



BETTER SUPPORT FOR MINORS COMPELLED TO COMMIT CRIME

A GUIDE FOR INTERVENTION WHERE VICTIMS OF HUMAN TRAFFICKING ARE MINORS

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Finally, we thank **Estelle Denize**, President of the non-profit association Hors la rue, whose foreword opens this guide.

TRANSLATOR'S NOTE

This guide relates to procedures, institutions and provisions in France, governed by French law. For this reason, the names of public bodies, state services, institutions (and specifically acronyms) have been given in French as well where possible. While there may be some similarities with certain aspects of (common law) legal systems in the English-speaking world from which terms have been drawn, it is important to remember that the information in this guide is limited to the context and scope of judicial systems and public authorities in France and that, with the exception of international instruments, there is often no direct equivalence between the mechanisms, institutions and legal provisions in two languages or systems. Any translations of French legal texts have no legal force and are provided for information only.

For a list of acronyms and organisations in French and English see [here](#).

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FOREWORD:

A NOTE FROM THE PRESIDENT

The third annual survey of victims of Trafficking in Human Beings (THB) coordinated by the French Inter -Ministerial task force for the Protection of Women from violence and the fight against trafficking in human beings (MIPROF) and the French National Observatory of Crime and Criminal Justice (ONDRP), published in 2019, has shone a light on the scale of the problem of human trafficking in France.¹

When it comes to child victims of trafficking, 339 victims were monitored by 21 non-profit associations in France in 2018, making up 12% of the total number of victims receiving support. Of these young people, 38% were compelled to commit crime, **which is the most common form of exploitation these minors endure in France.**

Yet, although these figures are high, they sadly do not offer a full picture of reality. Today, a considerable number of child victims of human trafficking remain **invisible, because they are not identified.** A lack of knowledge about forms of exploitation and, more specifically, about coercion to commit crime, has led to failures in identifying such children and in recognising that they are victims, in some cases resulting in criminal proceedings against minors who can then end up being jailed. The reason these minors are allowed to fall through the cracks in the protection sys-

tems is because they are **primarily thought of as delinquents to be punished rather than victims deserving of protection.**

With over 10 years' experience in this field, Hors la rue has developed great expertise and insight into some groups of minors who are forced to commit crime and how to identify such individuals, which we regularly share with our partners.

Grounded in grassroots experience, careful analysis and the practices of current and former staff at Hors la rue, this guide seeks to leverage the long years of detection and support work with minors who are victims of forced delinquency.

This tool will enable you to:

- gain a better understanding of the issues surrounding coercion to commit crime (profiles, types of recruitment, etc.);
- obtain concrete and practical advice for detecting and identifying a child victim;
- become familiar with each stage in the process required to support these children towards meaningful care;
- to grasp the importance of working in partnership with others.

We hope that the insights in this guide will allow all those who come across such individuals in their work to be better able to identify and support victims and thus uphold the fundamental rights and protection to which these children are entitled.

1. MIPROF, ONDRP, *La traite des êtres humains en France - Profil des victimes suivis par les associations en 2018, 2019* (in French).

INTRODUCTION

I. WHY DO WE NEED THIS GUIDE? WHO IS IT FOR?

II. ABOUT HORS LA RUE

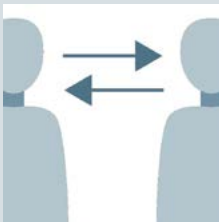
I. WHY DO WE NEED THIS GUIDE?

WHO IS IT FOR?

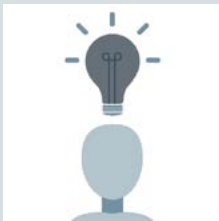
WHY?



For ongoing training of Hors la rue staff within our non-profit and for training of partners



To share professional practices with stakeholders and other staff involved in the fight against THB

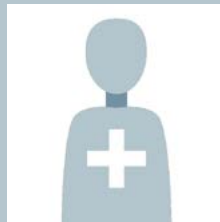


For a better understanding of the issues surrounding forced delinquency among minors

FOR WHOM?



Specialist non-profits (particularly those taking action on the streets)



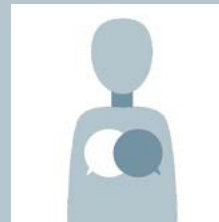
Doctors and healthcare workers (hospitals, police custody, prison)



Police and gendarmerie (questioning, custody, investigation)



Social workers and caseworkers ("roaming operations", shelters, places of detention, etc.)



Psychologists (charities, prisons, hospitals)



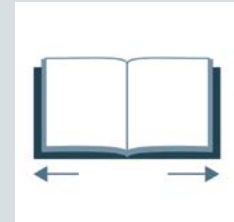
Professionals working in the criminal justice system for minors, lawyers

And anyone who has been made aware of the issues

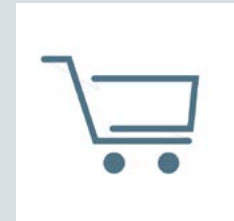
HOW?



In Hors la rue actions to raise awareness of these issue



Publication of an interactive version of this guide on the Hors la rue website



The guide can be ordered from www.horslarue.org. It is available in English and French.

II. ABOUT HORS LA RUE

INITIALLY STEMMING FROM THE FONDATION PARADA, HORS LA RUE WAS CREATED 2004 AS A NON-PROFIT ASSOCIATION WITH THE GOAL OF SUPPORTING FOREIGN CHILDREN AND YOUTHS IN JEOPARDY, WITH A VIEW TO “ADVANCING AND ENSURING REAL ACCESS TO THE LAW FOR FOREIGN MINORS IN JEOPARDY IN A MIGRATION CONTEXT”.

As a grassroots non-profit first and foremost, Hors la rue has teams that roam the streets of Paris and the surrounding neighbourhoods (in what we call roaming operations or “maraudes”) in an effort to spot young people who may be at risk (Unaccompanied Minors, newly arrived immigrants, young people with families on the streets, etc.) and begin to earn their trust. As part of these “roaming operations”, Hors la rue staff may also come across and offer support to children and teenagers who have been victims of trafficking and coerced into begging, theft, selling drugs or prostitution, by adults who profit from these criminal activities.

In addition to our work on the street, Hors la Rue runs a resource centre for roaming operations, located in Montreuil (on the outskirts of Paris), where young people found on the street by the team of caseworkers can get socio-scholastic support and assistance in following up on procedures and provisions under general law, i.e. child protection from the local welfare agencies, getting enrolled in school, access to healthcare, etc.

We are also active in detention through psycho-social support drop-in clinics that we staff (Fleury-Mérogis Prison minor’s section) for minors whom we have already seen on the streets.

Finally, the association also holds awareness-raising and advocacy activities in order to encourage the public authorities to provide better care for foreign children at risk, so that all children can live out the right to a childhood and be children.

OUR 4 KEY PRINCIPLES

Open participation

We believe that action can only be effective if beneficiaries freely consent to it. This is even more important when one is dealing with those who have faced instability, precarious living arrangements, or even coercion since infancy. This is why we must reach out to children and teenagers, recognising their right to choose freely what is good for themselves, while at the same time encouraging them to take up offers of social and educational support that will help them get off the streets. Be it in a daycentre or on the street, we always seek to ensure that participation is a free choice.

