), Eastern Europe (Albania) or Asia (China), their family situations are varied but without major dysfunction observed. The living standard is generally modest, without being precarious, and this concerns minors who generally have a satisfactory academic level. These minors are sent to Europe by their families to study or work.

The family is behind the departure and clubs together to pay the travel organisation, in many cases resorting to networks of traffickers. The sums demanded (often several thousand euros) involve the support of the extended family or the indebtedness of the parents. Thus,

the minor's departure constitutes a veritable *financial investment*, placing a particularly heavy *obligation for success* on the shoulders of the young person who bears the hopes of his entire family.

Passage/Transit

The journey is organised by *highly organised networks* that can provide the young person with everything necessary: ticket, false passport, sometimes clothing ('tourist' panoply for the Chinese). Alone or in a group (with or without other young people), the minor travels accompanied (watched over) by a smuggler who has power over him and may take advantage of this.

The trip can last several weeks (sometimes several months), which heightens the risk of violence or abuse. Reception by on-site contacts may have been planned, but often the smuggler abandons him upon arrival (sometimes even in a city other than the one promised) or requires that he work for him to reimburse the debt incurred by the journey. His *papers may be confiscated from him* to serve for other passages or accentuate his dependency.

Situation in the country of destination

More discreet than Profile 1, they are not very visible in the city of arrival (unless they themselves go and see the social services, police, courts...), either because their arrival was well prepared or because they try not to be seen. They do not hang about in the streets, and when the network that brought them holds sway over them, they work in enclosed premises (various types of activity: sweatshops, massage parlours). They are then invisible for the authorities and isolated from those people who might support them. The intervention of networks implies a certain number of risks: the shifting of debt onto the shoulders of the minor upon arriving who finds himself forced to 'work' to reimburse, but they sometimes become hostages in view of the payment of a ransom by the family.

One noted variant: that of young African athletes (quite often footballers) recruited for European clubs and abandoned at the first injury or administrative complication. 'Sports' exploitation has its networks and thus it was, in February 2008, that a French children's judge recognised a 16-year-old native of the Ivory Coast as a 'victim of trafficking in players'²³.

More than on the physical level, it is *on the psychological level that they suffer*: the hoped-for Eldorado can turn out to be disappointing or more difficult than expected, the prospects less attractive. The need to not compromise the family, which got involved in an illegal undertaking with traffickers, makes access to the protection services in the country of destination difficult (the 'paradoxical injunction'). Their silence on their true situation and the absence of identity documents (confiscated or voluntarily concealed) complicates the identification and temporary regularisation of the stay.

Future project

Their main objective: work to reimburse the family's debt then to support it financially. The initial investment makes the prospect of return difficult for them and their family. In

²³ To know more: http://www.contrelatraite.org/article.php3?id_article=111

general, their good conduct and decent level of education allow them to adopt an attitude 'in keeping' with the expectations of the services that take them under care. Envisaging the return is very hard for these minors who feel invested with a mission by their family. The young person's departure is an investment for the family: the minor's return is not necessarily desired by the family and can be experienced as a veritable failure by the young person. Mediation with the family and psychological support is necessary for avoiding acting out his desires.

The presence of networks of traffickers in the country of origin may constitute a threat that limits the possibilities of legal proceedings. When the passage has been carried out by an organised network and the family is in debt to it, it is necessary to ensure that this does not place the minor in danger. One has to be sure that the debt contracted will not lie on his shoulders and that there will be no reprisals.

Illustration

Turin: I., 17, Albanian

The young man became known by the 'prompt intervention for minors service' on 10 December 2007, the day that he presented himself all alone at the service, asking for help and reception.

He had decided to leave his country to seek a better life in Italy, convinced by the reports of his emigrant compatriots who come back to Albania for holidays and the postman who brings news and information to every house. His family and he were contacted by compatriots belonging to an organisation and who, for the sum of 3,200 euros, put him in a lorry bound for Italy.

The young man relates enduring a very trying trip, crossing Kosovo, Montenegro, Serbia, Bosnia, Croatia and Slovenia before arriving in Italy. They stopped several times waiting for favourable conditions for crossing the borders. Once arrived in Udina, the smugglers told him to continue alone to Turin where he would receive the help necessary for regularising his situation and finding a job thanks to which he would be able to pay off his debt in three months.

The traffickers told him not to tell his real story, to deny the presence of other members of his family who would otherwise lose their residence permit and to keep his passport hidden.

To communicate with his family, someone sold him, at a very high price, the cell phone of a compatriot who had gone home to Albania, having probably been expelled.

I. was so influenced by the instructions received at the moment of his departure and during the trip that, for several months, he did not trust the educators; he always seemed sad and worried about his debt. When he finally related his story and the vicissitudes that had led him to Italy, showing his papers, he was enrolled in school then in a vocational programme that he attended assiduously and which brought him a great deal.

I. and his parents understood that they had been tricked and that the persons who had proposed the 'journey' were real traffickers, unscrupulous people who take advantage of the naïveté, modest economic conditions and cultural poverty of their victims. I. currently lives in a reception centre, has a regular job and a residence permit.

Seine-et-Marne: X., 17, Chinese

Sent to France by her family, against her will, to work in sweatshops, she was confined then raped by the smuggler in Paris. She managed to flee but holds a tremendous grudge against her family and no longer wants to contact them.

Profile 3: The Nomads

These are young people who *did not choose to travel*; they *accompany their family* (in the broad sense) in a phenomenon of *nomadism*.

Situation at home

These children are predominantly Roms (from Romania, the former Yugoslavia, Bulgaria). Their situation is marked by *precariousness* and *very strong social exclusion*. Some can mention ethnic persecutions connected with armed conflicts that took place in the family's native region. These minors have had *little or no schooling* and are already enrolled in the outline for participating in *the family's economic survival*.

Passage/Transit

They get about by car, small van or bus and as a family, sometimes all generations combined. Those who are natives of Romania no longer need to enter the territory illegally or resort to smugglers since Romania entered the European Union.

Current situation

Quite visible in the street, they participate in 'the family economy' involved in *activities that are, for the most part, illegal*, alone or accompanied by parents (primarily the mothers) and who, in the eyes of the country of destination, constitute threats to law and order: begging, sale of newspapers, washing windscreens at traffic lights, as well as pickpocketing, fake petitions, theft of metals... From the 'picking economy', they can however take a sudden turn to 'pillaging' (for example, burglary of suburban houses by Serbian Roms in Seine-et-Marne, where the exploitation is clearer and more lucrative). Questionings are on the rise and, in Marseilles, mothers have been incarcerated for begging with children.

They are *sometimes quite young* and have not *attended school*. They do not speak the language of the country of destination, and nothing seems to favour their integration. They are more accustomed to 'work', so their situation (work, violence...) may seem 'normal' to them. Their living conditions are quite precarious—squats, illness (tuberculosis...)—but they nonetheless seem to benefit from affection and basic care as regards hygiene, health and food on the part of their parents.

It is sometimes possible, however, to wonder whether they are accompanied by their real parents: the absence of identity documents, the customs of 'exchange' and marriage can hide a trafficking process. Some children have thus been sold to families who then exploit them in various activities.

Future project

They came to earn money for their 'parents', and a return to a country where even greater precariousness awaits them does not interest them, even if financial aid can be given them on their return. The minors will continue to change place according to the migratory movements of the family or expulsions from their 'squatting' places by the police. The return of the minor often depends on the family status on the territory of the country of destination.

The difficulty lies in establishing the minor's identity: is he really the child of those claiming to be his parents? The failure to record births, this public's difficult access to administrative services, the customs of 'exchanges' and early marriages can make the task arduous.

It can also be difficult to distinguish between the real trafficking process and the child's participation in the family economy. Even if both situations involve the child's working, which constitutes a violation of the child's rights, they do not have the same effects on the child and do not imply the same possibilities regarding reception and return: awareness work and integration can be done with the family in the second case (example of the work of *P'tite Ecole* in Marseilles), whereas in the first, it is suitable to put the child in a safe place.

Illustration

Marseilles: D., 13, Bulgarian

D. was sold by her mother to a woman who was an expert in 'begging training' and who dropped her off at a motorway rest area near Marseilles. She was taken charge of by Child Social Security and again made contact with the woman who left her in France, presenting her as her adoptive mother (certificates were then provided attesting to the validity of the adoption). However, collaboration between the AJE and IOM Sofia allowed for discovering the true ties between D. and her 'adoptive mother'. Yet D. was quite attached to her and wanted to leave with her.

Her return to Bulgaria was organised after having found her father who was willing to take her in.

Turin: F., 16, Romanian

F. is the third child in a family made up of the two parents and nine children, one of whom died at the age of two, perhaps due to the father's violence. According to the information gathered, the family is well off and lives in a camp in Craiova.

F. is just under 16. He says that he was taken to Italy by his mother about two and a half years before, and together they joined his father and eldest brother who had settled in an illegal camp in Rome to work in the capital, living off thefts and plundering. After a while, following a police operation, F.'s father was expelled, and one of his brothers took over his place organising the minors' work. F. not getting on well with him, therefore decided not to turn over his earnings at the end of the day and ended up leaving Rome. He travelled to Bologna, Mantua, Brescia and Turin, joining groups of adults, compatriots and/or Italians.

In Turin, he was arrested twice by the police for theft and plundering. The second time, he decided to stop 'because L., the educator, had asked him to'. For two years, F. had no further contact with his family. He was afraid of his violent father, often drunk, (information confirmed by other social operators who visited the camp); he was afraid because he had shirked the family bond and was not contributing to the family economy.

F. entered a community and after two months wrote to his parents, telling them that he missed the family greatly but that in Italy he had found people who were taking care of him and that he wanted to try looking for a job and perhaps return to Romania in a while.

The rules of the community bothered him, and F. demanded more autonomy, the freedom to go out alone and not say whom he met or what he did. He says that the social workers 'don't trust' him. He showed a certain verbal and physical aggressiveness when he felt under pressure or when he did not understand the educators' reasons. F. prepared for enrolling at school with difficulty, given that he was illiterate.

He later learnt that his father had died, no one having bothered to inform him. His older brother then asked him to return immediately to Romania and afterwards go with him to Spain. F. does not really know what to do, where to place himself; at the same time, proceedings before the Juvenile Court are underway.

F. is attending a class to learn Italian and a vocational training course for building maintenance.

TdH Albania: ZY, 14

ZY was 14 when he was spotted by the Terre des Hommes team, mission in Albania. The boy belongs to the Rom community and comes from a family of five. His parents divorced and his

mother remarried. Two other children were born of the new union. The boy declares that he went to Greece five times.

The first time he went, ZY was ten and had accompanied his aunt. They crossed the mountains and arrived in Thessaloniki. He sold handkerchiefs in the streets from noon until 11 p.m., living with his aunt who mistreated him. Moreover, it was for that reason that the young boy went back to Albania, and his aunt sent the money he had earned to his mother.

The second time, ZY went to Greece with his mother and brother. They crossed the mountains, and the boy worked from noon until 8p.m. He stood at traffic lights to sell tissues or ask motorists if they wanted their windscreen washed. He earned quite a bit of money—approximately 35–40 euros per day—and gave it all to his mother. Later on, he left for Athens where he spent some 18 months, working from 8 a.m. to 7 p.m.

The third time, he went to Greece with people from the Balkano-Egyptian community who had paid about 20,000 *lekë* to his father to be able to take him with them. He stayed in Thessaloniki with them for five months then left for Athens where he spent a month and a half but earned less money.

The fourth time, he went with a man who had paid his father and also took his little sister, who begged at traffic lights. The ‘guardian’ beat the children (the boy and his sister) with a hot metal bar. The boy declared that his sister cried because she couldn’t stand the pain. One day, according to him, the ‘guardian’ had hung the little girl from the top of a door, and she could have died had he not arrived in time. The boy worked hard but did not give all his money to the guardian, putting some aside to give to his mother once he returned home.

The fifth time, the boy left with another Balkano-Egyptian who had turned over to his father a total of 20,000 *lekë* to take him to Thessaloniki. During the trip to Greece, the boy met two other children accompanied by his ‘guardian’. In Thessaloniki, he lived with this man and his family (his wife and children). He washed windscreens from 8 a.m. to 10 p.m., earning between 40 and 45 euros per day. He stayed with his ‘guardian’ for approximately four months then left when the latter began to mistreat him. Upon returning to Albania, his ‘guardian’ argued with his parents.

When he went home to Albania, the Terre des Hommes team enrolled him in school, and his family benefited in aids in kind and cash. The boy participated in several psycho-social activities. Today, he is no longer followed by the Terre des Hommes team for he is over 18. He works in the informal economy.

Profile 4: The ‘Adopted’

They come from a fragile family cell that cannot (or will not) protect them from an exploitation situation. They did not choose migration and are victims of the corruption of a tradition that has become a commercial transaction in a difficult economic context.

Situation at home

These minors generally leave with *little ‘baggage’*: of rural origin, coming from families with problems marked by precariousness, they are quite often young girls who have never attended school. Most often natives of North or West Africa, these minors are ‘placed’ with ‘trustworthy’ third persons through the system of *kafala* or ‘entrusting’ so as to discharge their family of a weight and go study or acquire professional experience in Europe owing to the lack of prospects at home. The parents may have asked for a small sum of money. In any case, this is a known social practice that is little contested.

Passage/Transit

It is the third person of confidence, a member of the extended family (sister, aunt...) or an

acquaintance of the parents who takes charge of the travel details. The minor is often inscribed on the passport of the person as being his or her own child. Entering the territory is irregular (illegal) and 'invisible' but with an appealing promise of regularisation for the family.

Situation in the country of destination

In the country of destination, these minors *have little in the way of resources for avoiding exploitation*. The absence of education (they do not know how to read or just barely), the rural origin (strong contrast with a large, unknown European city) and the non-mastery of the language make them easy prey. The threat weighing over them of being expelled because of their illegal situation leads them to *self-confinement* behaviour at the exploiter's home. They *cannot count on the support of the family, which has remained behind*, either because contact with it is 'short-circuited' by the exploiter or the family is incredulous at what the minor relates. In most cases, the feeling of shame and fear mean that the minor remains silent about the difficulties encountered. The third person, with whom he is staying, may have means of pressure or reprisals over the family back home. In all cases, the family does not have the economic or 'intellectual' means for fulfilling its protective role, beseeching the minor 'not to shame them'.

The exploitation endured meets in large part the definition of *domestic slavery*, these minors becoming 'little maids' for the families that were supposed to take them in: household chores from morning until late in the evening and with no remuneration, deprivations, humiliations, lack of intimacy and very harsh housing conditions (on the floor, in the kitchen, in the children's room...); schooling obviously never occurs and always remains a promise for 'later on', just like regularisation. The daily mistreatment (blows, psychological harassment) may be accompanied by sexual abuse.

Future project

These minors are in the process of losing their points of reference, and the future projects are difficult to establish. The exploitation endured, which has often lasted several months or several years, is highly traumatic for the victims, who, without baggage or the support of their family, may take a long time getting over it.

Before every return procedure, one must be sure that the minor was able to profit from *psychological assistance* helping him rebuild himself and get beyond the trauma undergone. Particular attention must be paid to the family situation to be sure that *every link with the exploiter has been cut* and that the family is not under his influence or power.

The status of the minor within his culture and society must be observed, and it is necessary to verify that he will not be the object of *community or family ostracism linked to having been a victim of trafficking*. This is particularly important in the case of young girls who were subjected to sexual violence since they could be criticised for being 'impure'. A situation of social exclusion could favour their 'relapse' in the process of trafficking and/or exploitation (*see Profile 5, on the possibility of having one's refugee status recognised*). The time for being taken care of in the country of destination will have been the occasion for *schooling or training* so that a return does not occur without 'baggage' for the minor and that he may have 'tools' for protecting himself.

Illustration

Marseilles: A, 15, Moroccan

A. is the next-to-last of eight children in a family living in a large agricultural region of Morocco. In very difficult financial straits, her parents (father farmer, mother housewife) decided to entrust her at the age of 13 to a maternal aunt, who promised to take care of her. The parents' hope was that, in the end, she find a job and send money to help them.