Understanding

For us, knowing about the people we assist, their background, their stories, culture and language is essential if we are to offer relevant solutions. Thanks to our development over the years, Hors la rue has very strong links with Eastern Europe and Romania, in particular, which gives our organisation an unquestionable advantage when working with young people from this country. For several years now we have also sought to broaden our skills base in order to build similar ties with children and teenagers from sub-Saharan Africa and the Maghreb region.

Working in partnership

We do not claim to be able to fix everything ourselves, nor is that our mission. Rather, we believe that in order to find apt and lasting solutions, we must build partnerships with institutional bodies and other charitable organisations so that the young people we support can access accommodation, training, healthcare and other basic services.

A grassroots approach

We make working in the field a priority because we believe that having a presence alongside children and adolescents on the streets or juvenile vagrants is central to achieving our aims. As the places they live, spend time or pass through are liable to change suddenly and frequently, our teams are able to travel quickly, which means they can stay close to the needs and concerns affecting these young people.

PART 1

KEYS TO UNDERSTANDING: MINORS AND FORCED CRIMINALITY

I. MINORS AND TRAFFICKING IN HUMAN BEINGS

II. COERCION TO COMMIT CRIMINAL ACTS

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I. MINORS AND TRAFFICKING IN HUMAN BEINGS

1. LEGAL DEFINITION UNDER FRENCH LAW

In France, the trafficking of persons is defined by law under the Act of 5 August 2013 (art. 225-4-1 of the French Penal Code).

*"Trafficking in human beings is the **recruitment, transport, transfer, harbouring or reception** of a person for the **purposes of exploitation** in any of the following circumstances:*

- 1. through the use of threats, force, violence or deception against the victim, their family or someone involved in a regular relationship with them;*
- 2. by a legitimate, natural or adoptive ascendant relative of the victim, or by a person with authority over them or by a person who has abused the position of power deriving from his or her duties;*
- 3. by abuse of a vulnerability of the victim due to age, illness, infirmity, physical or mental disability or pregnancy, that is apparent or known to the perpetrator;*
- 4. in exchange for or by the granting of remuneration or any other benefit or the promise of remuneration or benefit.*

*The exploitation mentioned in the first subparagraph of the present section (I) means placing the victim at their disposal or at the disposal of a third party, whether identified or not, so as to permit the commission against that person of offences of procuring, sexual assault or attack, enslavement, imposition of forced labour or services, servitude or the removal of organs, exploitation for begging, or the imposition of living or working conditions incompatible with human dignity **or to compel this person to commit any crime or offence.**"*

TRAFFICKING OF MINORS

The crime of trafficking in human beings is deemed to have been committed against a minor even where none of the circumstances listed in paragraphs 1 to 4 are present. The crime of child trafficking is punishable by ten years' imprisonment and a fine of € 1,500,000.



TRAFFICKING OF MINORS

ACTION

+

**PURPOSE:
EXPLOITATION**



Recruitment



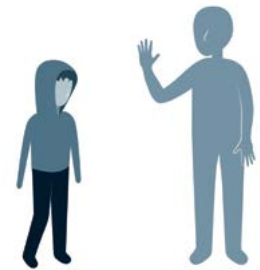
Transport



Transfer



Accommodation



Reception



Forced labour



Forced begging



Domestic servitude



Slavery



Sexual exploitation



Organ removal and trafficking



Coercion to commit crime

2. DISPELLING PRECONCEPTIONS

- **Child trafficking is not limited to trafficking for sexual exploitation alone and takes many different forms:** forced labour, forced begging, domestic servitude, slavery or practices similar to slavery, sexual exploitation, removal of organs and coercion to commit crime, amongst others. In addition, **a minor may fall victim to several forms of exploitation** concomitantly or successively (for example, a minor may be forced to beg and commit criminal acts as well).
- Child trafficking may be orchestrated by **one or several** individuals, who may be organised as a network. Such networks may operate **within a family or stretch beyond it**.
- **THB is not something that affects only foreign minors.** French children can also be victims of trafficking. In fact, **crossing a national border is not required for a situation to be considered one of trafficking**. Nevertheless, **unaccompanied minors** continue to be **especially vulnerable** and are exposed to the risks of exploitation on account of the extremely precarious economic, social and administrative circumstances they are in and due to a lack of awareness of their rights. These children are at risk of becoming victims of THB.
- **Not all minors who are found begging are necessarily victims of trafficking.** It is often the case that children have no choice but to beg in order to help their families survive because of economic instability or hardship. Each case must be assessed individually in order to get a full understanding of the actual situation.

- **Child trafficking is not limited to trafficking for the purposes of sexual exploitation alone.**
- **Child trafficking may be orchestrated by one or several individuals.**
- **It is not just foreign minors that can be affected by trafficking in human beings.**
- **Not all foreign minors found begging are necessarily be victims of trafficking.**



3. GOING FURTHER: THE LEGISLATIVE UNDERPINNINGS

The definition of trafficking in persons is set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000) known as the **Palermo Protocol**.

This definition is used in two international legal texts through which France has made a commitment to combat the trafficking in human beings:

> **Council of Europe Convention on Action against Trafficking in Human Beings** (sometimes called the **2005 Warsaw Convention**);

> **Directive 2011/36/UE of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims** (2011).

In French law, the offence of trafficking in persons is defined by article 225-4-1 of the French Penal Code. It was modified by the law of 5 August 2013 (Law n°2013-711) to comply with the Warsaw Convention and the European Directive.

France's second National Action Plan against Trafficking in Human Beings (2019-2021) includes two specific measures relating to minors. As part of the continued efforts to protect child victims of human trafficking, "*the trial mechanism for the protection of child victims*" is to be deployed across the country and there are plans to "*create secure and supportive centres for minors at risk*" (measures 25 and 26 of the Action Plan).

II. COERCION TO COMMIT CRIMINAL ACTS

1. WHY ARE MINORS USED TO COMMIT CRIME?

The use of minors who are compelled to commit crime can be explained, on the one hand, by the fact that it is a particularly lucrative form of exploitation and, on the other, by the intention of the perpetrators of this exploitation (whether they themselves are adults or not) to have the children alone bear the risk of criminal liability. The penalties and charges incurred are indeed lower if the perpetrators of the offences are minors

2. WHAT OFFENCES ARE COMMITTED?

This forced criminality can take many different forms: pickpocketing (on the street, in public transport), burglary, mobile telephone theft, robbery around automatic teller machines (ATM), sale of narcotics, selling cigarettes, sale of counterfeit products and stealing from charities, among others



3. WHO ARE THE MINORS COMPELLED TO COMMIT OFFENCES?

Minors originally from the former Yugoslavia have been forced to commit crime (purse-snatching, pickpocketing, etc.) in France since the 1980s-1990s. In the 2000s, minors of Serbian, Croatian or Bosnian origin started to appear, along with other groups from Romania and Bulgaria. Depending on the criminal group, children may be forced to steal mobile phones from outdoor dining areas and cafés, to rob at ATM, or pickpocket passengers on the metro.

More recently, we have been seeing the arrival of Unaccompanied Minors (UM) coming from African countries, notably Algeria and Morocco, who are involved in these same activities (mugging, selling cigarettes or narcotics). Several cities in France have also seen minors from Albania or Vietnam and also from West Africa who are compelled to commit crime (drug-dealing, street-hawking, burglary, etc.)

While these child victims are present in France, they are also active in several other European countries (Germany, Italy, Spain, Sweden, Belgium, etc.) and travel frequently between European countries.

SOME COMMON FEATURES THEY SHARE:

There is no “standard profile” for minors who are forced to commit crime. However, in the field, a number of common features of these children stand out:

> **isolation:**

- for some children, this can mean the absence of members of their family around them (*more so with North African youths*);
- a life led exclusively within the family/community, without any external contact other than as part of their exploitation (*no schooling, no interactions with other youngsters/adults outside their community*) leading to a degree of mistrust towards adults or institutions outside of this core group. This kind of isolation is often a corollary of a lack of knowledge about their rights (*more so amongst young people from Romania, Bulgaria and the former Yugoslavia*).

> **precarious living conditions in the departure country and/or in France:**

- isolation from family (*orphan, lack of parental figures, absence of emotional support, arranged marriage, being placed in foster care*);

- economic uncertainty (*working at a very young age, children living on the streets, in squats or slums*);
- gaps in education (*little or no schooling, illiteracy*);
- administrative instability (*absence of original copies of identity documents, fake papers or genuine documents with a false identity, certificate of submission of an asylum application under a false name or with an incorrect age*).

> **physical/sexual violence against the minor** (*within the family unit or as part of a couple*).

> **high health risks** (*physical and mental developmental disorders*) and **risky behaviours** (*smoking, significant drug use, heavy consumption of medication*), unprotected sex, early/undesired pregnancies, repeated terminations.

> **a certain dependence on the persons exploiting them, which may be:**

- material (*debt, a dowry, accommodation in a squat, etc.*);
- or emotional (*attachment to the family/host community/people from the same country*)

> **frequent travel between countries** leading to gaps in schooling, a lack of frames of reference, no follow up by institutions/charities.

All of these factors make a child more vulnerable to being recruited and also exploited by adults who will take advantage of these weaknesses to spot and recruit a child and gain a hold over them.

4. HOW ARE CHILDREN RECRUITED?

In light of the many different profiles, we have found that various methods are used to recruit minors. These modes of operation vary from group to group.

When it comes to UM, recruitment may **actually begin in the country of origin** with **promises** of employment, a better life or joining a sports club, especially via social networks. Recruitment can also occur **upon arrival in France**, where certain criminal organisations seek to take advantage of the vagrancy of these minors and their isolation to force them to “work” on their behalf, for example to pay off a debt related to their travel, to pay for their room in a squat, in exchange for protection from rival gangs, to cover the cost of replacing stolen merchandise, to pay for administrative procedures needed to obtain documents, etc. *For unaccompanied minors, minors at risk of exploitation see p.24.*

Exploitation can also rely on family ties (frequently found among some groups from Eastern Europe). Children can be recruited directly from within their immediate or extended family, in order to provide income for the family or to contribute to repayment of a debt incurred by their parents. We have found that, in some groups, **traditional communal practices can be misrepresented** and then used as a means of recruitment, for example, through marriage by way of a counter-dowry that the young girl will have to pay back (notably through criminal activity), blackmail over children that may have remained with in-laws or a guardian in the country of origin, etc. In other groups, **children can sometimes be recruited through co-optation or “imitation”** between the youngsters themselves, who may be drawn by the veneer of material success that is displayed by their peers and broadcast on social media. More experienced minors may then train their younger counterparts in how to commit crime.

PROFILE AND RECRUITMENT: THE CASE OF YOUNG MOHAMED, IN SWEDEN¹

Young Mohamed, having arrived in Stockholm, is taken to an apartment by a friend that he knows from Morocco. Once there, Algerians over the age of 18 confiscate his papers and threaten him. In order to get his papers back, he is told he must return the following week with 4500 Euro. Unable to gather this amount of money, Mohamed finds himself forced to rob under the threat of physical violence if he does not do so. The adults force him to submit an application for asylum under a fake identity with a false story. Mohamed doesn't dare go to the authorities as he fears being sent back to Morocco..

¹ Trajectoires, Recherche-action sur la situation des mineurs non accompagnés marocains, 2018, (in French).



PROFILE AND RECRUITMENT: THE CASE OF YOUNG ANA MARIA

In 2018, Hors la rue's team of caseworkers met young Ana Maria, aged 15. She was later seen again on several occasions during roaming operations (or "maraudes") carried out by our team. Over time, it became possible to gain her trust. Little by little, Ana Maria confided in the team about stealing at ATM and being arrested many times over. She is active almost daily and her activity is intense. Ana Maria explains to the team that she has been married to a young man of 16 according to customary practice, and says she came at a "cost" to her father-in-law of several thousand euro. Because of this, she says she is obliged to steal to pay back her dowry. As part of these activities she states that she regularly commits robbery, sometimes with violence, sometimes not. Ana Maria says she cannot keep anything from the amounts she steals as she must hand what she steals over to her father-in-law and sometimes to her father. Furthermore, when accompanied to the pharmacy by a psychologist from our team, she says she sends some of her money to Romania, where she will get it back when she is older.



DIVERSE PROFILES: THE CASE OF YOUNG CLAIRE

We met Claire in detention. At the time she was being held in custody for assaulting and stabbing another Bosnian girl, from a rival group. Gradually, over a series of meetings, this young girl told us her story. She was born in France while her mother was in prison for robbery in the metro. Her mother had been married to a man from a family clan that forced children to steal. After his death, her mother re-married. But Claire was no longer wanted in this new family unit. Her mother suggested she that she should spend the holidays staying with someone from the family. She was 13 at the time. Claire quickly realised that this was neither temporary nor a holiday. Then, suddenly, they leave for France. For a whole month she does nothing, but notices that many girls are at this man's house and that they steal. Now she has to get to work. This young girl, initially raised in a protective environment, by a father who we assume was a high-ranking member of the network, refuses to work. She gets beaten up and realises that she has no choice. She would later report members of the network to the authorities. She is placed in a foster home with a family away from the capital. She runs away, then disappears for a while before returning to robbery in the metro and gets arrested for the knife attack. When she is released from custody, she is placed with a foster family, which is not what she wanted. A day later she runs away. We some across her again a few weeks later with youngsters used by the same family clan. She signals to us not come and talk to her. Unlike the other young girls in this network, Claire seems quite open about her background. We have been able to verify her claims about being born in France and her identity. In addition, she displayed a striking level of assertiveness that fits her background and her late arrival in the network.

5. CRIMINALITY AND NON-PUNISHMENT

Member States may decide not to prosecute or punish victims of trafficking for taking part in illegal activities under duress.

Article 26 of the Warsaw Convention - Non-punishment provision

Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.

Article 36 of EU Directive 8/2011 - Non-prosecution or non-application of penalties to the victim

Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 2.

In reality, field observations show that a significant number of minors compelled to commit crime are subject to prosecution for offences committed during the course of their exploitation, whereas those exploiting them could be prosecuted separately for THB offences.

NON-PUNISHMENT: THE CASE OF YOUNG CLAUDIA

At the start of 2017, Hors la rue's team of caseworkers met young Claudia while on a roaming operation. After that, she was seen several times at the same spot. After several months, the girl confessed to her robberies on behalf of her family and in-laws. She is regularly brought before a magistrate for the same offences.