Thus she arrived in France during the summer of 2003, inscribed on the passport of her aunt who passed her off as her daughter. But for two years, she was not in school: *treated as a 'little maid'*, she had to take care of household chores and mind the children. Her aunt and cousin did not pass up an opportunity to *mistreat her*.

She ended up taking advantage of her aunt's absence to run away with the money she managed to hide from occasional work in a restaurant. Taken in by a woman she had met in town, she was reported ('minor victim of trafficking') to the police in February 2005.

Contacted by telephone, one of her older sisters advised her not to return to the aunt who threatened to *get her back to 'punish' her* for running away. As for the parents, they did not seem to understand their daughter's behaviour; the aunt was in Morocco at that moment and doing everything to discredit the girl with her family over which she seemed to have great influence.

In the course of investigations, it came out that an older sister of A. had experienced the same fate a few years earlier. Living in France, she has offered to take care of her sister, who has trouble envisaging a return to her family in Morocco given her aunt's threats.

Turin: S., 17, Moroccan

The minor went to the municipal aid to minors service, accompanied by a Moroccan lady who claims to have noticed the girl wandering all alone at the Porta Nuova station.

S. never explained the circumstances of her journey, refusing to answer precise questions but affirming her desire to emigrate to have more chances. She is very pretty and frightened and has only a purse with her, which turns out to be her only baggage.

Her family in Morocco had such serious financial difficulties that S. spent the first years of her life with her grandparents, then with her maternal uncle and aunt to whom her parents had informally entrusted the child. They allowed her to continue her higher studies and maintain stronger ties with her than between S. and her parents. S. probably felt indebted to them or else there was, on the part of her uncle and aunt, a sort tacit wait for acknowledgement of their devotion.

After the first moments of dejection and defiance towards us, S. turned out to be brilliant and determined; placed in a community, she obtained in her certificate of secondary studies a few months and, almost of age, she pursued a project for autonomy, working as a cook's assistant in several restaurants until she managed to get hired. After a year, she has become completely autonomous, speaks Italian almost perfectly, is able to manage her relations with the work world with ease and chooses her friendships with care.

Her plans for the future include the opening of a Moroccan gastronomy shop and kebab restaurant.

Read:

ULMER, Bruno, MANGEOT, Florent and LOU Virginie. *Petites bonnes: Hajiba, Soumia, des jeunes filles marocaines en situation d'esclavage domestique en France*. Marseilles: Images en Manœuvre Editions, 2005, 112 pp.

DESHUSSES, Mathias. *Du confiage à l'esclavage, « Petites bonnes » ivoiriennes en France*. Cahiers d'études africaines, 2005 3/4 (no. 179-180), pp. 731-750.

DESHUSSES, Mathias. *Les problèmes du confiage en France: les cas des « petites bonnes » ivoiriennes*, 2004, 61 pp. Available on: http://www.childtrafficking.com/Docs/deshusses_2004_les_problemes_du_confiage_en_france_7.pdf

Migrations, confiage et trafic d'enfants en Afrique de l'Ouest. Enda TM Jeunesse Action., December 2000

Profile 5: The Duped

Here, these are minors who were deceived from the start (or, in certain cases, abducted) by trafficking networks. Even though there are multiple profiles concerning the types of traffickers, organised networks get the most media attention and are more representative for public opinion. The existing networks are generally distinguished from one another by their geographical implantation and the activities exercised (quite often, the sex industry). These networks jointly organise the traffic and trafficking (the risk of Profile 2 minors being to fall into Profile 5).

Situation at home

These minors present *fairly varied profiles*: they come from countries of Western Africa (Nigeria), Eastern Europe (Romania, Albania to Italy), sometimes Asia (China), *hubs or 'supplier' countries* of 'labour'. They are from *modest but not necessarily precarious homes*, may come from the rural or urban world and have a certain level of schooling. The future prospects in the country of origin may therefore not seem particularly attractive.

Passage/Transit

At the origin of the minor's leaving, there is *always the promise of a better future*: studies, interesting work, marriage or love affair... An acquaintance or someone encountered offers to accompany her or join her in Europe. The family is generally aware of the departure and encourages it.

It is the 'recruiter' who takes responsibility *arranging the trip*. Highly organised illegal transportation: plane tickets, false identity, corruption of public agents, smugglers at certain key moments of the journey (for Albania: launches acting as ferries to Italy)... everything is facilitated for the minor travelling accompanied by the recruiter/smuggler, alone or with other young people.

Current situation

Once having arrived, the recruiter requires that the minor work (prostitution, sweatshops or other...), often under the pretext of '*reimbursing the trip*'. The minor is 'coerced' by the use of physical force, direct threat or threats against the family that has stayed behind, persuasion (when it comes to a 'fiancé') or the confiscation of papers. Intimidation may suffice on uneducated persons who do not know their rights. Certain techniques are 'specific' to the minor's cultural origin (the cases of 'witch doctoring' of prostitutes Nigerian, even if that has sometimes then been exploited by the minors; *see §1.4: the notion of 'productive life history'*).

In the country of destination, they are ‘taken care of’ by the network: they are *closely supervised* and cut off from the outside world. They find themselves alone or share housing (flat or house) with other young people, they too recruited, under the surveillance of the trafficker(s) or an intermediary (sometimes a former trafficking victim).

Work is carried out at an *imposed, continuous and highly sustained pace* (with productivity requirements) and accompanied by physical and/or psychological violence, threats. The risks run are directly linked to the nature of work (prostitution, for example) and ill-treatment.

Future project

Their immediate future project is to reconstruct themselves, the trauma often being very great, and the resiliency process must get going. Contact with the family is troubled/inexistent, even after the trafficking situation has come to an end, owing to a large feeling of shame linked to the exploitation undergone as well as to threats from the network.

A return can frighten them: the presence of traffickers and the feeling that they will not be protected may make them hesitate to cooperate in denouncing their exploiters. The dangers are real: threatened by the network, the family back at home may have had to go into hiding.

The possibility of return can therefore be seriously challenged when facing organised criminal networks. Whether the minor collaborated with the police or not, the *threats of reprisals* against the minor and/or his family, or the *risk of being caught* and put back in the trafficking circuit, necessitate extreme caution.

The UNHCR particularly targets these cases in its *Guidelines on International Protection: The Application of Article 1a(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons at Risk of Being Trafficked*. These guidelines assert that *certain victims of trafficking stem from the definition of refugee*, especially in the sense that reprisals of the traffickers or the resumption of trafficking can amount to persecutions. The fact of risking being the victim of measures of ostracism or serious discriminations on the part of the family or community can also be considered a risk of persecution, just like the possible consequences of such ostracism, i.e., relapsing into trafficking.

In the cases where refugee status not be recognised, it is possible to encourage the recourse to other forms of protection (in France: ‘subsidiary protection’, for example).

If there must be a return, *specific protection and follow-up measures* must be taken (protected housing, identity...), and cooperation with State services can be envisaged. Similarly, before the return, all possible means must be implemented to help in the victim’s *physical and psychological recovery* and provide for *adapted assistance* in the country of origin to avoid a relapse into trafficking.

Read:

SAITO, Kaori. *International protection for trafficked persons and those who fear being trafficked*, UNHCR, 2007, research paper no. 149, 29 pp.

NHCR. *Guidelines on International Protection: The Application of Article 1a(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons at Risk of Being Trafficked*, 2006, 19 pp.

Illustration

Marseilles: A., 16 years old, native of Togo

A. is a native of a small city in Southern Togo near the capital. Her mother died in childbirth, and her father's identity is uncertain. She was taken care of successively by a neighbour then by a maternal aunt after the neighbour's death. The aunt had been repudiated because she is unable to have children. Both live in a clay 'hut' and she helps her aunt working in the fields. A. attended school up until fourth term in a neighbouring village.

In the summer of 2003, a woman from Benin came to their village and offered to the aunt to take the girl to France so that she pursue her studies there and be assured of a better future. This was not the first time that these propositions were made, in fact, 'H.' regularly came to the village to convince families. With her aunt's consent, A. thus took a plane for Paris in August 2003, accompanied by H. and another Beninese girl to whom the same promises had been made. She travelled with the passport of one of H.'s daughters.

Upon arrival in Paris, the smuggler suddenly demanded the reimbursement of the plane ticket: she required that A. prostitute herself and took her to a flat where there were already three girls of African origin. She gave them condoms and made them go down in the street to look for customers. A. had never had a sexual relation prior to this.

Encouraged by another girl, she fled after three weeks and took the train to Marseilles, which seemed to be the farthest possible destination from H. She was taken in by a young Congolese woman whom she had met in the street but who was herself in a difficult financial situation. During this period, A. was disoriented and disturbed. One night spent with a stranger resulted in a pregnancy. It was when she went to the hospital in February 2004 for an abortion that she told her story to a social worker who, with A.'s consent, asked for protection and made a report. She entered a home in March 2004 and began a training programme at the end of 2005 after a refresher course and apprenticeship in French.

During this period, the news of the death of her aunt, her only parental referent in Togo, came as a great shock to her. She was quite attached to her aunt and had hidden from her the reality of her experience in France to spare her the pain and possible dangers on the part of H. Psychological and psychiatric counselling has been of considerable help: during the first interviews, she seemed to be suffering from very strong depressive aspects accompanied by great anxiety as manifested by insomnia and repeated nightmares relative to the rape she underwent. She had a near-constant feeling of insecurity and enormous difficulties in granting confidence. She also felt considerable guilt and missed her aunt terribly.

She has put a great deal of herself into her educational and professional plan and developed her relational capacities. She thinks back nostalgically about Togo and is trying to relocate her maternal grandfather but, for the moment cannot envisage returning to Togo: the threat of H. and the trauma undergone are too present. Waiting to be able to envisage the prospect of return, she is making the most of her presence in France to prepare a better future than what she might have hoped for in her village (young married women have no power to choose their future).

She judges that recognising her victim status and punishing H. would enable her to regain her dignity.

Marseilles: G., 17, Albanian

An only daughter, from a modest Muslim background (invalid father, unemployed mother). She was in her final year of secondary school and had a good education.

Betrothed by her parents to a member of the local mafia, he asked her to join him in Italy. As a 'fiancée', she was under his authority and reluctantly had to accept. He organised her trip: a smuggler brought her into Italy illegally, by sea, and her identity papers were withheld during the voyage. When she met up with her fiancé, he announced that she had to prostitute herself for him. She fled to France by hitchhiking and there, despite the juvenile court judge's refusal to take charge of her, she obtained subsidiary protection, being unable to return to her country of origin since her parents have been threatened and had to move to put themselves out of harm's way.

Turin: P. 16, Nigerian

This minor was sent to our service after having requested political asylum from the police prefecture. The same day she was placed in a protected community.

Regarding her family, the girl related that there were eight brothers and sisters, that her mother had died when she was still quite young, and her father died five years ago. After her father's death, the eldest brother became a reference for the family. P. affirms that she attended primary school for six years.

As concerns her migration, after her father's death, a Nigerian man had proposed taking her with him to Libya to work as a babysitter. Trusting this man, P. left with him in 2004. During the journey, the Nigerian allegedly raped her then sold her to a man living in Libya who apparently obliged the girl to live isolated in a house where she was forced to receive clients and prostitute herself. P. cannot say how long she lived in these conditions; she remembers only having been 'entrusted' at a certain moment to a smuggler who took her to Italy in a small boat.

The girl probably arrived in Genoa and then made her way to Turin, where she met a certain Madame B. who would surely have helped her. This woman told her that she would have had to prostitute herself to settle the debt for the trip, amounting to approximately 50,000 euros.

After being a prostitute for about a year, P. decided to go to the police to ask for political asylum, on Madame B's instruction. She now lives in a community where she is in a system of protection and social integration; she attends school and is enrolled in a training programme in the dining hall of a day-care centre.

Profile 6: The Prepared

Situation at home

This is a profile that is frequently found amongst girls from the East (Romania, Bulgaria, Moldavia, Albania...) who prostitute themselves in Western Europe. They often come from small cities or villages on the outskirts of large cities where it is difficult to find work even with a good level of education.

Their living situation is relatively precarious, but when departure is decided it is not so much for 'survival' as seeking a higher socio-economic level, and they thus leave with full knowledge of the facts (*migration for 'social mobility'*). The idea of migration is not strange but familiar in the country of origin, where, for many young people, departure is a rite of passage towards adult age; on the other hand, they do not openly say that they are going to work in prostitution: this is a 'public secret'.

Passage/Transit

The network is often *'familial'* in the sense that the procurers and profit remain in a 'family', which brings neighbours, nieces or even friends and is *more or less organised*: someone 'helps' buy the ticket, and the debt must be reimbursed upon arriving in the country of destination. The girl is 'supported' at the beginning: she is given 'practical' advice and lent a 'good' spot to work... She is not deprived of the possibility of becoming independent later on, but at that moment she may be exposed to pressures and threats. She also has the possibility of making return trips between the host country and country of origin. She goes back to her family from time to time: the relationship with it is good and contacts regular, but the family does not officially know (or 'does not want to know') what she is doing (except in cases where it is directly involved).

Situation in the country of destination

They try not to be found out and when they are, they lie about their identity or history. They do not seek aid in the sense that their situation is the result of a rational choice, even though it is a 'forced choice' (by the situation in the country of origin). Here, the vulnerability factors are linked to their prostitution activities: pregnancy, street violence, being at the mercy of everyone (procurers, clients...). The fact that the family is not aware of their situation can be a means of blackmail for the network.

Future project

They are not interested in protection or a residency permit, which would jeopardise their plans. If they bring down the network, their families will know they prostituted themselves. For the most part, this is a 'temporary' migration so regularisation is not an objective.

If they are not seeking to be taken care of and do not want to return home for they have come specifically to work, what can be offered them? In the event of return, they risk leaving again.

Illustration

Marseilles: Two cases observed of young Romanian prostitutes, but they disappeared immediately, manifesting no desire to be taken care of and therefore giving very little credible information.

Turin: E., 15, Romanian

The minor became known to the 'prompt intervention for minors' service, asking for help after getting out of prison. E. had in fact been arrested by the police for stealing clothing and cosmetics in department stores.

During the period of detention, she had already asked the educators for help, and in the course of an interview related the continual violence and ill-treatment she had been subjected to by her boyfriend who had persuaded her to leave for Italy with him, promising her a life of ease. Once in Turin, all of E.'s dreams were shattered, and for the next three months she was forced to steal constantly.

She told about her life in Romania, already marked by abandon and violence. About two years ago, she discovered that she was adopted and, even though she was loved and showered with attention by her adoptive parents, she began to demonstrate rebellious behaviour. She looked for and found her biological mother who did not want to meet her.

Deeply saddened, E. began mixing with dangerous people, making friends with young people her age with deviant behaviour; she suffered sexual violence by adult Roms who tried to kidnap her.

The adoptive parents, helpless in face of the events of which E. was the protagonist, no longer managed to protect the girl. She became easy prey for a young compatriot who courted her and proposed 'the adventure' in Italy to improve their future.

Upon release from the juvenile penitentiary, the girl found the courage to ask for aid so as not to have to live with her companion again. E. was placed in a community, and her parents were contacted. Wishing to have their daughter home again, they requested her repatriation. E.'s return was then supported and organised.

Profile 7: The Exiles²⁴

This profile is marked by the minors' extreme vulnerability from the moment of leaving the country of origin: quite isolated (orphans) or traumatised (affected by a war situation, for example), these minors have only their own capacity for resiliency to pull through.

Situation at home

These minors are often *already in a street situation*, separated from their family or orphaned, they are *isolated in the country of origin*. Coming primarily from countries of Africa marked by armed conflict or very high political instability, they have no social/legal existence. It will be quite difficult to find a trace of possible family members or even have access to administrative documents attesting to their identity.

They seek to flee the situation of extreme destitution in which they find themselves or the dangers (ethnic or political persecutions, forced enlistment, reprisals, dangers of street life...) they run.

Passage/Transit

To flee the situation in the country of origin, they have several possibilities including paying a smuggler who organises the trip (either with false papers or illegally), but they are also exposed to false promises, in particular by well-to-do families who offer to 'adopt' them (the Horn of Africa). *They do not necessarily choose the country of destination*; the only thing they are looking for is to leave the country of origin behind them, often in a hurry (imminent danger, flight) or else when an opportunity is suddenly presented; then they do not always have time to prepare their trip.

Current situation

They are in a situation of great vulnerability. Dependent on the person who took them out of the country (fear of having to return if they are noticed), by leaving the country of origin they are even more isolated: total break with the family (if they still have any) or total loss of points of reference (culture, language...). Exploitation can take diverse forms: forced labour, prostitution, domestic slavery, crime. For those who have a bit of baggage, they must be mentally strong and resilient to hold out.

Future project

Return does not seem conceivable to them. They have fled a country at war or in which

²⁴ Term used by Angéline Etienne, researcher. Read: ETIEMBLE Angéline. *Les mineurs étrangers isolés en France. Evaluation quantitative de la population accueillie à l'Aide Sociale à l'Enfance, les termes de l'accueil et de la prise en charge*, study carried out for the Population and Migrations Department, Rennes, Quest'us, 2002

they have suffered a powerful trauma (hence the need for counselling), where they have no prospects and feel in danger. They are without news of their family and going back to it turns out to difficult (if not impossible). The procedure for requesting asylum can be envisaged in certain cases.

How to envisage a return when nothing or no one is waiting for them?

Illustrations

Innsbruck: Y., 16, Somalian

Y. is the youngest in a family of eight children in Mogadishu, of whom at least one died in the war. Her parents are divorced, and her mother could not feed them, so Y. fled the country with a neighbour in December 2005, hoping to find a better life in England where her uncle lives. Owing to a flight problem, they had to land in Vienna, where they met a young Somalian woman who had been living for several years in Austria. The latter tried to introduce them into the prostitution milieu, which Y.'s companion accepted whereas she refused totally. Subsequently, she went to Caritas where a social worker advised her to ask for asylum. This she did in February 2006, before being transferred to Innsbruck in October 2006. It has been nearly two years now that she attends school and has been able to renew contact with her mother.

Marseilles: O., Chinese of Mongolian ethnic group

Orphan in a small village near the border with Mongolia. A 'foreign gentleman' offered him money in exchange for organ removal. Thinking he had nothing to lose, he accepted but changed his mind once in hospital and managed to flee. The money that had been given him served for paying a smuggler, and he arrived in France with other young Chinese.

Exploitation in the country of origin:

Seine-et-Marne: D., Congolese, child soldier

D. is from Congo-Brazzaville. His father is from the 'North' of the country, his mother from the 'South'. The family was forced to move several times owing to the civil war. When the father, a career soldier, was killed by militiamen, the family fled Brazzaville for the mother's native village in the South. At the age of 10, D. went to meet militiamen of the South (the Ninjas) to be able to help his mother financially, she being in a very difficult economic situation.

With the prospect of earning a lot of money, he thus became a child-soldier. Under the supervision of officers, daily consumption of narcotics and alcohol made him 'brave' (in fact, conditioning and dehumanising him). After training in Angola, he was quickly promoted troop leader and 'practiced' in the Pool region (South of Congo-Brazzaville). From 1999 to 2004, he lived from pillaging, murders... and amassed a great deal of money. Accused of the assassination of another troop leader, he took flight with friends who were also accused. He was sought everywhere and took advantage of the offer of a notorious trafficker to get him out of the country and into Lebanon. He then sold all his belongings and paid the passage for 3,000 euros. He ended up arriving in France, where the smuggler abandoned him, in March 2005.

He encountered a compatriot, who took the steps for enrolling him in school, then was taken charge of by a cultural mediator. His schooling is going very well and he has a large capacity for adapting but he remains fragile and has difficulty talking about his murderous past. He is in great need of reconstruction and personal rehabilitation.

He does not imagine his future elsewhere than in France: he is quite afraid of his country and its leaders, which blocks him in his trying to find his mother and brother, from whom he has no news. He envisages enlisting in the French army and hopes that his situation will stabilise (recent quashing of an OQTF [obligation to leave French territory] by the administrative court).

2.2 Particular local contexts

The study was the occasion for observing and comparing the situation in different destination cities for minors, partners in the project.

2.2.1 Barcelona

Isolated minors in Spain and Barcelona

In Spain, it is the term ‘unaccompanied minor foreigners’ (*menores extranjeros no acompañados*) that is favoured. In Barcelona, most minors come from the Maghreb, essentially from Morocco and Algeria. Recently there have been arrivals of minors from sub-Saharan Africa and sent from the Canary Islands to Barcelona to avoid too great a concentration.

Under-aged Roms are accompanied by adults, who can use them in illicit activities (petty crime, begging). One observes a certain form of ghettoisation of Rom families and the presence of ‘parents’ makes it difficult to intervene with the children.

Human Rights Watch²⁵ has stressed the difficulty of obtaining reliable figures concerning the total number of unaccompanied child migrants in Spain as these vary according to the source. In Barcelona, however, the Children’s and Young People’s Service apparently took charge of 475 young Moroccans in 2007 (Raimbeau 2008²⁶). In Spain, the question of the return of unaccompanied minors is the competence of the State as it is attached to legislation on foreigners and approached from the angle of the right to family reunification, leading to the repatriation in the country of origin ‘in the child’s best interest’. But many foreign minors exclude themselves from the system of being taken care of, fearing an imposed return and preferring to stay in the street rather than going into the reception centres.

The presence of groups of minors in public areas (streets, shops as well as squats) and the survival activities used (theft, drug dealing and consumption) create a feeling of insecurity in the local population and the promotion of receiving these young people in Spanish families has not worked. In Barcelona, various programmes for training, awareness and reception of minors have been set up but, despite certain improvements, problems remain in the reception of minors in the centres, especially as concerns the continuity of their being taken care of and their integration.

Dividing up of State/Generalitat de Catalunya/Ajuntament de Barcelona competences

The conflict and risk situations in the neighbourhoods motivate the adoption of intervention programmes at the local level, implementing institutional and associative cooperation. Some function well but coordination of the different players remains a problem.

²⁵ Human Rights Watch (HWR). *Returns at Any Price. Spain Pushes to Repatriate Unaccompanied Minors in the Absence of Safeguards*, 2008. Available on: <http://www.hrw.org/en/reports/2008/10/17/returns-any-cost-0>

²⁶ RAIMBEAU, Cécile. *Harraga: Ces enfants qui « brûlent » les frontières. Barcelone, un avenir des plus incertains*. Geneva: *Le Courrier*, Saturday, 17 May 2008. Available on: <http://www.lecourrier.ch/index.php?name=NewsPaper&file=article&sid=439512>

The Barcelona context is in fact characterised by a complex dividing up of competences between the State, autonomous and local administrations.

It is the Spanish State that has competence as regards immigration and return, but this latter point is made on proposal of the autonomous governments (in the case in point, the Generalitat de Catalunya), which have competence and the resources suitable for taking charge of minors. In Catalonia, the organ in charge of decisions concerning foreign minors is the Direction General of Attention to Childhood and Adolescence (DGAIA).

However, it is the local administrations that are on the front line for handling the various problems linked to the presence of isolated minors in Spanish cities. The Barcelona city hall, after the discovery a few years ago of minors from the Maghreb in street situation, spurred prevention and assistance work, especially by forming the Detection and Information Service (*Servei Municipal de Detecció i Intervenció, SDI*) dependent upon the Social Action Sector, which works in collaboration with the autonomous Administration and associations present in the city.

Participation in the feasibility study project is due to the Department of Prevention Services, which depends upon the mobility, security and prevention sector, and not on the sector that includes municipal social services and the Detection Service, but there are good relations and coordination between the two. The Detection Service must inform and present minors without papers found in the street to the DGAIA, which depends upon the autonomous government. To obtain any information on these minors, it is necessary to obtain authorisation from the DGAIA.

At the beginning of the project, the Prevention Services Department got in touch with those in charge at the DGAIA who expressed interest in involvement in the project, but when it came to obtaining information contained in the files and participating in the second seminar, the contact stopped. The Prevention Services Department made a formal request, which went unanswered, so there could be no access to the elements of information contained in the minors' files.

It must be emphasised that the questions linked to immigration (and, more particularly, the immigration of minors) are highly sensitive and may explain a certain zeal on everyone's part to want to protect his own competences. And even more so at a time coinciding with the implementation of the Catalunya-Maghreb project, which is reorganising relations with the government of Morocco.

Bilateral agreements on the question of the return:

In March 2007, Spain and Morocco signed a bilateral agreement formalising the Memorandum of Understanding that already existed between the two countries since 2003. This agreement was denounced by numerous human rights organisations (HWR 2008) in that it did not respect the principles of the International Convention on Child's Rights and in particular, that of the child's best interest: absence of clarity; family sometimes uninformed about the repatriation; lack of dialogue with the minor, violence during the procedures; pressures on Morocco to speed up the procedures...

A partnership agreement focussing on the prevention of illegal emigration of minors was signed in July 2007: the Catalunya-Maghreb programme must facilitate the return of unaccompanied minors with the development of resources as regards training and sharing of knowledge as well as socio-professional insertion (collaboration of Catalan and Moroccan businesses). However, some accused the reception centres financed by Spain of serving to accelerate repatriations (Raimbeau 2008). A shelter for adolescents was created recently in Tangiers, but the programme has yet to meet with success from minors who view these measures as so many threats of forced repatriation and prefer trying their luck elsewhere.

At the same time, the Ombudsman of the Spanish State denounced the fact that the returns of minors are not carried out with the necessary legal safeguards. And a certain number of courts have suspended repatriation decisions made by the administration which violated the child's rights and his legal safeguards: lack of consultation with the minors about the return; lack of legal aid for the minors; lack of knowledge of the family situation in the country of origin, etc.²⁷

2.2.2 Innsbruck

Isolated minors in Austria and Innsbruck

Innsbruck is located in the Tyrol, a region of western Austria. In 2007, social workers from the juvenile social security in Innsbruck had 117 contacts; 40 of which profited from housing, 17 were incarcerated, the others remaining in the street. Amongst the countries of origin the most represented: Morocco, Algeria (but many young people claiming to be Algerian are in fact Moroccan) and Afghanistan as well as certain countries in Africa and Asia.

Isolated minors in Austria are treated according to the right to asylum: they are above all seekers of asylum and directed towards the reception centres for refugees when they arrive in Austria. Since 2002, a decree regulates the specific handling of minors seeking asylum and holds that after having made their request for asylum in the general reception centres, minors must be directed towards a juvenile set-up (Clearing House): in the course of being housed for six months, educational orientation is elaborated. They are always directed towards residential centres adapted to their age and needs: these may be shelters or semi-autonomous structures, and the minors are enrolled in school and take training programmes, but as seekers of asylum they are not entitled to real professional training.

For the young people of Innsbruck, that means they must, after a short police investigation, be accompanied to Traiskirchen, the largest refugee reception centre in Austria, located 500 km from Innsbruck, where they wait to learn whether their request for asylum is accepted. Their stay in Traiskirchen should not last more than 10-15 days but may be prolonged up to several months depending on the places available in the 'clearing houses' (for the western

²⁷ http://www.elperiodico.com/default.asp?idpublicacio_PK=46&idioma=CAS&idnoticia_PK=531742&idseccio_PK=1021 et <http://medios.mugak.eu/noticias/noticia/175064>; see also *Mineurs en frontière: expulsion des minors marocains sans garantie et violation des droits* by the SOS Racismo Federation.

region: that of Salzburg).

Minors are given a 'white card' attesting to their request for asylum and allowing them to stay legally in Austria. It also guarantees them the possibility of room and board in the centres for isolated minors and the right to being taken under guardianship by the juvenile social security, which also represents them in the request for asylum. 20 km from Innsbruck (Hall), the Children's Home at SOS Children's Village offers 15 places of lodging for isolated minors. There are also semi-autonomous structures (studios) around Innsbruck that can take in about 15 minors. The young people are well integrated (school, community work to earn a bit of money since they are otherwise not entitled to work) thanks to work well adapted to this public and good cooperation between the various institutions working with isolated minors.

Difficulties linked to the legal framework

However, the fact that the request for asylum is the sole way to legally remain on the territory has consequences on taking charge of isolated minors.

The most important problem is that child's history and his migratory itinerary do not fit into the educational relation because of possible repercussions on the request for asylum:

- The 'official' story told to the police and services in charge of asylum is often not the real one,
- Educators, hoping to establish good contacts with the minors, do not dwell on this, not wanting to challenge the official story whilst the procedure is still underway or put their back up.

This problem is all the more accentuated in that 95% of the minors do not have identity papers, and the educational team is unable to recover them. Henceforth, two issues arise: that of the possibility of the minors' return (how to envisage the return when there are no identity papers and elements on the young person's story and family are lacking?) and that of the frustration of social workers vis-à-vis these permanent lies (for example, the fact of saying that one no longer has any family to ensure not being turned back).

Moroccans in the streets of Innsbruck

Amongst the isolated minors lodged in the Tyrol there was only one Moroccan boy during the field trip in 2008. In Innsbruck, there are between 30 and 50 minors and young major Moroccans present in the city centre, living in the station, in squats or with young Austrian women. Many claim to be Algerian to increase their chances of having their request for asylum succeed.

These young people live from dealing narcotics, and it is clear that Moroccan minors are exploited in the network running the immense traffic between Italy, Austria and Germany. These are young people caught up in a dynamic of wandering (travelling in Europe for months, sometimes years, and for whom Innsbruck is just one destination like another), in connection with the sale and/or consumption of drugs. Despite considerable street

work, they do not adhere to the offer of juvenile social security and more easily accept the arrangements of the homeless public: the Teestube day reception centre (to shower, wash laundry, have breakfast) or the selective arrangements providing a place for encounters (for example, Atay, a reception centre that offers lunch every Monday).

This group, very visible in the streets of Innsbruck, which is a fairly conservative city, is targeted by the police and finds itself driven out of certain city neighbourhoods. The juvenile social security carries out considerable public-awareness campaigns but also works a great deal towards obtaining financing and organising working parties on the issue. It backs up minors' requests for asylum and accompanies young people during and after incarcerations. Currently, a project for a night reception centre is under study.

It is difficult to find the adequate formula, especially when the question of 'life story' is also a problem, preventing work on 'real' bases.

2.2.3 Marseilles

Isolated minors in Marseilles

The Jeunes Errants Association (AJE)²⁸, partner in this study, was founded in July 1994, in response to a double observation made by the social and legal services, namely: 1) the increase in the number of isolated foreign minors in Marseilles and 2) the lack of taking charge of these minors by public services. In fact, Marseilles, a migratory crossroads, has a long tradition of immigration, but a new phenomenon appeared in the early '90s involving young adolescents, primarily from Algeria and Morocco.

These minors squat in the city centre and use diverse survival strategies (sale of contraband cigarettes, illegal work, bag-snatching...) that regularly result in their being taken in for questioning by the police. Intracommunity solidarity also plays an important role on their living conditions.

However, over the years, the profiles have become more complex; networks have been formed and disbanded, diversifying the nationalities observed (Chinese, Kurds, Romanians...), the motives for leaving (political persecutions, 'rerouting' of *kafala*...), survival activities and consequently, the methods for catching and taking care. Thus, the increased presence of Rom children begging in Marseilles has led to the creation, by AJE, of a pre-school set-up (*La P'tite Ecole*) as an alternative to their street situation, waiting for their integration in establishments of the National Education.