October 2017: Hors la rue notifies the Court and the Unit for Gathering, Processing and Assessment of Disturbing Information (CRIP) of suspected exploitation. In April 2018, Claudia was arrested for robbery offences, brought before the court and then jailed. The Hors la rue team continues to visit her in detention.

June 2018: both her parents were arrested, charged and detained pending trial. They are under investigation for offences of THB. Claudia's mother is imprisoned in same detention facility as her daughter but is held in the adult section.

A few days later, Claudia was tried at the Children's Court. She would be sentenced to several months in prison which she had already served. She would be released the same day, while her parents remain in prison.



6. OBSTACLES ENCOUNTERED WITH REGARD TO THE PROTECTION OF MINORS COMPELLED TO COMMIT CRIME

Numerous obstacles deprive minors compelled to commit crime of adequate protection:

- › a lack of knowledge about this form of exploitation, which leads to a failure by the competent institutions (police, judicial, social, medical authorities) to correctly identify these minors and recognise their status as victims;
- › criminal prosecutions and incarceration of these minors for offences committed while they were subject to exploitation;
- › non-recognition by the minors themselves of their victimhood, which impedes their receptiveness to protection. In this way, the phenomenon of conflicting loyalties and being in the clutches of control and influence often prevent the minors themselves from thinking of themselves as victims (*see p.57*);
- › the shortage of specialist non-profits taking action to support this particular group;
- › the absence of facilities for accommodating these children and able to offer appropriate support;
- › difficulties ensuring adequate care for children who are extremely mobile, traveling frequently from one country to another in terms of cooperation and exchange of information at a European level.

PART 2

SUPPORTING MINORS

ONE SUSPECTS ARE COMPELLED TO COMMIT CRIME

I. SPOTTING THE VICTIMS

II. REPORTING CASES TO AUTHORITIES

III. PRACTICAL FIELD EXPERIENCE: WORKING ON THE STREETS

IV. PRACTICAL FIELD EXPERIENCE: WORKING IN DETENTION

V. PROVIDING PSYCHOLOGICAL SUPPORT

VI. FACILITATING SECURE AND SUPPORTIVE PLACEMENTS

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I. SPOTTING THE VICTIMS

1. WHO CAN SPOT A MINOR WHO MAY BE COMPELLED TO COMMIT CRIME?

The formal identification of victims of trafficking in human beings falls under the sole jurisdiction of the police services and gendarmerie. However, the situation of a trafficked minor can be spotted earlier by anyone, especially professionals:

- Professionals from the sphere of Judicial Protection of Juveniles (PJJ, in open settings, services at the court, in detention, in foster care);
- Those working in the police, gendarmerie and police liaison officers;
- Professionals working with UM (age assessment services/services d'évaluation de la minorité);
- Professionals from specialist non-profits (prevention clubs, charities working on the streets, etc.);
- Professionals from the criminal justice system for minors;
- Professionals from Child Welfare Agencies (ASE, foster homes, open settings);
- Lawyers;
- Professionals in the field of asylum (French Office for the Protection of Refugees and Stateless Persons (OFPRA), reception platforms);
- Psychologists, nurses, doctors (hospitals, family planning, custodial settings);
- Embassies of countries of origin.



On account of their illegal activities, minors compelled to commit crime are subject to frequent arrests and prosecutions by the courts or even imprisonment. As a result, **those working in the police force and justice system** are particularly well-placed to come into contact with and identify these children.



Unaccompanied minors are at risk of exploitation.

The precarious existence they face, especially when then they haven't yet undergone an age assessment or when their age is contested, combined with their isolation in the host country, the lack of schooling, medical care and possible addictions are all factors that make these young people easy targets for potential exploiters who could compel them to commit crime. **Professionals who work with UM** are also likely to come into contact with minors who are being exploited or coerced into forced criminality

2. IN WHAT CONTEXTS MIGHT ONE BE ABLE TO SPOT AND IDENTIFY MINORS SUSPECTED OF BEING COMPELLED TO COMMIT CRIME?

Spotting these young people prior to more formal identification of the minors is the first essential step towards protection and assistance. It is fundamental.

Where might this occur and under what circumstances?

- During roaming operations by non-profits, following several encounters with the minor in question;
- During police intervention (arrest, while in custody, investigation);
- When a minor is summoned before a court: during Socio-Scholastic Intelligence Gathering interviews (RRSE/Recueil de Renseignements Socio-Educatifs) with a caseworker from Judicial Protection of Juveniles (PJJ), interviews with a lawyer, hearings before the children's magistrate (JDE), or when given a youth caution or reprimand by a senior officer/examining magistrate (*rappel à la loi par magistrat*);
- Over the course of follow up under Judicial Protection of Juveniles (PJJ) in open settings;
- Over the course of ASE monitoring in open settings, during placement in foster care or in a hotel;
- In detention: when the minor is interviewed by their Judicial Protection of Juveniles (PJJ) caseworker, a psychologist or a doctor;
- Over the course of an application for asylum: interview with a non-profit tasked with accompanying the applicant in their account for the OFPRA, during the OFPRA assessment interview, or by professionals interacting with the child in specialised accommodation.

WHO CAN SPOT AND IDENTIFY VICTIMS?



Professionals
from specialist
charities



Social workers
(PJJ, ASE,
OFPRA)



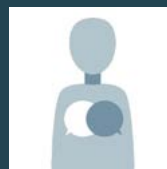
Doctors and
Health workers



Professionals
in the justice
system



Police and
gendarmerie



Psycholo-
gists



3.MAIN INDICATORS OF TRAFFICKING



Each situation is unique, and the individual profiles of minors compelled to commit crime are extremely diverse. **It is therefore a combination of several indicators that typically alerts professionals rather than one indicator on its own.**

INDICATORS BASED ON THE YOUNG PERSON'S JUDICIAL HISTORY OR CRIMINAL RECORD:

- › Intense delinquent activity: numerous arrests/court appearances over a very short period for similar offences committed under the same conditions;
- › Belonging to a group that is already known to be involved in activities exploiting minors (this can be deduced from the child's background, place of residence, where they were arrested, and the modus operandi used to commit the offence);
- › Multiple identities/being known by several aliases; using fake documents, having no identity documents;
- › Running away from previous placements;
- › No recognition of offences, refusing to have their fingerprints taken;
- › Leaving France after several court summons/periods in custody then returning to the country several months later;
- › Arrests/imprisonment in other cities around France/other countries for similar offences.

EXTERNAL INDICATORS:

- › General appearance: clothes are worn/soiled, shoes with holes in them or no footwear, lack of cleanliness or, the opposite, a minor carrying very large sums of money (bundles of notes) or with particularly expensive attire/shoes/mobile phone;
- › State of health: dental problems, skin problems (scabies), pulmonary issues (tuberculosis), addictions (cigarettes, narcotics, medicines, etc.), intense fatigue, self-harm, nutritional deficiency, signs of violence (bruises, burns, injuries, scars);
- › Clothing/shoes/apparent living standard that are not consistent with the profits generated by the offences: the minor does not benefit from their delinquent activities (torn clothes, or clothing that

is ill-suited to the seasonal temperature, no mobile phone) even though the child is regularly seen/stopped with very large sums of money.

BEHAVIOURAL INDICATORS THAT CAN BE OBSERVED DURING INTERVIEWS:

- The minor seems to be experiencing psychological distress (silence, chattering, aggressiveness, emotional instability, zoning out, highly sexualised behaviour, etc.);
- The minor is elusive and has very little time to talk to their caseworker as activity is intense;
- The minor refuses care or treatment, despite obvious injuries, and all contact with institutions (hospitals, doctors, etc.);
- Very long working hours without breaks (morning to evening, sometimes at night);
- No schooling despite having been in the country or area for a long time;
- The minor is always accompanied by adults or other young people who seem to have a hold over him/her; they become reluctant to speak in the presence of adults or other young people that seem to be checking up on him/her and avoids the caseworker despite knowing them. They are not allowed to have a mobile phone or a personal account on social media;
- The minor receives calls from a person who seems to be giving them orders;
- In the event of visits to where they live: the parents/adults present seem to hide their family relationship with the child, the identity of the minor or the full composition of the family.

INDICATORS FROM THINGS THAT ARE SAID:

- Elusive or stereotypical statements about him/herself/their family, e.g. *"I don't know where my parents are or where they live", "I live with my grandmother but she is in hospital and my parents are not with us", "I don't know where I live, I don't know how to get there by bus"*, the minor says they don't know anyone in France but their telephone rings constantly, people say hello to them in the street, their declared age does not match their real age;
- Vague/stereotypical description of their migration: *"someone from my country who I don't know came to get me in Spain to bring me here", "I can't remember if I came by lorry or by boat"* or saying things that reveal a very high degree of mobility around Europe: the minor has lived in several European countries and speaks the languages, has been in care in other European countries).
- Talks openly about their delinquent activities: *"I steal because we all do that", "I don't know how to do anything else", "my parents don't know I steal, I just do it for myself to buy myself stuff", "I cannot come with you, I have to work, I haven't made any money today", "my brother/friend taught me to*

steal", "in a single day I can make 1000 Euros"

- › Mention of a debt that must be repaid (cost of the journey, accommodation in a squat, protection by someone from the same country, reimbursement of stolen merchandise), mention of marriage, a dowry that has to be repaid, mention of children that have remained with family/in-laws in the country of origin with whom the minor has little/no contact;
- › Claiming to belong to certain groups that are already known to be exploiting minors, appearing on social networks promoting delinquent activities (banknotes, luxury cars, jewellery) with other members of this group, saying they feel they are helping the family move up in the world with their delinquent activities.

INDICATORS THAT CAN BE OBSERVED DURING THE MINOR'S DETENTION:

- › The minor receives very large sums of money or clean laundry without their parents/relatives ever being in direct contact with the institution (to ask for the cell number or find out about money transfer procedures). Sending money or laundry allows them to maintain a hold over the young person;
- › Some minors are never visited in detention, despite claiming that they live in the region with their families, or the family member never engages with the educational services so as to avoid being identified.



Those exploiting minors who are compelled to commit crime will take advantage of loopholes in judicial systems and police procedures (inadequate civil registration systems in countries of origin, no information exchange mechanism across Europe) to make it difficult to identify the minors and prevent subsequent charges.

The perpetrators of exploitation will therefore:

- › **force/encourage the use of an alias, falsify identity documents or take advantage of the absence of one** (the fact that the child's birth/ID was not registered in the country of origin) make it difficult to identify the minor/their family, impede the investigative work of police and prevent cases being harmonised or compared.
- › **Frequently moving the minor from one country to another** in order to frustrate the work of investigators but also that of associations following up on these young people. When the minor is picked up for offences in a new country he/she is initially perceived as a delinquent, before charities/institutions in the country can begin to decipher the signs of exploitation and recommend appropriate protection. *For more about the importance of working in partnership see p.72.*

THE MAIN SIGNS OF TRAFFICKING

Belonging to a group that is already known to be exploiting minors



Little time available to chat to a professional on the street



Very long working hours with no rest periods



Multiple identities and aliases
Use of false documents



Elusive or stereotypical statements about him/herself, their family or their migration journey



Intense delinquent activity:
numerous arrests/indictments

The minor goes around with very large amounts of cash



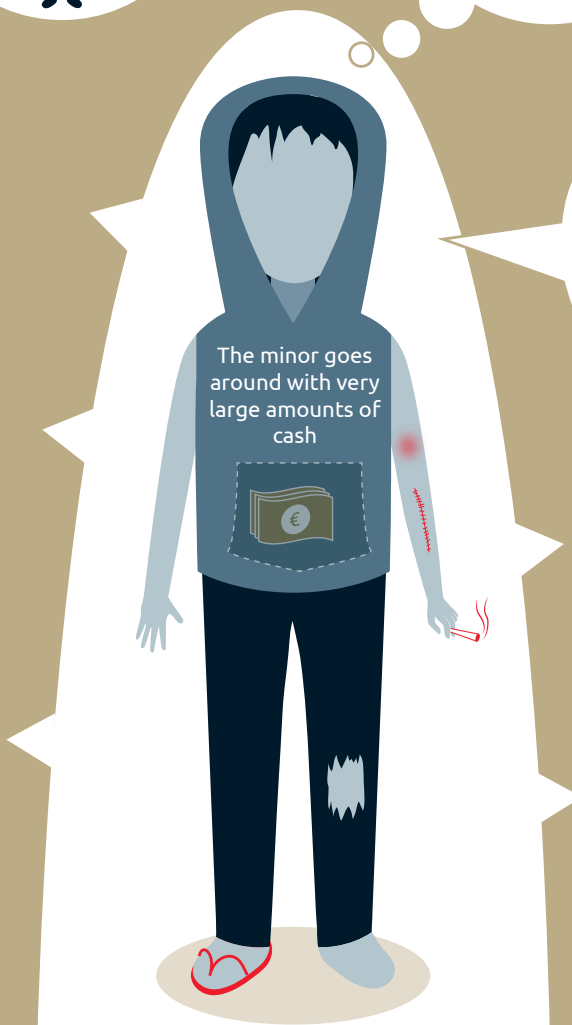
Worrying state of health
self-harm, signs of violence, scars...
Addictions



High degree of mobility between several countries
Arrests in other places for similar offences

Apparent standard of living seems not to match the profits from their offences

Clothes appear worn, shoes have holes, no shoes, dirt



SPOTTING THE SIGNS OF EXPLOITATION: THE CASE OF YOUNG MIHAIL

We met young Mihail for the first time at the start of 2016, during one of our roaming operations with a group of Romanian teenagers compelled to steal at ATM. Mihail was already known to the Juvenile Court, following several arrests linked to theft. Despite the considerable sums stolen, he always wears the same clothes and does not have a coat, even in winter. A few months later he seems very agitated and confides in a caseworker from Hors la rue about the coercion he faces. He says that his father is "bad" to him but that he has a good relationship with his mother. Every day, he is sent to "make money" along with his brother. Talking about his father, he says that if he does not come back with money "he attacks me". He also says that he cannot stand being forced to steal for his father anymore and that he does not want to go to prison while his father "is sitting comfortably at home". He also explains: "when I rob 1000 Euro, I give 950 to my father and I keep 50 Euro for myself".