The childhood protection system

In France, isolated foreign minors come under the responsibility, in principle, of the

²⁸ The Jeunes Errants Association was placed in compulsory liquidation in October 2008 for not obtaining in time from the French authorities the transfer of approximately 250,000 euros corresponding to European subsidies due it. The knowledge and know-how of this pioneering association should be safeguarded within the Jeunes Errants Federation created in 2008.

system of common law of child protection, which is the responsibility of the departmental councils (in the case in point, the Bouches-du-Rhône *département*). This principle was recalled during a colloquium on isolated foreign minors in June 2008, organised by the Child Defender after she observed large disparities in the reception and taking care of these minors over the whole French territory. In France, it is therefore appropriate to apply to isolated foreign minors the texts relative to *children in danger* and work

within the framework of educational assistance (Article 375 of the Civil Code and/or edict of 1945 on juvenile delinquency). After having been reported and had their situation evaluated, minors in danger should be housed by authorised establishments of the juvenile social security (dependent on the Departmental Council), of the Legal Protection of Young People. However, the lack of room combined with the fear of an ‘intake of air’ on the part of institutions afraid of being exploited mean that many remain in the street for weeks, sometimes months. Some give up and head for other cities or countries. Increasingly, a bone x-ray for determining age is the preliminary for any reception, in spite of the presentation of identity documents and the risks of error linked to an obsolete, unsuitable method.

This situation is all the more deplorable in that it is certain that the more time a minor spends in a street situation, the more he risks developing deviant behaviour (crime, consumption of toxic substances), and more difficult the reception will be afterwards.

The Jeunes Errants Association

The Association’s action is based on the application of the International Convention of Child’s Rights and, in particular, the universal character of the child as a vulnerable person and the notion of the child’s best interest. It works on the principle that educational assistance work is possible with these young people.

It is then, thanks to an intercultural, pluridisciplinary and transnational approach, a matter of:

- reconstructing the minor’s wandering itinerary and working on behaviours he might have adopted during this journey (drug addiction, crime, prostitution, self-mutilation...),
- seeing to it that the minor regains his place in the family, physically or symbolically (the educational action is based on the problem of identity and filiation).

Thus, the object of the Jeunes Errants Association is to take in and orient isolated foreign minors in a ‘street situation’ and favour, whenever possible, restoring contact with the family in the country of origin. To do so, the Association Jeunes Errants manages several services:

The Service d’Actions Educatives Spécialisées 13 ensures preventive supervision, spotting and ‘catching’ minors who are isolated, displaced or uniting on sensitive sites, in partnership with public and association agents intervening in health prevention, drug

addiction, prostitution. The SAES proceeds to reporting to the public prosecutor's office isolated foreign minors in situation of danger spotted in the street and conveys the collected elements to the children's judge.

Finally, it ensures the joint monitoring of isolated minors placed in the establishments and authorised public services and associations and allows, when saturated, for arranging an immediate alternative response to the need of reception.

The Investigation and Educational Orientation Service was created and certified in 2004 to permit:

- magistrates to assess the opportunity of measures and minors to reappropriate an identity and a filiation,
- professionals in charge of these minors to have access to elements relative to the family history, antecedents, the child's itinerary and support the effort granted by the juvenile social security services in charge of taking in isolated minors placed in accordance with Article 375 of the Civil Code,
- parents to exercise their parental authority and be involved in the decisions made concerning their child. If need be, assessing the opportunity of submitting the case to the judge of guardianship, designating an ad hoc administrator.

A Resource Centre in charge of developing the cooperation of the players in the cities of origin, transit and reception; organisation of joint relations with social interveners from the countries of origin and transit; training and counselling of personnel; writing studies and research on the public of isolated minors and reception methods, territorial diagnoses for helping in the elaboration of local responses; constitution of a documentary collection on the migratory problem.

Over the years, cooperation and co-processing systems have been set up with partner associations dealing with the accompaniment of street children in the Bouches-du-Rhône *département*: Red Cross, Caritas...

Investigation in the country of origin

One of the characteristics of the AJE's action is the investigative work, both transnational and carried out directly in the country of origin, implemented so as to permit research and meeting families as well as the authentication and 'restoration' of a minor's identity.

It is necessary to differentiate between European transnational work and missions in the country of origin. Transnational work consists of making contact with a) partners taking care of the same public in Europe (horizontal level); and b) institutions taking care of the same public in Europe (vertical level), whose goal is to enrich the Association's knowledge about the young person's migratory itinerary in Europe.

The on-site mission focuses on the understanding of the country's general socio-economic context and meeting families as well as the various players there concerned. It comes down to a kind of social investigation carried out in the country of origin in order to be sure of, in particular, the young person's identity (by recovering identity documents,

making sure that there has been no usurpation of identity of a younger brother...) and his real family, social and academic situation. It is also a matter of permitting the restoration of ties between the young person and his family: the latter is met with once or several times; the project leader gives news of the young person, explains his situation in France (which the young person may tend to embellish), passes on photos... The mission is carried out either directly by a professional from the Association, or by delegation to a partner ONG on site, connected by an agreement with the AJE or belonging to the Jeunes Errants 'network'. The choice of operator depends on the country: the AJE now has solid experience regarding investigation in the Maghreb, Turkey, Romania... but certain regions are of a more difficult approach (geographically, culturally or politically) and will necessitate developing on-site partnerships. The mission report written subsequently must convey to the rest of the AJE team and to the different professionals concerned an explanation of the general context in the country or city of origin. The minor is also met with, and his referent passes on photos, letters and other news of his family to him.

Isolated minors in Seine-et-Marne

During the study, the dossiers of minors taken charge of in the Seine-et-Marne *département* were also studied. In fact, in 2004, the AJE created a specialised action service in Seine-et-Marne (as well as in Upper Corsica), following the mobilisation of all the local childhood-protection players, confronted, since 2001, with an increase in the number of foreign minors wandering and/or in a street situation, and who agreed to support the setting-up of a local arrangement capable of responding to the double imperative of juvenile protection and the fight against insecurity.

The profiles observed are different: there are many more minors from Western Africa and the Democratic Republic of Congo, China and the former Yugoslavia, and the traffic and trafficking networks seem more organised and extensive—harder, too.

2.2.4 Turin

Isolated minors in Italy and Turin

The Piedmont is the fifth-largest Italian region in terms of number of immigrants (292,886 residents as of 31 December 2006), Turin and its province representing 54% of the regional total. The principal nationalities of the isolated minors correspond to the communities of immigrants living in Turin: Romanian, Moroccan and Albanian.

Italy introduced a definition and a status for foreign minors in its legislation. In Italy, a '*minore straniero non accompagnato*' is a minor who does not have Italian nationality or that of the other Member States of the European Union and who, having not requested asylum, finds himself, for whatever reason, in Italy without assistance or legal representation of his parents or other adults, responsible for him in keeping with the law in force in Italy.

In 2006, 340 minors got in touch with the Foreign Minors Office in Turin. In addition to them were approximately 200 living with relatives (brothers, uncles, cousins) and followed by the territorial social services.

Immigration in Italy is a recent phenomenon, and for that reason, communities of immigrants are not yet prepared or organised for actively participating in prevention projects. Nonetheless, we must point out the activity of certain associations, especially in the sphere of intercultural mediation, which participate in drawing up projects with the social services.

The Foreign Minors Office

The Municipality of Turin was the first in Italy to set up a bureau for nomadic persons in the mid-1970s. With time, this bureau has undergone modifications, consistent with the transformation of the public administration and the evolution of social services. In fact, for thirty years, the City has carried out interventions for the support and social integration of Roms and Sinti present on the territory through several actions, including:

- realisation and running of encampments equipped for nomad parking;
- interventions to favour school attendance;
- social interventions;
- mediation interventions with the resident population;
- interventions for favouring integration in work.

In 1992, the Turin municipal administration set up a **Foreign Minors Office**, which, in the course of its 15 years of experience, implemented interventions for minors, also ensuring them with immediate reception, whether they were alone, in a situation of serious danger, arrested by the police or reported by hospitals, schools or citizens.

The Foreign Minors Office of the Municipality of Turin is a department specialised in taking care of isolated foreign minors and/or victims of trafficking; social workers, educators and intercultural mediators work within this office. Every minor is followed with a personalised reception project, relation counselling and educational support.

The Office is part of a network of public institutional partners (Prefecture, police headquarters, children's court, guardianship judges, schools, health services) and private social security and volunteer organisations, which work together for the reception, training, socialisation and social integration of isolated foreign minors.

In particular, the Office takes care of:

1. a '*prompt intervention service*', active round the clock, every day of the year. It intervenes especially at the request of the police or following a reporting.
2. taking care of with individual protection and guardianship projects in favour of:
 - isolated foreign minors, through reception, support in relations and educational accompaniment;
 - young minors victims of trafficking and prostitution, with actions aimed at their social protection;
 - minors belonging to family groups that are on the territory illegally, with a problematical situation, minors born of unwed mothers coming from a

prostitution background or subject to arrangements by the judicial authority;

- unaccompanied minors requesting asylum;
- minors reported by criminal jurisdiction.

The phenomenon of isolated foreign minors is especially concentrated in the Region's country town. It is, in fact, acknowledged that the problems associated with juvenile crime emerge most often in the large metropolitan areas where the very nature of the big city heightens contrasts (well-being / poverty, resulting consumption, solitude), with the presence of urban subcultures that favour the spread of marginal lifestyles and shelters for survival, which expose one to a greater risk of suffering.

Taking this complexity into account, new synergies have been developed and consolidated between the Municipality of Turin, other public organisms and the network of private social security and volunteer organisations, in particular for:

1. offering an appropriate reception to isolated foreign minors who have need of protection and safeguarding, and to foreign minors requesting asylum;
2. informing and interesting minors and young immigrants in a state of social marginality and subject to risk of social exclusion, asking them for active participation thereby favouring access to educational services and paths;
3. promoting interventions the aim of which is the insertion of minors and young foreigners subject to the risk of exclusion and social marginality, by integration, athletic, recreational, literacy and cultural activities, through mediation between peers and with the participation of associations present on the urban territory;
4. guaranteeing, through the elaboration of an individualised project, the urgent initial reception of isolated foreign minors requesting asylum, followed by an accompaniment in an itinerary of autonomy and social inclusion within a more structured system.

An intense collaboration exists between the Municipality of Turin and the other institutions taking care of isolated foreign minors. We can mention the following examples:

1. The Committee for Order and Security in a Turin neighbourhood (Porta Palazzo), in which problems concerning the presence of isolated foreign minors are often brought up;
2. the institution of a working party on this theme, under the impetus of the town councillor competent in the matter within the Municipality of Turin. The primary aim of this technical group is to discuss problems concerning isolated foreign minors living on the city territory, promoting the individualisation of the itineraries and appropriate solutions, as well as methods for sharing responsibilities.

The general prosecutor's office of Turin, the prosecutor's office for minors with the children's court of the Piedmont and Valley of Aosta and the provincial command of the Carabinieri are part of this working party.

The Foreign Minors Office of the Municipality of Turin participated in a pilot project in Europe, carried out thanks to funds from the Equal Community Initiative phase II, with

the Municipalities of Rome, the project leader, Bologna and Ancona, as well as with the contribution of organisations experienced in this field, such as Save the Children, Group Abele, Caritas, Progetto Diritti, SCS/CNOS Federation, Virtus Ponte Mammolo, Promidea, Speha Fresia and LegaCoop. The international partnership saw the participation of different European cities.

The 'EQUAL PALMS' Project represents a concrete initiative for realising models and solutions for the social, educational and professional integration of isolated foreign minors in the host country or else their assisted repatriation (if requested by the minor) to their country of origin, in the case where the family, social and political situations permit.

The project lasted two and a half years and was organised on several levels:

- reception;
- personalised integration plan in the host country through integrated professional insertion and school back-up itineraries aimed at favouring equal opportunities in education and training;
- integration and social inclusion through sports, recreational and relational activities;
- concrete proposals for the relaxing and standardisation of procedures concerning the minor's legal representation, deliverance of the residence permit for minors and its renewal at the age of 18;
- experimental activities such as social street operators' work and 'peer education'.

For a few years, the Municipality of Turin has been in the process of realising and developing activities with the collaboration of several volunteer and VSO organisations, with the objective of supporting, through appropriate measures, persons victims of trafficking (women, men and minors) and thereby favouring their social integration and reducing dangerous behaviour.

Since the month of May 2000, the Bureau has developed the 'Freedom – Network for aid and the social integration of women victims of trafficking and exploitation for prostitution' project.

The question of return

In 2003-04, the Municipality of Turin carried out a programme called 'Return to the future' for quality assisted repatriations of Moroccan and Romanian minors. The project was organised in two programmes: one for Romania, the other for Morocco. The aim of these programmes was to ensure the necessary social protection in the countries of origin of repatriated minors and their return to the family, through the creation of a network of resources for supporting their reinsertion and, at the same time, favouring the development of local projects and initiatives:

- a. collaboration with local authorities in Romania and Morocco for favouring and supporting the realisation of specific interventions for improving the living conditions of

minors, in the educational framework of academic and professional training, and initiatives oriented towards the intensification of exchanges for the training of professional profiles in the socio-educational field;

b. predisposition of projects oriented towards the insertion of repatriated minors in training courses, introduction to employment, relational and academic support, through the allocation of study and work grants;

c. realisation of individualised micro-projects aimed at supporting family and individual income and oriented towards promoting and development of business as well as the creation of jobs in the traditional sphere.

The difficulties

All the same, difficulties are stressed:

- The refusal of minors to return home because of the absence of future prospects and to avoid disappointing the expectations of parents who have invested, even economically, in the minor's migratory project to Italy.
- The complexity of administrative procedures for the repatriation of minors.
- The lack of resources and ineffectiveness of interventions in favour of minors in their country of origin. It is necessary to plan not only on support for the minors but also for their families.

In addition to the question of the economic cost of any action in favour of isolated minors, the need to create ties, contacts with partners in the countries of origin and transit is being felt. Information on the contexts of origin remains difficult to obtain, and the collaboration of the countries of origin for the identification of minors is still insufficient.

Given the difficulty of minors in following an educational project, the need for establishing good practices (definition of operating procedures and practices) is being felt.

2.3 Observed dysfunctions and obstacles

Illegal migrants before being potential child-trafficking victims? One of the major problems encountered is the tendency of States to apprehend the phenomenon as illegal immigration rather than a question of human rights and child protection. So it is distrust that prevails and the fear of an 'intake' effect has an influence on the way cases are handled. When they are not purely and simply turned back, the situation of isolated minors is, as a whole, unsatisfying:

- lack of relations of trust: the minor's story is challenged and there is recourse to methods of determining age, such as bone x-rays (numerous cases in Marseilles), despite their being recognised as unreliable;
- existence of a 'sudden turn' at 18: in Marseilles, since the young person's protection and stay in the host country can be challenged when he comes of age; the reticence of certain juvenile services to engage in educational work with foreign adolescents

older than 16-17 has been noted;

- minors are often misinformed as to their rights and procedures, and some are discouraged from filing requests for asylum;
- consequently, the minors themselves may avoid being ‘spotted’ in order not to be obliged to leave the territory. In most cities, the fear of an unwanted return pushes these young people to exclude themselves from systems of protection, which accentuates their vulnerability and profits the networks.

Illustration

G., 17, Albanian, betrothed by her parents to a member of a mafia family. He asked her to come live with him in Italy but, upon her arrival, he ordered her to prostitute herself; she then fled, hitchhiking to France.

Being taken care of in France was very difficult: the children’s judge initially refused her placement as long as G. could not justify her being under age, even though she was clearly on her own, without family or acquaintances on the territory. Upon arriving, she was directed to Secours Catholique, which would find families ready to take her in temporarily. The judge would later reckon that the intervention of the judge and educational assistance, based on the existence of danger, G. could not take advantage of them since, by authorising her to live in a foreign country while her security was in danger in Albania, her parents were acting as protective parents.

(We suppose that this decision was based on the existence of precedents in the region, young girls having asked to be taken care of with similar stories that subsequently turned out to be false.)

Refugee status would be refused her, but she obtained subsidiary protection after recourse before the Refugees’ Appeal Commission and given the danger in which she would find herself were she to return to Albania, her own parents having been forced to change cities to escape the threats of the fiancé’s family.

She did not dare lodge a complaint (probably owing to the lack of protection upon her arrival in France).

The question of status. Most European countries have not adopted a specific status for isolated foreign minors who thus remain ‘stuck’ midway between legislations concerning migration control and those relative to child protection. Therefore, there is often a lack of coordination of procedures on the national level, which brings with it inequalities in treatment and incoherencies.

In July 2008, UNICEF France launched an appeal for promoting, at the European level, a legal status for isolated foreign minors ensuring their effective protection as well as reception and being taken care of harmonised within European States²⁹. In this context, national legislations offer quite different options to minors: in Italy, the status of ‘unaccompanied minor foreigner’ exists and entitles one to the delivery of a residence permit, and a reception procedure was set for the whole country in collaboration with the National Association of Italian Municipalities (ANCI). In Austria, on the other hand, minors must be asylum-seekers if they wish to remain on the territory.

The sharing-out of competences. In certain cases, a problem has been observed linked

²⁹ UNICEF France. *Mineurs isolés étrangers : appel pour un statut réellement protecteur*; July 2008. Available on: <http://www.unicef.fr/accueil/je-m-inform%3Cbr/%3Esur-les-droits-des-children/l-enfance-en-france/minors-isoles-etrangers/var/lang/FR/rub/668.html>

to the way in which competences are shared out on the problem of isolated minors and child-trafficking victims. In certain cities such as Barcelona, for example, the structuring of the different channels of treatment is problematical: different levels of competence (depending on whether one speaks of detection, reception or return), different reception places (for day and night) may bring with it a certain confusion and limit the possibility for minors to have a set referent.

Exaggerated expectations vis-à-vis a clear, competent State intervention can also turn out to be paralysing. In Italy, the local level has real power of action, which means that the cities can make decisions without too many administrative blocks; this pragmatic approach is less developed in France or Spain. However, it is the local echelons of governance that are best placed for carrying out good case-by-case work and not the States whose return policies are unsuitable for interventions on an individual basis.

Lack of knowledge of the child's best interest in existing procedures. The instruments that exist for handling the returns of minors (bilateral agreements) cannot be considered satisfactory. The general idea according to which the return of isolated minors to their family or background of origin is in their interest does not understand the notion of 'the child's best interest' (which implies a decision appropriate to each case, based on a complete evaluation of every situation and respect of the child's fundamental rights, including that of being heard, in keeping with Article 12 of the CRC). These return policies do not prepare for re-integration and can only result in a new migration by the minor, with the risks that that entails.

Weakness of the legislative framework and lack of legal actions. Effective protection of the rights of child trafficking victims depends on their transposition in national legislations. Yet, we observe that, as regards trafficking, proceedings are rare, most cases are dropped, and the 'exploiters' little disturbed. In July 2008, the Human Rights League observed that 'victims of trafficking in human beings are not recognised in France. No sentencing for a trafficking in human beings infraction can be found, no victim of trafficking in human beings, in the strictly criminal sense, exists to date in France.' Aside from an affair of traffic in Bulgarian babies, judged as trafficking in human beings in 2007, 'there are no legal proceedings on this basis and, consequently, no sentencing

on these grounds since the adoption of the trafficking in human beings infraction in our criminal code in March 2003.'³⁰

The need for adapted means. The question of economic and financial means obviously plays on the reception capacities and the quality of services (especially over the long term). The delays between the reporting of minors in danger and their being taken care of are sometimes too long, linked to a saturation of reception infrastructures (and fear of being exploited by the minors, families or networks). During this time, the minors remain in the street or the exploiter's domicile.

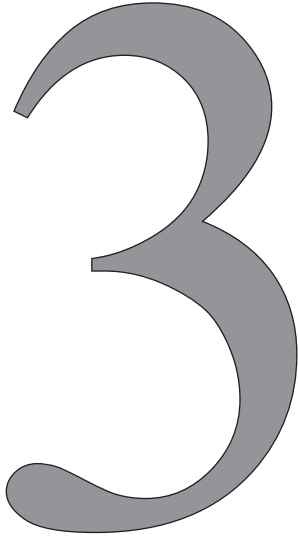
³⁰ Note from the LDH concerning the fourth periodic report of France, July 2008, Available on: <http://www.ldh-france.org/Note-de-la-LDH-a-propos-du>

The challenge remains to develop alternative solutions (multidisciplinary teams, adapted structures, professional training ...) addressing the particular situation of these minors who have trouble subscribing to the proposals of the social services (Moroccan minors in Innsbruck, Roms...). The personnel in charge of the children are not always sufficiently trained in transnational work and interculturality or in what covers trafficking and the actions to undertake facing an exploitation situation. There is a real demand for the diffusion of 'good practices'.

Insufficient collaboration with the countries and cities of origin. There is often a lack of know-how regarding transnational collaboration and investigation in the countries of origin. Formal coordination with partners (institutions, cities, NGOs) in the countries of origin is not very developed; rather, one observes selective contacts. This results in difficulties in identifying minors and looking for their family: in Innsbruck, most minors arrive without papers and lie about their identity and family situation to obtain refugee status; how then to envisage the return without methods or partners to help in reconstructing the child's itinerary?

The problem of the complexity of administrative procedures for repatriation was also raised.

The absence or poor level of collaboration between host cities and cities of origin also limits the possibility or effectiveness of interventions in favour of minors in their country of origin, from a perspective of re-integration and prevention.



The Return

Chapter 3

The Return

3.1 The doctrines of the return

The enforcement of international agreements aimed at fighting against the traffic and trafficking in human beings is inciting European governments to reinforce the fight against illegal immigration, hoping to thereby reach organised crime. They also propose bilateral agreements to third countries ‘on the return home’ assigning at the same time a new objective to institutions in charge of taking in and protecting vulnerable children.

In fact, throughout this study, conducted case by case, we observed that the cross-border circulation of children is a problem of migration insofar as most of the time these children are ‘illegal migrants’, but that it is also a problem of juvenile protection since these children are also vulnerable.

We have also observed that the instruments used by States to modify migratory policies and fight against illegal emigration were not adapted for developing return policies. Indeed, the fight against organised crime and repression do not open up to the case-by-case of return solutions since they do not automatically resolve the victim’s situation.

We are forced to observe that in France, Italy, Spain—to mention only these examples studied here—bilateral agreements aiming at the return home of Romanian or Moroccan minors have failed. These state projects of aid for return are drying up and being asphyxiated for lack of in-depth thinking about the case-by-case and for lack of volunteers to reverse every trafficked child’s destiny. A whole group of measures and judicious interventions coming from the community are needed to accompany and resolve each of these situations, case by case.

If we truly want to work on return prospects for children, we must convince the States to share their prerogative as regards protection and reparation of juvenile trafficking victims. Cities or provinces, by increasing cooperation with the cities of origin or transit, and NGOs, by establishing contacts with their counterparts in these same countries of origin can support the implementation of transnational solidarity in regard to these children and their family.

The exploration of conditions of a return fittingly consented can then constitute the basis, which does not mean—as we shall see in the following paragraphs—the end of taking care. Asking the players in the countries of origin why and how each of these children left his family already allows for understanding who he is and best meeting his immediate needs. Too many placed children disappear from institutions from one day to the next because they hear talk of these return programmes even before one was able to understand who they are and take into consideration their immediate needs. The succession of failures of state agencies and bilateral agreements can be explained in large part by the recourse to this ordinary violence of institutions that use and abuse this injunction: ‘We’ll pick you up to send you back’.

The number of disappearances, the number of adolescents adrift from a psychiatric point of view and wandering obliges our revealing the systems at stake, and that can be done only by drawing up typologies and proposing possible resolutions by profile.

Thus, in this chapter we shall see how the question of return to the family can be broached at the end of case-by-case investigation work for and with the child and his family. We shall see how may be transmitted the experience acquired by players who, beyond quarrels of competence, have succeeded in bringing together local officials and organisations from civil society to develop, case by case, a solidarity of transnational responsibility.

The situation of children trafficked and/or in a situation of isolation is of an extreme violence. To understand and, if possible, resolve each of these situations, it is necessary to put them back into their local, national and international context. This is the reason for which the case-by-case approach, the development of transnational solidarities and the implementation of poles of transdisciplinary competences constitute the surest means of being equal to what is at stake.

3.2 General principles on the question of return

3.2.1 The principle of the durable solution

In accordance with Articles 2, 20 and 22 of the International Convention on the Rights of the Child (CRC), when an unaccompanied child is found on the territory of a State other than his own, this State also becomes responsible for protecting the rights of the child in question. **This means that the host country must elaborate a framework of actions through which the child's rights will be safeguarded for the best over the long term. Terre des Hommes refers to this framework of actions as 'durable solution'.** This approach, also based on Article 3 of the CRC, is in conformity with the *UNICEF Guidelines on the Protection of the Rights of Child Victims of Trafficking in South Eastern Europe*³¹ and the Statement of Good Practice of the Separated Children in Europe Programme³².

The durable solution must be applied to all identified foreign unaccompanied minors, irrespective of the legality (or illegality) of their entry or stay in the country. The durable solution implies a decision aimed at determining whether the child should or should not return to his country of origin but must nonetheless not be limited to that. The elaboration and planning of follow-up programmes guaranteeing the protection of the rights of unaccompanied children are an integral part of the durable solution decision, whether this decision is pro or contra return to the country of origin.

³¹ *Guidelines on the Protection of the Rights of Child Victims of Trafficking in Southern Eastern Europe*, UNICEF, available on: <http://www.seerights.org>. See also DOTTRIDGE, Mike, *Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe*, UNICEF, Available on: http://www.unicef.org/ceecis/protection_4440.html

³² Separated Children in Europe Programme (hereafter designated as SCEP), *Statement of Good Practice*, 2004.

General considerations during the decision concerning return (pro or contra)

In its general comments concerning separated and unaccompanied children, the Committee on the Rights of the Child stipulates that ‘following a rights-based approach, the search for a durable solution commences with analysing the possibility of a family reunification’³³. Various articles of the CRC are based on the principle according to which, in normal circumstances, children are better off with their parents.³⁴ This principle is an integral part of Article 7 of the CRC (the right to be registered, the right to know and be cared for by his or her parents), which should be examined jointly with Articles 8 (preservation of identity, including family relations), 9 (separation from parents), 10 (family reunification) and 20 (continuity in the child’s upbringing, deprived of family environment).

Nonetheless, the right to reunification with parents must constitute neither an absolute obligation for minors nor necessarily entail their return to the country of origin.

Article 7, which recognises the child’s right to be cared for by his parents is limited by the expression ‘as far as possible’. Article 9 also conditions family reunification at the wish of the parents as well as of the child (*the right of children not to be separated from their parents against their will*) and the child’s best interest (Article 3, CRC). To come back to Article 7 of the CRC, UNICEF’s Implementation Handbook for the Convention on the Rights of the Child stipulates that the right to be raised by parents ‘*may be not possible when the parents are dead or have disowned the child. This may also be the case when State authorities have determined that the parents’ taking care is not in the child’s best interest because they mistreat or neglect him.*’

During the decision on the durable solution, it is necessary to take into account the protection of all the child’s rights without forgetting that they are indivisible and interdependent. Every decision must be made for what it is worth. **In order to guarantee the approach based on rights and the principle of the child’s best interest (Article 3, CRC), the decision of durable solution must equitably balance the child’s rights that are at stake.**

Thus, depending on the circumstances of the different cases, other rights of the child may win out over the right to reunification with the parents. **Consequently, the child’s best interest may call for a solution other than return to the family in the country of origin.** The International Convention on the Rights of the Child mentions cases in which the parents themselves may put the child’s life, well-being and development in danger. In such cases, it recommends the duty, for the countries and every other institution having adhered to the Convention, to intervene and protect the child from the potential threat represented by the parents. The UNICEF Guidelines for the Protection of Child Victims of Trafficking in Southern Eastern Europe stipulate that ‘*children trafficking victims must not return to their country of origin if, following a risk and security assessment, there exists reason to believe that the security of the child or his family is compromised*’. This obligation also applies to

³³ Committee on the Rights of the Child, *General Comment No. 6 (2005), Treatment of Unaccompanied and Separated Children Outside Their Country of Origin*, CRC/GC/2005/6

³⁴ HODGKIN, R. & NEWELL, P., *Implementation Handbook for the Convention on the Rights of the Child*, UNICEF, 1998, p. 107

decisions of durable solutions for unaccompanied minors, requiring the parties concerned (including the host country) to abstain, at minimum, from placing the child in a situation that would expose him to risks from the parents.

The SCEP, in its Statement of Good Practice concerning separated children, encompasses the following elements in the criteria to take into consideration during the decision for a durable solution: *‘the possibility of forms of persecution specific to the child, including trafficking and the child’s family situation in the country of origin and, when known, the wishes of the parents who sent the child abroad in order to protect him’*.

Sometimes, the situation in the country of origin, and not reunification with the parents, may constitute a threat to the child’s life, well-being and development. In such conditions, it will be necessary to think about alternatives other than the return to the country in order to guarantee the child’s reunification with his parents.

To conclude, at the moment of deciding whether reunification with the family is in the child’s best interest, the following elements must be taken into account:

- The parents’ desire to take charge of the child after his potential return (Article 9, CRC);
- The child’s opinion of the durable solution (Article 12, CRC);
- The child’s best interest, which consequently requires an in-depth assessment of the child-family relationship, the situation in the country of origin and the degree of safeguarding the child’s rights in that country in relation to the host country (Articles 3 and 9, CRC).

3.2.2 Steps to follow

Question the child, verify the information and look for the family

The process of proposing a durable solution begins with the search for the child’s family. This responsibility must be assumed by a State structure of the host country, which will then be able to delegate the mission to partner organisations in the field. Even though the search for the parents constitutes a priority, looking for and entering into contact with the close relatives (grandparents, uncles, aunts, etc.) must not be neglected. The results of the process depend on the information provided by the child who is in the host country. It is therefore necessary to put the organisations and institutions working directly with the child in the host countries of all of Europe in touch with those in the countries of origin (South Eastern Europe, the new Independent States, Africa, South America, etc.). The increased involvement of child’s rights organisations in countries taking in unaccompanied or isolated minors where their protection of rights is concerned must also be pursued by recommending, in particular, good practices to State authorities and institutions.

In the host country, the child must be questioned by social workers experienced in the language that the child knows best and which is generally the language of his country of origin³⁵. The interviewer must explain to the child, according to his age and degree of

³⁵ Nonetheless, a different situation can arise when the child belongs to a minority group in the country of origin as is often the case with Rom children. The length of the child’s presence in the host country and his contacts with the country of origin may also influence the decision to communicate in another language.

maturity, the objective of the interview and of specific questions. He must be sensitive to the child's situation (possible trauma) and the difficulties encountered by the latter in order to provide precise information, especially concerning past events.

All the information provided by the child must be properly recorded. The standardisation of the registering of dossiers is essential insofar as, quite often, the search for parents is carried out by an organisation other than the one questioning the child. It is primordial that the organisations working in the country of origin participate in the elaboration of file standards. It is generally accepted that the photo of the child be included in the dossier. Nonetheless, organisations working in the host country must respect national legislation relative to data protection; they must know in which circumstances they are authorised to register personal data and which ones, as well as how and with whom they can share this data beyond the borders.

Even though the term 'unaccompanied' implies that the child's parents—when they are still alive—are to be found in the country of origin or in a third country; this is not, however, always the case. The children who are found staying illegally in a foreign country can claim to be unaccompanied to avoid authorities finding their parents. If the children's rights organisations find themselves in a situation where the child's parents are also on the territory of the host country, they should share this information with the authorities but only when it has been proved to be in the child's best interest. National legislation must make provision for this type of eventuality and choice on the part of organisations.

The verification of information provided by the child is necessary in any case. Here, these verifications and the search for the family constitute cross-border processes and are not limited to the country of origin. Even though all the information received must be transmitted immediately to the country of origin, social workers in the host country must take the time to re-interview the child concerned along with other children or adults who know him. Clear, standardised procedures and tools are essential for facilitating cross-border processes. **However, the case-by-case approach requires a large spirit of initiative and considerable experience on both sides of the border as well as a certain confidence between the interlocutors.**

Assessment in the country of origin

When the child's parents are in the country of origin, the assessment of the situation begins with the study of the child's possible return. The first element that must be taken into account is the assessment of the level of security. Organisations working in the countries of origin examine elements such as protection against armed violence, trafficking, mistreatment, exploitation, etc.