SPOTTING THE SIGNS OF EXPLOITATION OF A GROUP OF MINORS INVOLVED IN DELINQUENT ACTIVITIES

*On one of our daily roaming operations, we see a group of young boys and young girls in the metro; there seem to be a lot of them. Among them we also see some **very young children**. They are regularly seen at the same spot and get on metro carriages at **regular intervals** where they pickpocket. They seem **very organised** and know exactly what to do. They are seen at all hours of the day, very early in the morning but also late in the evening after 10pm. Physically the minors appear to be **extremely tired and malnourished**, their hair is dirty, despite the fact that they are wearing nice clothes. Their faces are gaunt. When we try to approach them, they all say that they don't need anything, even though one day one of them says that she is very hungry after working all day. They all say the same thing: they live with their parents or grandmother, in a shantytown in Seine-Saint-Denis but they cannot explain how to get there. Adults are regularly seen in this group and the minors, whom we have met before, pretend not to know us. Their telephones ring when we talk to them. Exchanges with our operational partners (police, judicial officers, emergency shelters), confirm that they are frequently caught stealing and the repeated arrests for this reason.*

5. HOW TO CONDUCT AN INTERVIEW WITH A MINOR YOU SUSPECT IS COMPELLED TO COMMIT CRIME?

PRIOR TO THE INTERVIEW

- **Before the interview begins, ensure you are well informed about the origins of the minor or their belonging to a certain community.**
- Without entertaining certain prejudices, **overlooking the minor's link to a particular group would be detrimental** as it actually makes it possible to get a more accurate idea of the type of exploitation, the mode of recruitment and form of influence the minor that may be affecting the minor. In fact, a detailed knowledge of certain groups, their history and position in the country of origin will ultimately make identifying and supporting the victim easier;
- **Beware of stereotypes about the "perfect victim".** It is important not to dismiss certain aspects such as influence/conflicting loyalties but also the trauma linked to exile, which will have a role to play in the minor's statements and how they are perceived by case workers. **Just because a minor claims not to be a victim of exploitation or has chosen to commit offences, or even takes responsibility for them, does not make them any less a potential victim of trafficking.** Claiming the status of "delinquent", highlighting certain activities on social networks may, on the contrary, be signs that the minor is encouraged towards this behaviour and fails to recognise that they are victims. *For influence and control, see page 58;*
- **Plan for an interpreter to be present if necessary** when this is possible.

DURING THE INTERVIEW

- **Introduce yourself,** remind them of your role and purpose, and the **confidentiality** of the conversation;
- **Hear them out, alone, in a language that they know well.** It is important to be able to listen to the minor when they are on their own, in a place where they cannot be heard by their peers;
- **Behave kindly** and be open, adopt a non-judgemental approach, show an interest in the minor, who they are, tailor your listening style to the individual. It is sometimes useful to suggest a more **informal part of the meeting** (getting the child a snack, a cup of tea, etc.) or have informal intervals (sports, games, small talk) to make it easier to get them talking;
- **Recognise and ensure the minor understands the rights that are inherent to their status as a possible victim;** aside from their involvement in different criminal violations, inform them of their rights;
- **Apply critical thinking/attention to detail:** looking for indicators of exploitation involves looking beyond the

formulaic story the child may initially give. It is useful to seek out additional information in order to discern as much as possible about their identity. Special attention should be paid to their entire judicial history, including previous charges but also with a view to assessing their overall situation (identifying the other people who work around the minor and contact them, consider the role of the family, the young person's living conditions, etc.);

- **In the event that the minor should reveal that they are victims of a situation of exploitation**, emphasise their bravery, maintain a consistent message: remind them of the law and that it is the perpetrators of the exploitation who are responsible, not the minor acting on their behalf. **Several interviews may prove necessary** and it can be beneficial to repeat interviews.
- **Do not underestimate the importance of family. Especially in cases of family-based exploitation, it is important not to enter into contact with the family for as long as there is any doubt about their potential involvement. When dealing with other forms of exploitation**, work can be done with the family after assessment. It is only after sufficient time has been devoted to observing and assessing the level of exploitation and coercion that solutions may be offered, possibly in conjunction with family members.

IN SUMMARY

- **Ideally**, we recommend not raising the situation of exploitation during initial meetings and instead focussing on building a relationship, creating a bond and gaining the child's trust. **This phase takes time** and involves simple questions about everyday life and may be reinforced through a range of activities intended to make it a one-to-one relationship (sports activities, social or educational activities, etc.). It is important to be available and to share. Some minors may also be curious and themselves ask questions about our way of life, families, hobbies, etc. Without having to answer all questions, it is useful to be reciprocal so that the young person can engage more easily and see it as a trust-based relationship. Over time, it will become possible to ask more specific questions. *For more details, see page 38.*
- **In practice**, we find that it is often impossible for professionals from the judicial/police services (caseworker with Judicial Protection of Juveniles Division (PJJ) Educational Services at the Courts (SEAT)/lawyer/police officer/magistrate) to take all of the time necessary, as they generally will conduct an interview with a minor that they are meeting for the first time and/or in a single sitting and must quickly come to a decision about their protection. Therefore, referring to the number of arrests or court summons for similar offences may prove to be a good starting point to begin the conversation and try and understand what drives the youngster to repeatedly commit these crimes. Talking about their living conditions, their health and offering to help can make the youngster feel at ease and safe. Constancy and repetition in these offers of help are often what eventually allow the minor to accept help during later interviews. By encouraging the minor to talk about any non-profits that may be assisting them, professionals may also be able to look to partners to shed light on the child's personality.

IT IS IMPORTANT NOT TO KEEP CONCERNS TO YOURSELF!

- › **Discuss any concerns as a team.** Sometimes, simply talking it through with colleagues who work in the same sector is enough to allay any concerns or, on the contrary, doing so may reveal that you share the same concerns.
- › **Discuss your concerns with your partner organisations.** Getting in contact with partners or non-profits that are already in regular contact with the young person in other contexts means that professionals who see the minor for the first time can get an idea of their overall environment and specifically whether anyone already suspects exploitation or if the child has been the subject of an alert from a partner institution.



DISCUSSING A CASE WITH PARTNERS: THE CASE OF YOUNG DIMITRU

As part of our weekly roaming operations, the Hors la rue team often comes across young Dimitru. He is well able to recognise the team and there is a bond of trust between them. He steals on a daily basis and often explains that he cannot take part in the activities we invite him to participate in because he “must make money”. At the time of his court summons, Dimitru does not want to answer the questions asked by the PJJ caseworker from the SEAT and remains silent. Nevertheless, he does reveal some information when questioned by the caseworker: the fact that he is in regular contact with the Hors la rue street team. The caseworker then gets in contact with Hors la rue and various pieces of information are provided regarding his personal situation thus allowing the caseworker to get a better idea of the environment in which he lives. The caseworker then recommends a specifically adapted solution as part of the RRSE that she must submit.



CARINE ESTAGER, A CASEWORKER SPECIALISING IN JUDICIAL PROTECTION OF JUVENILES (DEMNA STEMOMO PARIS CENTRE)

1. Under what circumstances will you encounter minors compelled to commit crime and what, in your view, are the indicators that can be used to identify them?