In addition, the assessment of the level of security within the family is also quite important in order to guarantee the respect of the child's rights after his eventual return. In this sense, one verifies not only the possibility of mistreatment within the family, but also the State's ability to intervene in such circumstances. It is possible that the child decided to leave his country unaccompanied in order to escape the reality of mistreatments he was subjected to at home and negligence on the part of the authorities.

Even though the level of security in the country of origin is generally easy to assess by organisations working there, the same is not true when it comes to determining the level of security within the family. To do so, several visits to the family are necessary in addition to various interviews with local players (teachers, representatives of social services and health institutions, neighbours, etc.). These visits allow for determining whether the parents are ready to care for the minor after his possible return. It often happens that the parents voluntarily send their children abroad, persuaded that they will have a better life there.

Parents must understand their parental responsibilities. However, social workers must not, in any case, oblige them to come down in favour of the child's return. Unless the parents decide to take charge of the child, it is impossible for the State, or any other structure or organisation, to force them to do so. Nonetheless, in certain cases, parents' desire is hindered by the fact that they are firmly convinced that they are not up to raising their children. The organisation must then pay necessary attention to this worry and endeavour to provide the parents with the social assistance (including psychological help, aid in acceding to resources, administrative assistance vis-à-vis the authorities, etc.), which will enable them to take charge of the child.

The social workers of Terre des Hommes interview the child's parents in order to understand their worries concerning possible durable solutions for the child. The social workers do not judge the parents' opinion but provide them with information concerning the child's situation, the different options for the future and the services available to the child in the host country as well as in the country of origin. They give no false hopes and clearly inform the parents when, in the host country, the sole legal solution for the child is return.

Recently, the need for change on the level of factors examined during the assessment of a durable solution for the child has also been brought up. The assessment of the security level in the country of origin remains extremely important, especially for children entitled to asylum and *prima facie* protection of refugees. However, in numerous cases, there is also the ever-greater need to carefully evaluate the level of guarantee, in the country of origin and within the family, of the child's right to development. Numerous children leave home unaccompanied, seeking better conditions for their personal development. Thus, particular attention must be paid to the conditions allowing the child to exercise rights such as the right to care, protection against mistreatment, education and its quality, as well as the standards of medical care. Social and economic rights, such as the right to housing, food, job possibilities (including employment for young people) are currently just as primordial.

The assessment is recorded in a detailed report coming from the country of origin and in which information is provided concerning the parents' wishes and the level of protection

of the child's rights (including economic rights) after his possible return. The report ends with a recommendation from the 'country of origin' indicating whether the return to the country of origin would or would not correspond to the child's best interest, and a plan for possible aid in monitoring the child and his family.

Assessment in the host country

The level of protection of the child's rights in the host country should also be assessed so that a comparison be made in order to find the environment that will best protect the rights of the child concerned.

Unfortunately, it is quite rare that an assessment is carried out in the host country. This can be explained by the fact that the subject is considered a simple migrant, which leaves no room for considerations tied to the child's rights. The other possible explanation is the common, unfounded argument according to which return is always in the child's best interest. Nonetheless, even when these children manage to have access to the national mechanisms for protection of child's rights in the host country, they are, owing to their status as foreigners, victims of discrimination in relation to unaccompanied children who are citizens of that country. Consequently, it is fundamental that the child's rights organisations working in the countries that serve as host countries to unaccompanied or isolated minors acquire in-depth knowledge of all rights legally accessible to the latter in relation to minor nationals of the host country. This step involves the analysis of spheres such as laws regarding asylum and refugees, as well as legislation relative to the protection of children, victims, witnesses and foreigners. An analysis of practices of authorities concerning the implementation of this legal framework is also necessary. If one takes the CRC as a basis, this analysis must be followed by joint, concrete actions aimed at filling in existing gaps, at the level of the political and legal framework as well as its implementation. The protection mechanisms for child's rights should be implemented throughout Europe, essentially making sure that they are accessible to all children irrespective of their nationality.

Terre des Hommes will continue to advocate the abolition of all discriminatory treatment towards children owing to their foreign status. However, all communication with the child and all assessment concerning the level of protection of the child's rights in the host country must rely on the legal framework in place. The children must not be given false hopes but they have to be advised in order to invoke the regulations that best correspond to their situation and expectations. In this regard, one can also affirm that asylum and refugee regulations are perhaps not the best for counselling unaccompanied minors either. The CRC proposes a solid legal basis for exhaustive protection of their rights. Nonetheless, additional efforts would be necessary so as to guarantee the application of the CRC at the national level: improving its understanding, increasing its use before national courts and denouncing national legislation contrary to its measures.

In addition to the various services and possibilities legally accessible to the child in the host country, a fundamental element must be taken into consideration: the level of the child's integration in this host country and his attachment to it. **The length of the child's**

absence from his country of origin, the level of contact that he maintained during this period and the mastery of languages constitute factors that must not be overlooked in any durable solution recommendation for the child.

Terre des Hommes advocates a durable solution serving the person's best interest throughout his childhood—and adulthood. TdH rises up against policies that force the person to return to his country solely because he has reached adulthood.

The child's opinion

In addition to searching for the family, the child should also be involved in the entire evaluation process. Assessments carried out in the countries of origin and host countries are objective, carried out by independent organisations with experience in the field of child's rights. However, they must pay attention to the subjectivity of the child's point of view. Depending on their age and maturity, children are capable of making their own assessment and seeking balance between their own rights and interests. This should not be neglected. **The recommendation concerning the durable solution must reflect the minor's opinion.** This is an incontestable obligation issued by the CRC.

The role of State structures and child's rights organisations consists of helping the child to make his own assessment and find the balance serving his own best interest. To do so, a whole body of information must be made available to him. He must be informed about the options legally accessible to him and their consequences, measures taken by the authorities of the host country as well as by the organisation and their motives. Moreover, unless the child refuses, he must be helped in order to be able to communicate with his family, whether they are in the country of origin or not. However, in this case, measures must be taken to protect the child during the communication process, depending on the degree of the family's involvement in the exploitation/trafficking of the child.

It must not be forgotten that, quite often, parents voluntarily sent their children abroad, being firmly convinced that their children would find better future prospects there. The parents perhaps went into debt in order to be able to pay the child's trip, thereby placing great responsibility on the child's shoulders. Consequently, the return may be considered a failure on the part of the child, and this can also marginalise him within his family and friends. Consequently, the child may be willing to return but solely when a real possibility of employment is guaranteed in his country of origin. This is a thoroughly legitimate concern on the child's part and must be respected by the organisations conducting the assessment.

All exchanges with the children must be appropriate for their age and degree of maturity. However, it is necessary to stress that the minors concerned are between 15 and 18 years of age. Furthermore, owing to their past experiences, these children are generally quite mature and very autonomous, which means that the social workers can have detailed, in-depth discussions with them. On the other hand, this makes their work even more difficult insofar

as the social workers in charge of helping the children must be perfectly familiar with and understand the situation as well as existing possibilities.

The need to have a social worker who communicates in the child's language begins as of the first interview and helps in the process of identification/registration and search. This constitutes an essential condition throughout the decision-making process concerning a durable solution and during the child's preparation for its implementation. During this period, it is necessary that the child be in regular contact with experienced social workers working in his country of origin. The latter are in a special position for helping the child, not only because of the language but also because they are more apt to understand the situation in the country of origin and thus able to speak realistically with the child. However, the involvement of social workers from the host country is also necessary. They ensure the quality of the assessment of options in the host country and guarantee the veracity of the information given to the child concerning the host country. Contacts with the authorities of the host country can also turn out to be much simpler when set up by social workers of the same nationality.

During the elaboration of a durable-solution recommendation for the child, the involvement of a team of social workers operating in the country of origin as well as in the host country is primordial. The final recommendation must strike the right balance between the points of view of the social workers in both countries and the opinion of the child concerned. Moreover, the recommendation must be based on the opinion of the social workers as well as that of the experts in child's rights.

The assessment, as recommended above, and the child's opinion constitute two preliminary conditions for pondering the rights involved and finding the right balance between them, therefore recommending a solution serving the child's best interest.

Terre des Hommes will agree that it comes down to a case of assisted voluntary return solely when the child's return results from the above-mentioned assessment situation, the child's desire, the right balance of rights involved, in addition to a preparation and adaptation to the child's conditions.

3.3 Practical example of a re-integration programme, TdH Operations : help in the child's (re)integration.

What is (re)integration for TdH?

For TdH, (re)integration³⁶ designates a process aimed at guaranteeing that the child: a) live in a protective environment, b) have access to his fundamental rights, and c) be able

³⁶ The term 'reintegration' must be used when the process takes place after the child's return to the country of origin, whereas 'integration' refers to the process occurring in the host country, where the child would continue to live. 'Reintegration' does not necessarily signify a return to the original family, for the child may also meet up with his family in the destination country, in which case the appropriate term would be 'integration'.

to develop his capacity for action (choice of life options). TdH pledges to help the child elaborate his own life plan and begin to implement it, which means it is necessary to work with the child as well as with his family and community.

As concerns (re)integration, it is important to go beyond humanitarian intervention and aim at an approach of durable means for subsistence, ‘means of subsistence’ meaning here ‘the capacities, resources and activities necessary for earning a living’. The means of subsistence are durable when they can face up to stress and shocks (vulnerability) and enable the child to get over them.

TdH’s position leads to important consequences in terms of operational intervention, insofar as an intervention on the short term as well as the long term is necessary. The

intervention must not only meet the needs of the child’s family and community but also be able to consolidate their strong points.

Multidisciplinary case-management team

The aid to re-integration must be provided by a multidisciplinary team made up of, amongst others, a social worker, a lawyer, a health professional, a representative of the community and the person in charge of the case. The participation, when possible, of a person representing the initiatives existing within the community may also be beneficial for the case-management team. This team’s primary responsibilities are as follows:

1. Gathering facts and data
2. Analysing and evaluating these facts and data and, based on them, deciding on the services to bring in depending on the child’s best interest (preparation of the re-integration plan)
3. Guaranteeing, in an adequate time limit and by means of a coordination action, the child’s protection and implementation of decisions taken (implementation of the re-integration plan)
4. Making sure that the planned services rely on a durable means of subsistence approach (capacities, resources and activities necessary for earning a living)
5. Monitoring the impact of the implementation of decisions on the child’s well-being and proceeding, if need be, to adjustments (follow-up and adjustment of the re-integration project)
6. Closing the case.

Return to the family of origin

One of the first operational concerns must be assessing whether or not the child can return to his family of origin. The questions the team must answer are:

- Does the family sincerely and honestly want to take the child in?
- Does the child wish to return to his family of origin?
- Can the child return to his family of origin in full security?

- Can the child return to his community in full security?
- What are the other alternatives and which one most closely corresponds to the child's best interest?

The various operations to carry out are:

1. A case-study meeting must be convoked to make a decision once most of the elements are available;
2. Before this meeting, a family-assessment process will have to take place in order to evaluate the family's situation as well as know their opinions and wishes;
3. In addition, it is important to meet with members of the community in the child's country of origin as well as with local authorities in order to determine whether the child can return to his family and community in full security. It is necessary henceforth to broach questions such as the capacity of the community and authorities to avoid the child's 'revictimisation' (protection in the community, opportunities for means of subsistence, etc.);
4. Insofar as the process takes place in the child's country of origin, this means that TdH (or its partner) must be in a position to go on location. That results in three operational consequences for TdH projects:
 - a. For cross-border trafficking, projects involving solid cross-border connections (transnational projects) are necessary.
 - b. Insofar as TdH, or its partner, cannot ensure total cover of a country, it is essential that the project be developed within a reference network made up of several players (communities, NGOs, local State structures) that are in different places of the country.
 - c. To conclude, the multidisciplinary team must include at least one professional from each country (of origin and host).
5. The child's opinion and wishes must be duly studied before the social workers' meeting.
6. During the family assessment, interview with the child and discussions with the community, the case-management team must endeavour to explain the situation, the different options and listen to the views expressed by the other party. The team members must not, in any case, influence or ignore the other party's opinion.
7. During the case-study meeting, it will be necessary to arrive at a consensus in order to determine whether the answer to each of the first four questions is 'yes' or 'no'. For each question to which the answer was 'no', the participants will have to, during the meeting, think about possible measures for overcoming the problem.
8. The answer to each question and the decision taken during the case-study meeting must be argued and documented.

Other alternatives to the biological family

It may be decided during the case-study meeting—for several reasons—that the child’s return to his family of origin is not in his best interest. There exist the following alternatives to this solution:

- Placement in the extended family,
- Foster family,
- Semi-independent placement,
- Institutionalisation

Thus it clearly appears that institutionalisation is not the sole alternative to the child’s return to his family of origin. TdH must, in its projects, better explore the development of a certain number of other alternatives such as placement in the extended family, in foster families at the national level as well as semi-independent placement.

Placement in an institution must be an emergency/short-term measure not constituting a means of durable subsistence for the child. This option encourages no capacity, resource or activity in the child—quite the contrary, it diminishes them insofar as the child is dependent on the institution for living.

Even though TdH’s intervention as regards temporary housing may still be necessary, it should be considered as only a tiny part of the (re)integration work. Insofar as the principal challenges of the child’s re-integration occur when he leaves the temporary housing, adequate resources must be allocated to activities of post-accommodation follow-up. Moreover, the assistance provided during the housing must already aim at preparing the child for the life that awaits him after departure (means of durable subsistence).

The fact that there are solutions other than the return to the family of origin and placement in an institution also means that the child’s return to his country of origin is not necessarily in his best interest. Semi-independent placement may very well be organised in the host country, and the same thing remains possible when the child’s parents or extended family also live in this same country.

The difficulties of obtaining resident status, inherent to the laws relative to immigration, can constitute an obstacle to the realisation of activities aimed at the child’s integration in the host country. However, insofar as TdH operations are essentially implemented in the countries of origin, one also observes that legal opportunities for the child’s integration in the host country are not correctly exploited in the TdH projects. A lawyer may advise the team when these legal opportunities for the child’s integration in the host country occur. Lacking that, TdH could make decisions drawing the children into a process not corresponding to either their needs or their wishes. Consequently, our intervention will not be durable, and the re-integration as planned will fail. In certain very precise cases, we even run the risk of going against the spirit and terms of the International Convention on the Rights of the Child.

Determining the best interest

Throughout the (re)integration work, the case-management team will have to determine what is in the child's best interest. To do so, it will have to broach the following elements:

- The range of alternative actions aiming at means of durable subsistence of the child (family)
- of them, those that are realistic, taking into account the circumstances and possibilities (of the child, the family, the community, etc.)
- anticipating the consequences of each of the realistic alternatives on the child's well-being and rights and determining the one that will be most favourable to him.

Determining what is in the best interest of a child in a given situation may turn out to be a very difficult task and require serious professional involvement on the part of the team. Additional tools would be welcome for helping the TdH teams in this mission. Moreover, owing to their lack of training regarding children's rights, it is also very difficult for them to anticipate the consequences of their actions (on the children's rights) and decide on the best alternative.

Despite that, the following recommendations may help the team in determining what will be in the child's best interest.

1. Listen to the child. This means that the social worker must explain the different possible options to the child, informing him of what is possible according to the team and hearing what the child wants and why.
2. Be sure that the option chosen will not be harmful to the child (e.g., the child might be placed in an identical or different exploitation situation, his life or health could be threatened, his development slowed down, etc.).
3. Determine whether this will be a positive change for the child (e.g., whether the child will be better protected and not—or less—exploited; whether he will have better access to his financial means; whether his health will be able to improve, etc.)

For tools and other readings on the return to the families of origin or other alternatives, the multidisciplinary approach in determining the best interest:

TdH. *Thematic Policy against child trafficking*, available on: http://tdh-childprotection.org/component/option.com_doclib/task.showdoc/docid.470/

ILO. *Rehabilitation of the victims of the child trafficking: a multidisciplinary approach*, 2006, available on: http://www.childtrafficking.com/Docs/ilocpcr06_rehab_of_the_victims_octama.pdf

DOTTRIDGE, Mike. *Reference guide on protecting the rights of child victims of trafficking in Europe*. UNICEF, 2006, available on: http://www.unicef.org/ceecis/protection_4440.html

The role of the family and the community

Even though the principal player throughout the (re)integration process is the child, the family and community also play a fundamental role. In any case, this is what happens when the child returns to his family; on the other hand, in the cases of sexual exploitation of older children, it is the semi-independent placement option that could be in their best interest. This means that the family's role might be minimal or even non-existent and, in the event of serious harm, it is also possible that the community not be involved at all.

In other cases, the family and community are the main 'service providers' helping the child in his (re)integration process. It is therefore necessary that TdH manage to support the latter's' capacity to provide these services so that the child benefit from them. TdH must, in all its interventions, analyse the different potentials of the families and communities concerned and support the practices that will contribute to the child's protection and rehabilitation.

The family and community must also be involved in the decision taken by the child during the (re)integration phase. It may be difficult for the child to succeed in making these decisions materialise unless they are explained to the family and community and backed up by them. The social workers must endeavour to bring the child, family and community closer together in order to ensure that the child's decisions are perceived by the family and community as also being beneficial to them.

When the child returns to a family context, he is not the only one in need of help. It is often necessary, in order to guarantee the child's well-being, to support the parents' and community's capacities, resources and subsistence activities. Just like the support for protective practices of the family and community mentioned above, other services can help the family in revenue-producing activities, community development, etc. When vulnerability is closely linked to the status of the community in general, measures aimed at favouring the latter's development also appear pertinent in the context of re-integration.

Necessary services

The range of necessary services during the re-integration process will depend on the specificities of the case and the determining of best interest by the case-management team. As we already know, the services often aim not only at the child but also the family and community. The case-management team must, from the beginning, reach an agreement on:

- a. emergency intervention mechanisms in case of concerns regarding protection;
- b. the list of necessary services that can be provided;
- c. the providers of these services;
- d. time limits;
- e. procedures for follow-up and adjustments, including case-study meetings.

Necessary services will take on an urgent character but will also extend over the long term (means of durable subsistence). They can cover different aspects listed in the following categories:

- a. the child's survival and physical well-being:
 - physical protection of the child (within the family, community...)
 - nutrition
 - health, etc.
- b. psycho-social well-being and development of the child's capacities:
 - development of fundamental aptitudes
 - recreational activities
 - the feeling of belonging to the community and, if need be, religious reconciliation
 - education
 - social counselling aimed at helping the child achieve his life plan
 - development of the capacity for action (choice of life options)
 - preparing the child for participation in work (required social skills)
 - the feeling of belonging to the family and, if need be, preparing the child for founding his own family (marriage, children), etc.
- c. resources and activities necessary for earning a living:
 - preparing children for a professional activity (skills or vocational training)
 - employment (of either the child or family members)
 - micro-credits for starting a business (either by the child, a member of the family or at the community level), etc.

It is important to understand that these services do not necessarily have to be provided by TdH; on the contrary, as an international organisation, TdH should aim at the continuity of the services proposed. This means that each intervention should first examine the existing practices and services and support those services that can be beneficial to the child. TdH can then directly provide services solely in the absence of other providers. As we have already explained, it will be difficult to cover in a single project the full range of services necessary for the child, the family and the community. Therefore, a list of service providers should be made available to the case-management team so that it can refer to it.

We have already shown above how the family and community are often providers as well as beneficiaries of important services helping in the re-integration process. The same observation should be made regarding the local NGOs and State authorities. The joint intervention of TdH with these players must, above all, aim at guaranteeing that the child receive the service and then increase the capacity of the local players to determine what is in the child's best interest and react in consequence.

Examples of TdH Albania

Case no. 1

ES was 11 when she was spotted by the Terre des Hommes team mission in Albania. She comes from a Rom family of five, headed by a single mother. ES is the eldest in the family. She declared that she has been to Greece three times.

The first time, she went with a Balkano-Egyptian who had taken her with him because he had paid her mother the sum of 10,000 *lekë* (approx. 72 euros). They crossed the mountains and arrived in Thessaloniki (Greece), where she lived with this man and his family (his wife and little girl). There, she met another little girl, aged 12, who worked as a 'robot' with other Balkano-Egyptian children. ES declared that she sold handkerchiefs in the streets from 7 until noon and that she earned some 30-38 euros per day. Once she had sold all the handkerchiefs, she continued to beg to earn a fixed sum of money. One day, she was the victim of an accident with a car. She was not seriously injured but when she went home, the wife of the Balkano-Egyptian punished her, striking her with slippers. ES spent about a year there, but one day, while the man was in Albania, she was picked up by the police and sent back to Albania.

The second time, she went to Greece over the mountains with another Balkano-Egyptian who had given her mother some 15,000 *lekë* (approx. 107 euros). This time, she worked from 7am to 4pm and from 5 to 8pm and earned about 35-44 euros per day. She lived with her 'guardian' and met two boys who worked in Greece as 'robots'. The young girl's work consisted especially of begging in the streets and, even though working everyday, the 'guardian' beat her when she did not bring home enough money. After several experiences, she went to the Greek police and asked them to help her go back to Albania.

The third time, she went to Greece with another man who had given her mother 20,000 *lekë* (approx. 143 euros). She begged everyday, earning a total of 42-44 euros per day, and lived with her 'guardian' and his father. One day, she had an argument with him for he mistreated her quite often. After this quarrel, she found herself in a Greek orphanage.

Even though she went home to Albania, her mother's companion tried to force her to go back and work in Greece to earn money because they were poor.

Thanks to the intervention of Terre des Hommes and other local NGOs, the girl was able to go to school and participate in various psycho-social activities.

Case no. 2

ER was 11 when he was spotted by the Terre des Hommes team mission in Albania. He belongs to the Balkano-Egyptian community and comes from a family of seven. His father is an alcoholic suffering from tuberculosis. According to his testimony, he went to Greece with his cousin when he was nine. They lived in a rental flat in a house in Thessaloniki. The boy declared that his cousin used to take other Albanian children to Greece with him in order to make them work for him. Once there, the boy met three other children who were living in the same house. The boy declared that his cousin treated him very well and even shared the money he earned with him. He also declared that his cousin had changed his name several times for he was afraid of the police.

When the child returned to Albania, the Terre des Hommes team did everything possible to enrol the boy in school and make him participate in various psycho-socials activities. His family benefited from aid in cash and in kind as well as medications. Today, he no longer goes to school and works to help his family face up to daily life.

The ADPARE example: taking ‘complete’ care after the return to the country of origin

ADPARE is the Association for Developing Alternative Practices for Re-integration and Education. Founded in 2001, it is headquartered in Bucharest where it assists adult victims of trafficking in human beings who, for the most part, were minors during the recruitment. ADPARE offers integrated assistance and re-integration programmes to trafficking victims and minors at risk, which include:

1. psychological assistance at the individual and collective levels,
2. medical assistance in emergency situations or routine check-ups,
3. legal aid in collaboration with the authorities,
4. educational and professional re-integration.

The programmes thus include making available protected housing, general as well as specific medical assistance (searching for certain diseases, gynaecological examinations...), re-integration in school or vocational training, help in professional reinsertion, support during testimonies and investigations, mediation with the social services...

ADPARE is in particular partners with the **National Counter-Trafficking Agency (NCTA)**, which, in 2006, took over from an Interdepartmental Committee that had been set up thanks to steps by UNICEF. Its objectives: developing prevention, protection and legal follow-through activities in Romania. It is present in Bucharest and 15 regional centres and has set up a database on all identified victims.

4

Conclusions and Recommendations

Chapter 4

Conclusions and Recommendations

4.1 Conclusions

On case analysis

In the course of our study, we dealt with the migration of children and trafficking in children as linked phenomena: many of the minors in cross-border circulation are ‘illegal migrants’ but they are also vulnerable children who can be exploited by traffickers in human beings. In our study, we thus observed children leaving, more or less irrespective of their own free will, others having trusted illegal networks to organise their trip, yet others recruited in the country of origin and who become victims of criminal networks that take advantage of them...

Strictly delimiting these phenomena is delicate insofar as there exists a multitude of nuances between these stereotypes and, at any moment, minors can suddenly veer from one situation to another. We also observed that, in real life, the exploitation experiences are not always clear. The very notion of exploitation can be different according to the country or the players (for some, the fact of having to pay for the journey may be considered exploitation), and things become even more complicated when taking into account the opinion of the minors on their personal situation.

Case analysis should not give us elements backed up by figures so much as help us to understand the processes and sequences within the minors’ itineraries, their experiences and how they interpret them. The study of cases showed us that it was possible to discern particular typologies and profiles according to the cities. One then observes vulnerabilities, ‘prior causes’ (personal or environmental factors) that must be deciphered to construct with the child victim of trafficking a life plan in which return may be a component.

On dysfunctions and obstacles to remove

The adoption, in June 2008 by the European Parliament of the ‘Return’ Directive provoked alarm amongst the human rights defence organisations. Supposed to encourage the ‘voluntary return’ of immigrants, it causes concern by authorising the detention and expulsion of minors and unaccompanied minors and surrounding them with imprecise contours.

On this occasion, the European Network of Ombudspersons for Children³⁷ spoke of a ‘field of action propitious to violations of the child’s rights, despite the incorporation

³⁷ ENOC: *Inquiétudes au sujet de la Directive Retour de l’UE*, June 2008, Available on: <http://www.ombudsmnet.org/resources/infoDetail.asp?ID=18077&flag=report>

of vague clauses on the respect of fundamental rights, special treatment for vulnerable groups and taking the child's best interest into account' and deemed that the measures of the Directive did not safeguard the re-integration of minors.

The States' stress on policies for management of the migratory flow now tends to contradict the protection needs of vulnerable populations. We are forced to observe that, in daily life, isolated minor trafficking victims do not benefit from the protection that is however provided for in the texts, being considered above all as foreigners and/or perpetrators of criminal acts: the exploiting of their vulnerability and the need to sanction their perpetrators are then rarely envisaged. States' migration policies then feed the illegal immigration networks, which take advantage of child migrants and turn out to be unsuitable to the problem of return.

The International Convention on the Rights of the Child, General comment No. 6 of the Committee on the Rights of the Child on the treatment of unaccompanied or separated children outside their country of origin or else the Council of Europe's Recommendation on life projects for unaccompanied migrant minors of the are some of the instruments that we have mentioned throughout this study and deal with the issue of the return of minors.

As shown above, the quality of the return conditions the re-integration. When a child has been a victim of trafficking, the decisions taken concerning him must be adapted to his particular situation if one wishes to avoid his being exposed to the same risks. In a pragmatic approach, the local levels are in the best position for this case-by-case work but sometimes lack the necessary methodological tools. Our recommendations therefore aim at conveying a certain number of principles of actions inspired by the experience acquired by non-governmental players in the prevention and re-integration of trafficked minors.

4.2 Recommendations

In the past ten years, knowledge of the problems of traffic and trafficking has primarily been brought up in the course of studies entrusted to the central services in charge of social action or populations and migrations on the migratory questions.

They generally favour a method of gathering information and quantitative data that is supposed to be reliable and capable of anticipating evolutions in terms of volume and cost. Resorting to assessment firms to produce information has confirmed the economic logic that largely prevails at the top of territorial or central administrations and does not respond to the question to which no local official in charge of a 'child' or 'prevention' service confronted with this problem can elude:

- What are the 'practical solutions' allowing for dealing with this problem, case by case?
- On what conditions, and how must one go about it so that the child accepts returning to his family?

The increase in the number of situations encountered, especially in Spain, France, Italy and Austria, thanks to the effort deployed on the problem of unaccompanied minors, has generated

interest in the modes of intervention invented in countries of the East or third-world countries in fighting the recruitment of children and supporting their re-integration.

For some ten years, the intervention of non-governmental organisations in these so-called 'countries of origin' constitutes an appreciable source of inspiration starting from which are initiated projects of 'getting hold of', sheltering, investigation in the country and family, and transnational cooperation.

At the end of this study it is possible to affirm that the answer to these two questions is to be found in the implementation of local measures in charge of:

- favouring the case-by-case approach,
- supporting the pluridisciplinary work and cooperation of the players,
- and developing strategies and solidarities of transnational responsibility.

It is these three principles that we are going to present and use as an argument first of all. They constitute '*the return guideline*' starting from which a variety of methods and practices can be offered by each operator on each territory.

1st principle: case-by-case treatment

It does not suffice to set forth the principle of individualisation of reception for it to be effective. On the contrary, it is necessary to understand the often difficult advance of municipal or educational services, which had to assume three obligations in the space of a few years: 1) taking the cross-borders phenomena into account; 2) professionalising and qualifying their interveners; 3) elaborating comprehensible, transferable methods and procedures. These difficulties generated work around the taking into account of these children's specific needs. At the same time, reworking the case-by-case educational approach in depth allowed for organising and developing specific competences as regards detection and identification of victims or children in a situation of vulnerability.

From this, we deduce that everything is to be gained by entrusting the reception and accompaniment to teams specialised in the 'catching', creating a sense of security and taking in of children in order to reinforce and supplement the efforts undertaken to contain the appearance and structuring of these phenomena in a given city. By designating one or more specific operators, the case-by-case approach allows for collecting observation elements useful to players in fighting crime, whereas the opposite was not obvious.

Diversifying the modes of reception according to ages and profiles remains the surest means of getting the most out of the reception time. Each child is caught up in a trajectory that it is up to him to reconstruct. This individualised approach brings out systems of belonging to a family or a family circle, then smugglers, adults who are themselves players in the trafficking process. Every itinerary is unique in that the child himself is a living being distinguishing himself by his own resources and desires. It would therefore be counterproductive to consider the child, including victim, as a simple object of compassion whom it suffices to remove from the system to systematically send back to his original milieu.

The professionals who have these children directly under care are obliged to raise a few pragmatic questions, which are in fact quite useful when working on a child's return to the family:

- For the child envisaging going back to his family, does one ask whether the family is ready to make room for him again?
- Why did the child find himself in this situation? Why that family?

To successfully carry out a re-integration project, it is at least as important to find these answers—which means having to work with the players in the fight against organised crime, the law and police, who reconstruct the procedures and strategies implemented by possible criminal networks or more simply by 'the entourage'. All participate in the understanding of each situation. Deciphering the strategies, perpetrators of criminal acts and dysfunctions of a natural environment teaches us how to prevent new cases. Deciphering the family system and strategies of adaptation to the situation experienced by each child can allow for constructing a return strategy with him and his family.

The case-by-case approach by the local players allows for defining the quality criteria and minimal conditions for implementing a return (a return that must give a feeling of security and be legal, rapid and prepared with the child and the family). The feasibility study of the return is the responsibility of those who have a relationship of trust with the child.

The first work principle: the case-by-case approach necessarily infers a first phase of giving a sense of security to and the identification of each minor in a situation of vulnerability: child in the street, hidden child (undeclared, not attending school)...

This giving a sense of security, which is commonly called sheltering, allows for working immediately on the identity elements of age, filiation and localisation of the parental authority.

This work must be carried out in the child's mother tongue by an authorised, trained pluridisciplinary team.

This first phase of work rightly comes as a reminder that every person has an identity and that this identity is, of course, given on documents that attest to it. This identity also results from the sum of happy and unhappy experiences and the quality of attachments which make a minor uniquely himself and not someone else.

The second phase of case-by-case work consists of apprehending every child in his itinerary.

Professional psychologists, psychiatrists, educators and social workers belonging to this pluridisciplinary team have the task of apprehending every child in what is unique about the system(s) in which he moves about and changes.

Child and child-family system, and possibly child and street-child system, child and child-institution system.