As a caseworker at the PJJ, I can work in different environments: open settings, accommodation, services at the courts and in detention. We mainly come into contact with these young people through their referral to the court or in detention, but sometimes also during our follow-up appointments or in their accommodation.

There are many indicators. On the one hand, there is the number of arraignments, which are often for the same offence. The young person's isolation in the country is another; or struggling to meet any of the adult role models around the child, not knowing where they live, or systematic refusal of any form of help. In addition to this, the child is in poor physical condition, and they may have physical and mental health problems. But it is also

sometimes the case for young victims of THB to be very well dressed, it depends on the network and on the young person's position within it.

And, of course, there are the youngster's words. Depending on the strength of the hold over the child, the child may speak up more quickly or take longer to say that they are being threatened with physical, or, perhaps, sexual abuse if they do not carry out the crime. Often, when perpetrators of exploitation have a strong hold over the youngsters they will not take the helping hand offered to them by institutions and do not attend their appointments in open settings. Work on a case often begins either in detention or in accommodation facilities.

Whatever the circumstances, all professionals who suspect that exploitation may be taking place have a duty to notify the authorities. These realities must be brought to light in order to enable better protection of these young people.

2. Could you give us some examples of circumstances you have come across?

C. is a young Bulgarian girl who is regularly brought before the court. She is part of a group of girls from the same region, also charged with shoplifting in department stores. C. is always inappropriately dressed for the time of year. She says she lives in a caravan with her father or with her grandmother depending on the month. Despite my proposals, I was never able to meet a member of her family. C. is very vague about where she lives. She finally gives me the name of a place in Paris, but it is impossible for there to be accommodation in a caravan and/or slum in this area. C. came to all of our meetings up until the hearing when there were other girls from her group we also present. My presence made C. very uncomfortable. I never saw her again.

M. is a young boy who says he is from

Gabon. He is indicted several times for dealing crack. Gradually, over the course of our discussion I realise that he doesn't really know anything about Gabon, and he ends up admitting that he is Senegalese and that he speaks Wolof. He is always arrested in the same places which are, furthermore, well-known for this kind of activity. M. explains that he keeps hold of the merchandise while the adult exploiter goes back and forth with small quantities or draws in clients. In this way, M. incurs all of the criminal risks. After several appointments, M. manages to talk and tells of the violence he has suffered. He confesses to me that he got arrested and the merchandise was confiscated. He was then beaten up and his debt increased. On several occasions our telephone communications were interrupted, probably by this same adult. M. was terrified. Despite notifying the authorities of the case and mobilising the child protection services, we lost contact with M. Like many of these young people, M. had been made to develop a dependency on crack in order to subjugate him and secure a hold over him.

There are also adults who come "to assist" the young people when they are on the street by giving them a roof, drugs, money and, in exchange for this, they tell them to go out and steal for them. These threats can be accompanied by physical or sexual violence or psychological abuse. Several young people have told us of their

rape being filmed and that their persecutors threatened them with putting these videos on social networks.

3. How do you conduct interviews with minors compelled to commit crime? What advice would you give to help establish a bond?

It depends on whether the young person is forthcoming about their exploitation or not. In general, I play innocent, feigning disbelief, and point out inconsistencies in the story. Then, in the end I tell them that I know young people who are forced to do certain things. I then explain that I am here so that we can find solutions together. Often, when the young people tell me they are afraid of their parents in France, I insist on meeting them and make sure I am fully available for that.

I think it is important for us to tell young people what we think about their reality and what we already know about it. It can be reassuring for a young person to see that we are actually able to (partly) understand the realities that he or she has to deal with every day.

At the end of the day, as with all young people, what's important is showing that we care about them and that we are there for them and will be available to help them. A way of demonstrating this could be accompanying them to their hearing, for instance, or visiting them in detention because, very often, no one goes to visit them.

4. What difficulties have you encountered when supporting them and what levers do you activate?

The main difficulty lies in the fact that these young people are highly mobile and/or prone to flight. Getting them to meet with you is a complicated business. Sometimes, going to meet a young person in police custody when they are being charged is the only way to reach them. What sometimes happens is that we lose track of them because their network regains control over them and sends them away. Of course, this depends on the degree of violence they face.

The lack of suitable facilities and protocols to provide them with safe accommodation also makes it difficult to support these young people. Even though it is complex, I think that young people who are under a hold should be protected, even if this protection is forced on them.

In my opinion, it is very important that we work in partnership with other institutions by defining each stakeholder's role and position. There should also be facilities specifically adapted for certain types of cases, especially for young drug addicts and young girls some of whom are pregnant or are already mothers.



MAÎTRES ISABELLE ROTH AND CATHERINE DAUD, LAWYERS AT THE PARIS BAR

1. Under what circumstances might you encounter minors compelled to commit crime?

Most of the time is it when the minor is held in police custody, or for their arraignment in the juvenile court. It is important to highlight this aspect because this is often when they meet us for the first time and the context is not conducive to opening up. The young person will tend to see us in the same way they see the police or the judge. In police custody we have very limited time (30 minutes) to cover their personal and family situation, the reason for their arrest as well as any questions relating to trafficking. We may also have to deal with young people who are very unwell, who are physically injured, stressed, febrile or in withdrawal because of addictions. The matter of interpreting services is also fundamental. Having an interpreter present does not always facilitate dialogue...

2. What criteria, in your view, can be used to identify a minor compelled to commit crime? What indicators do you rely on?

We try to ask useful questions that could reveal that exploitation is taking place. We rely on questions about where they live: if the young person lives in a squat, do they have to pay to sleep there and if so whom must they pay? Often these young people live in places where adults live too. The mingling of minors/adults is another important indicator.

The same is true for the delinquent act itself. Questions can be asked about the sums of money involved: does the young person have the right to keep all of the money/phones stolen? Do they have to give part of it away or do they not keep any of it? Sometimes it becomes apparent that the young person actually has very little freedom in their movements and

they seem to be “monitored”. Some young people have in the past openly declared that they have to bring back a specific amount of money each day for another person or that they must steal items “to order”. Some may say that they are “fed up” of stealing for someone else.

Their criminal history remains a strong indicator, in particular where there are repeat offences. The use of an alias, refusing to provide fingerprints, to talk about themselves or their nationality signifies a desire to hide their identity, or may denote an attempt to protect other people around them, who may be forcing them to cover their tracks. Often, these young people speak several languages (Spanish, German, etc.) because they are highly mobile and have lived in a number of European countries.

The young person’s physical condition

can also provide clues, especially for those who are very physically unwell or drug users. It is common for them to be acting under the influence of narcotics supplied by the persons exploiting them.

3. What types of crimes are committed by these minors?

It is often the same offences that arise again and again: bag-snatching, pick-pocketing, (handbags, mobile phones, jewellery). In addition, they are often committed in aggravating circumstances (as a group, with violence). Some young people have told us that after a while “they no longer see the victim” that they are “like machines”, because they are trained to rob and watched over to make sure they go through with it.