If, in fact, we consider that, by his departure and itinerary, every minor is saying something about his family, the world of the streets or the institution, we have a duty to

tie this information together and thereby enable the minor to re-appropriate an identity, a filiation, a history and a future.

The third phase of case-by-case work consists of working on the life plan:

This time the team is enlarged to include the family or, at least, to the intervening partner in the country of origin to work on the preliminaries essential to re-integration. At this stage, the law, police, NGOs and jurist partners are then called to cooperate in a shrewd analysis of the feasibility of such a project.

2nd principle: supporting the players' pluridisciplinary work and cooperation

It is recommended to entrust a specialised service with the care of handling this problem locally. These services must give rise to the co-production and cooperation of players who are concerned in one way or another. We have been able to observe how important it is to avoid battles of operators over issues of competences, finances or power. As concerns prevention and crime-fighting, the coordination of the law, police and educational participants go hand in hand, as we have long known. It is the same regarding the accompaniment of these minors.

The exchanges brought out how much the lack of coordination at the local level in a given city, in terms of spotting situations as well as reception, would result in an important loss of information.

It is necessary to develop the capacities for detecting cases of trafficking and, in the communities, increasing the capacities for assessing different vulnerability situations. The reinforcement of social agents' and street educators' analysis capacities implies being able to work in a system of co-production of knowledge.

We observe considerable divergences from one city or territory to another:

A given city might tend to consider all isolated minors 'trafficked' children on the grounds that the child is by definition vulnerable. Another city might tend to consider that taking in minors by third parties is a cultural fact stemming from the deprived sphere. It cannot be said of these many points of view whether they are fair or erroneous but that they are the fact of a globalising representation that has no effectiveness.

We propose that, at least, exchanges of knowledge and transdisciplinary teams capable of reading the system in place be set up in the countries of origin as well as in the host countries where, finally, exploitation reveals its true face.

This transdisciplinary approach permits, for example, bringing together jurists, sociologists, economists, therapists and educators. With jurists and economists, for example, it is a matter of better understanding the effects of the measures of migratory regulation: restriction of access to the territory, protection and social security measures or, on the contrary, turning back, access to a legal job or, on the contrary, development of the informal economy.

During the different phases of reception, it is advisable to take into consideration that

the return is not always the most pressing problem and that it is often necessary to first deal with problems of drug addiction, exploitation, health or education. The child's image of himself, his relation to time and space and his relational capacities are affected by what he has experienced in the course of his itinerary. The sharing of existing knowledge on the street-children population, children trafficked or trafficking victims is essential. Doctors, humanitarian workers and therapists participate usefully in the elaboration of a common culture on this problem for participants to draw from it a methodology for case-by-case intervention.

The cooperation of players is therefore organised in keeping with the different, previously described phases.

Let us note beforehand that these projects required the issuing of an accreditation of services to deal with these questions. It comes down to giving a status and legitimacy to the work undertaken by a specialised team. It is this status that would enable it to define its function as regards the handling of situations and its role in a collective of partners. The margin for this team's autonomy must be defined, and its obligations, values and the professionalism of its participants must allow for offering the public concerned an area of reception and reassurance recognised by the institutions delegating it this competence.

This aspect is to be worked on prior to the project and should constitute the foundations of the arrangement. It is useful that the State and local authorities agree to cooperate in organising this delegation of which they would more easily ensure the joint control.

Once the local project has been formalised by convention or if local child-protection contracts are already set up once this problem is clearly inscribed there, it is possible to start the so-called securisation (creating a sense of security) and identification work, case by case.

At this stage, the partners are associated for reinforcing the internal competences: linguistic, sanitary and legal resources, supervision for ensuring that the reception set-up runs smoothly (inclusion in the environment and the residents' security, for example).

During the second phase, which consisted of analysing the systems in which the child evolved, the partners join forces to exchange information useful to understanding a situation that is always characterised by complexity.

Amongst these partners it is suggested to distinguish between:

- those who can pass on expert knowledge of the different contexts in which the child has lived, i.e., his successive environments: in the country of origin, in a city of transit, a community. In this case, it may be the street educators, mediators or police, which still enables us to define a profile;
- and those who can provide precise information on this specific itinerary.

We are forced to observe that everything on this second point depends on the capacity of the players in charge of investigations to cooperate with their counterparts in other territories.

It is up to the States to reinforce judicial and police cooperation; it is up to the local players to take into account that the child's report(s) is/are worthy of interest for it expresses

his representation of the world and his relation to others. Consequently, to be able to carry on a dialogue with him at very least, it is important to converse with those persons about whom he speaks to us: his family, persons or participants he might have previously known: other children.

One quickly observes that, regarding players' cooperation and the co-treatment of situations, pragmatism is quickly essential owing to the need to open prospects case by case.

At this stage, the study of legal and administrative contexts will impose the case-by-case approach, resorting to jurists specialised in international law, just as getting closer to certain consulates or embassies. It can never be overly emphasised to what degree the exploration of these leads is useful to the minor who in fact has undergone a succession of breaks harmful to his identity construction.

3rd principle: developing transnational responsibility strategies and solidarities

Throughout this study, we have mentioned this: how to choose to overlook cooperation with the family and players in the country of origin? How to believe that this scourge can be eradicated by developing strategies related to the turning back of foreigners whose papers are not in order?

These situations appear inextricable if they are not placed in their local, national and international contexts. Every time a municipality has given itself the means for working in decentralised cooperation with the province of origin, every time an NGO has given itself the means to find partners in these same countries of origin, the children's situation has been improved.

At least, making the connection between the current and initial situation, the interveners signified the desire to recognise the specific identity of each subject, which remains the basis of all education. At best, they thereby find leads for resolution and safeguards of successful re-integrations.

Asserting the right to re-integration implies the development of 'access roads' to this right. This is the reason why the return programmes cannot be conceived without an approach and active participation from the partners in the country of origin.

As difficult as that may be, it is advisable to clearly broach the problem of migratory checks and border closings with these partners: 40 years ago, the grandparents came to work in the factories of the European cities concerned, earned money, settled and integrated; today the children arrive illegally, either because they are objectively recruited and intentionally transported, or because their leaving makes them dependent on exploiting adults: racketed during their journeys and put to work upon arriving. This international configuration infers a system producing what we have called 'captive' children: the increase in checks and reinforcement of anti-immigration policies feed the illegal immigration networks and open up a considerable market for traffickers in illegal migrants.

This situation forces us to call for the development of transnational strategies at least

as important, reactive and modern as those developed by crime, whether organised or small-scale. The development of strong transnational cooperation can come about via the construction of a direct operational link between the cities of origin and host cities.

We observed that the cities of destination for trafficked or exploited foreign minors are those where all forms of crimes and offences linked to these illegal migrations occur and that, in this way, have full de facto legitimacy for establishing links with their counterparts in the countries of origin or transit.

There again, the issue of quarrels of competence between State institutions and the communities should give way in the name of the principle of the children's best interest to which every institution in charge of child protection adheres. The cities in Italy and Austria, the *départements* in France, the Generalitat in Spain—regardless of the administrative configuration in each country concerned, it is possible and desirable to support, beginning with these local echelons, an effort towards integrated development with the provinces of origin.

Direct contact between social workers or resource persons who know this specific situation is made at a distance during the first two phases of reception: identification/giving a sense of security and analysis of the contexts.

The third phase, which is that of the case-by-case work on the life plan, allows for fully associating the authorities and getting their opinion on condition that their decision is based on information as complete as possible.

Associating the authorities in charge of a renewal of administrative reception, the publishing of a temporary status or even the organisation of a return means assuming the confrontation of points of view. The 'child's best interest' concept is a bit vague but offers the occasion for the representatives of order, social action and solidarity from the countries of origin and host countries to examine this problem through the case-by-case prism. The singular here acts as an intelligence reduction service for it removes de facto the dissuasive stakes or supposed stakes.

It has already often been said that minors are not miniature adults, which obliges us to think about their re-integration by ways other than that of aid to return. On the other hand, can one think about aid to the development of educational and preventive policies, and who better than the communities in charge of these questions can support the countries of origin? The exchanges of professionals are so many occasions for experimenting with joint know-how with the families of minors concerned. We can also say that the efforts consented to for weaving an operational link between the host cities and cities of transit and origin concerning 'captive' minors are the sign of an adaptation to reality. Up to a few years ago, children were transported a few hundred kilometres—and, it must also be said, to regions of the world that are rather removed from our cities. Today, like the isolated-minors problem, children are transported to all parts of the globe, and no city can be protected. It is therefore in the cities' interest to help each other on this issue.

In conclusion, we ask that large-scale efforts be undertaken to spot, give a sense of security to and identify 'captive' children. The objective of designating services or

specialised organisms, supported and accredited by the institutions, is to guarantee case-by-case work based on respect for the child's best interest.

This notion allows for organising the coordination and mobilisation of partners holding useful information for understanding each itinerary and the systems in place. The responsibility of elaborating a life plan with each child concerned infers the need of having elements for aiding in the decision. It is this imperative that is leading—and in the future will lead more and more—communities in direct charge of these children to gather these elements of assessment directly from their counterparts in the countries of origin. From this results the emergence of projects based on the creation of an operational city-to-city link. This new type of intervention in decentralised cooperation relies on a principle of case-by-case solidarity and responsibility. Today it constitutes a pertinent model in the sense that the methods used allow for stabilising minors and opening up all the leads for resolution.

ANNEXES

- Topic List

- Data

Topic List

1. Introduction

- ✓ Who the organisation is; what it does; guaranteeing discretion
- ✓ Explanation of the interview: its aim (for the child / adolescent) & and how it takes place¹
- ✓ Explanation of the interview: goal for us (search for feasibility)²
- ✓ Asking permission to use this data (anonymity!)
- ✓ Questions on the part of the child / adolescent?

2. Personal Data

- ✓ Given name, family name, name of guardian(s)
- ✓ Age, date of birth
- ✓ Place of birth, country
- ✓ (Ethnic group if important)
- ✓ Current address

3. Situation ‘at home’

- ✓ Lives where: city, village...
- ✓ Description of the town / village: houses, schools, work, conflicts...
- ✓ Local politics: important persons; status of the family in the town / village
- ✓ Composition of the family
- ✓ Work of the father / mother / brothers / sisters; levels of education
- ✓ Family history: migratory history? Family members emigrated?
- ✓ Relationships with the various family members (*nature* of this relationship)
- ✓ Role in the family, household chores
- ✓ Relationships with persons *outside* the family (neighbours, friends, teachers, social workers...)

4. Passage/ transit

- ✓ Idea of leaving (from whom did the idea come? Parents aware? Other persons aware?)
- ✓ Reason for leaving. Hopes / expectations

¹ The interview is an *open interview*, i.e., one gives the child / adolescent the *freedom to answer in his / her own way* as much as possible. This method calls for an *open attitude*: avoid expressing possible reproaches; do not necessarily follow the order of questions above (but try to touch on all the topics by guiding the interview lightly); encourage the child to speak (by mimic, acceptance and visible respect, asking him to speak further on a subject, give illustrations, etc.). *See interview guide for more advice*. Before the interview (during the introduction), we advise explaining that the child / adolescent must tell his / her *own story, freely and openly*. If the interview lasts too long, it can be continued in a second session.

² We advise adapting the explanation to the child’s intellectual level, i.e., ‘we want to hear you describe your history to better understand the situations of children like you.’ Important: explain to the child that *his / her story will be treated anonymously*. (Explain ‘anonymity’ if necessary: no names of persons, towns, etc. in the public writings or other characteristics that can identify him / her.)

- ✓ Migration / trip (countries crossed, means of transportation, costs)
- ✓ Experiences of the trip (how did it go?)³
- ✓ Persons encountered during the trip
- ✓ Relations with persons encountered (particular attention to the *exploitation situation!*)
- ✓ Money paid/services rendered. To whom?
- ✓ Contact with the family/friends, etc. during the trip?

5. Current situation

- ✓ Living where.
- ✓ Living how? (food, hygiene and care, housing, work?)
- ✓ Experiences with the authorities (return discourse?)⁴
- ✓ Experiences with the social security services (return discourse?)
- ✓ Other important persons
- ✓ Relationships with those persons (particular attention to the *exploitation situation!*)
- ✓ Contact with family / other persons from 'home' (who and why [not]?)
- ✓ Demands / Requests / Needs

6. Near-future situation

- ✓ Self-image and current situation
- ✓ Near-future project? Hopes / expectations. 'Activity plans'?
- ✓ How to achieve it? Strong / weak points. Obstacles (personal / familial / institutional)?⁵
- ✓ Possibility of return (according to him / her!)? Obstacle (personal / familial / institutional)?
- ✓ Further migration/trip planned? Motivation, obstacles?

7. End

- ✓ Thanks
- ✓ Verify: has the child / adolescent clearly understood the aim of the interview? (if necessary: repeat the explanations from the introduction or ask the child / adolescent to repeat them)
- ✓ Questions? Other remarks?
- ✓ Check the child's / adolescent's address / cell phone number, etc.
- ✓ Give the organisation's contact information for possible questions

³ It is quite possible that the child / adolescent not speak openly about his / her experiences out of fear of return, of adults possibly involved or simply because he / she does not recall everything. We advise not pressing or pushing the child / adolescent too much and, if necessary, repeating the questions in a second conversation.

⁴ We were interested by the question as to whether or not a social player possibly talked about the child's return to the country of origin.

⁵ Naturally, we seek to know the plans *of the child / adolescent*, not those of the educator!

Data relative to cases studied

1. Number of cases studied	
In the host country cases	
Turin, Italy	100
Innsbruck (Tyrol), Austria	7
Ass. Jeunes Errants Marseille, France	216
Ass. Jeunes Errants Seine-et-Marne, France	56
total	379
In the country of origin cases	
Terre des hommes, Albania	100
ADPARE, Romania	100
total	200
TOTAL	579

2. Split by gender		
	Girls	Boys
Turin	19%	81%
Innsbruck	14%	86%
AJE Marseille	20%	80%
AJE Seine-et-Marne	57%	43%
	Girls	Boys
Tdh Albania	32%	68%
ADPARE	85%	15%

3. Age at the moment file was opened										
	under 10	10	11	12	13	14	15	16	17	over 18
Turin		2,00%	2,00%	6,00%	4,00%	11,00%	28,00%	29,00%	18,00%	
AJE Marseille	1,85%	0,46%	0,46%	4,17%	6,02%	6,95%	18,98%	34,72%	20,83%	5,56%
AJE Seine-et-Marne				1,79%	1,79%	5,36%	10,71%	19,64%	37,50%	23,21%
Innsbruck					28,57%	14,29%	28,57%		28,57%	
	under 10	10	11	12	13	14	15	16	17	over 18
Tdh Albania	44,00%	13,00%	16,00%	10,00%	9,00%	4,00%	1,00%	1,00%	2,00%	
ADPARE					1,00%		11,00%	21,00%	45,00%	22,00%

4. Nationalities

	Turin	AJE Marseille	AJE Seine- et-Marne	Innsbruck	Tdh Albanie	ADPARE	Total
Algeria		69	2	1			72
Angola			2				2
Cameroun	5	1	3				9
Centrafrique		1	1				2
Congo		1	12				13
Ivory Coast	1	3	4				8
Egypt	2		1				3
Gabon		1	1				2
Guinea		4	1				5
Mali			2				2
Morocco	42	63	4	4			113
Mauritania		1					1
Nigeria	6						6
Senegal		2					2
Somalia				1			1
Togo		2	1				3
Tunisia		4					4
Africa	56	152	34	6			248
Afghanistan	13	1					14
China		18	5				23
India			3				3
Lebanon				1			1
Ouzbekistan		1					1
Pakistan			1				1
Russia		1					1
Turkey		16	1				17
Asia	13	37	10	1			61
Albania	18	1			100		119
Bulgaria	1	1					2
Spain		1					1
France		10					10
Macedonia		1					1
Moldavia						1	1
Czech Republic		1					1
Romania	11	12	8			99	130
Serbia			3				3
Europe	30	27	11	0			268
Brazil	1						1
Haïti			1				1
Americas	1	0	1	0			2
TOTAL							579