4. What difficulties do you encounter when supporting these minors and what levers would you recommend?

Aside from the difficulties stemming from the interview conditions, the issue of the number of different lawyers that these young people may encounter is another matter, which raises the question of access to information about the young person’s background and judicial history. The reality is that the lawyer they would have met while in held in police custody (often not one specialising in

minors) is generally not the same one they would have met during arraignment, or in other legal proceedings... Asking to have a principal lawyer appointed is fundamental in order to ensure continuity of counsel throughout their journey through the criminal justice system in France, especially if the minor gets detained again. All too often, people forget that the minor has a right to a lawyer in prison, but it can take a long time for one to be appointed. Finally, it is also important to request that different case files be connected to avoid a multiplicity of hearings and professionals overlapping around the same individual.

5. What advice would you give to lawyers who find themselves interacting with these minors?

First of all, begin by concerning yourself with the young person’s state of health (and ensuring that they are well enough to answer other questions). Then, try to guide the interview process through a kind of funnel, starting with general questions about basic or ordinary things and then gradually moving on to more specific points in order to ultimately be able to ask questions that allow you to assess whether the young person is acting under coercion: “How did you learn to speak Spanish so well when you only lived in Madrid for a few days?” “How did you know you

should go to Rennes and Montpellier to steal when you had just arrived in France?” It is often useful to take in interest in the minor, in their culture or knowledge and to show that you are impressed by things (the number of languages they speak, for instance) in order to then be able to ask other questions.

“WHAT DO I KEEP IN MIND DURING MY INTERVIEW?”

There is no “standard” interview. Each situation really is different. Interviews will largely depend on how much is known about the group to which the young person belongs, their community, on the degree of trust between the you and the young person but also on discussions with other partners who may already have been able to shed light on the young person and any suspected exploitation.

As explained in the section on identification of the minor, the descriptions given by young victims of exploitation of their situation are often very cliché. Initially, then, the questions can be quite broad, e.g. about the young person’s identity, their family, where they come from, what they like to do. Then, gradually, over the course of several interviews the questions can be narrowed to focus on the illegal activities, their sentence, their background... **it is all about advancing carefully in incremental steps. The goal is not to interrogate the minor with a series of standardised questions but rather to slip the most relevant ones into an ordinary informal conversation, letting the youngster tell their story. It is very important to give them space and freedom so that they can bring in whatever they want to talk about.**



About where they live:

There are many stereotypical/similar answers: “I live in a slum/squat in X” but often the young person does not know how to get there.

Further questions can be asked, e.g. to find out how the young person gets to where they live, what mode of transport they use, how long it takes them to get from one place to another.

About their living conditions:

Lots of questions can be asked in order to get a better understanding of the youth’s day to day life, their level of activity, their relationship with others and existing services (school, health system, etc.).

You could ask the young person to:

- Describe their day, their work schedule, their leisure time;
- Talk about school: are they enrolled at school and, if not, why not? Do they know other children who do go to school? Why don’t their parents want him/her to go to school?;
- If s/he is injured or sick, try to understand what has happened; why does he/she not want to see a doctor? Offering help to access medical care and telling them that they have a right to it;
- Depending on how the young person answers, they may mention “work/a job”. Ask them questions about this work. How much money do they make? Why do they steal if they also

have a job?

- About their lodgings/travel: if the young person says they live alone or sleeps/lives in a squat or with a friend, questions can also be asked about the conditions of this accommodation, whether this is paid for and how they manage to pay the person who gives them lodgings. You could talk about the amount of money that has to be paid and ask how they manage to gather such amounts, or why they cannot keep all of the money they make;
- If the young person has new clothes or a new phone, ask them how they were able to pay for these purchases if no one gives them money.

About exploitation: if the young person alleges that they commit offences themselves /if they are arrested several times for the same reason

- Minors can often tell formulaic and cliché stories about their robberies, e.g. “I steal for myself, to buy myself clothes and shampoo”. It may be useful to ask what they do with the rest of the money as the amounts spent are often far less than the value of the thefts they have committed;
- Questions can also be asked about their modus operandi: how did the young person know they had to go to a particular place to burgle a house when they don’t know the city that well or the language of the country? How were they able to get there on their own? How did they learn to steal?;
- The hazardousness of certain actions can be raised, specifically the violence that they could be exposed to as a result of their activities;
- If the minor states that they are stealing for someone else, it is important to remind them that help can be provided and not to insist on being given the identity of the person exploiting them ; instead, give the child time to come forward and speak of their own accord.

About partners:

It is very useful to ask the young person if s/he has already met adults or caseworkers from a non-profit that provides assistance, or that comes to visit them in the street, in their slum or squat. In some situations, mentioning to young people that working in partnership with these people/organisations is possible may also help to build a trusting relationship, especially when the young person has a strong connection with the partner in question.

You should not hesitate to explain kindly and with empathy if you do not understand or to highlight certain inconsistencies in their statements. Do not hesitate to ask them to explain things a second time.



II. NOTIFYING THE AUTHORITIES

1. THE OBLIGATION TO NOTIFY THE AUTHORITIES

An obligation incumbent upon all citizens

Article 434-3 of the French criminal code contains the following provision: “Any person who, having knowledge of deprivations, mistreatment or sexual abuse or assaults inflicted upon a minor or upon a person incapable of self-protection by reason of age, sickness, infirmity, psychical or psychological disability or pregnancy, omits to report this to the administrative or judicial authorities for as long as these crimes have not ceased is punishable by three years’ imprisonment and a fine of €45,000.”

When the failure to report information relates to an offence mentioned in the first paragraph committed against a minor aged fifteen years or under, the penalties rise to five years’ imprisonment and a fine of €75,000.

Except where the law otherwise provides, persons bound by an obligation of secrecy pursuant to the conditions set out under article 226-13 are exempted from the above provisions.

An even stronger obligation applies to child protection professionals

The French law of 5th March 2007, in article L.226-2-1 of the French Social Action and Families Code (CASF) states that “persons implementing the child protection policy as well as those assisting them must transmit [...] any information of concern about a minor in danger or at risk of danger without delay”.

2. WHO SHOULD YOU ALERT?

In France, professionals can report their information by notifying two bodies: **the administrative authority (CRIP) or the judicial authority (Public prosecutor or children’s judge)**. **Deciding which of these bodies to notify essentially depends on when the alert notification is sent, either prior to exploitation occurring or, once it is already under way.**

Indeed, one could approach the CRIP regarding a minor whom one believes to be at risk of trafficking in order to avoid exploitation occurring (e.g. UM or minors dependent on a group/family that is already implicated in exploitation offences). As regards the exploitation of a minor where offences are ongoing, (regardless of whether they have been proven or are suspected), the matter should be referred to the judicial authority. The judicial authority will then be able to issue a Provisional Remand Order (OPP) and/or launch an inquiry in conjunction with the police services.

3. HOW SHOULD YOU REPORT THE MATTER TO THE AUTHORITIES? DRAFTING AN ALERT (SIGNALEMENT)

- **Try to be as precise as possible:** about the points enabling identification of the minor (age, identity document, physical details), about the places they were seen (roaming operations, place of shelter, name of police station, etc.) but also with dates: the date and context of the statement being taken, date of an arrest/arraignment/placement in care);
- **Try to be as neutral as possible** (minor X was seen Y times engaging in activity, in the company of young people identified as being involved in forced delinquency networks, “with very large sums of money”);
- **Clearly distinguish between the points that have been reported by others and the facts actually observed:** place statements with the words used by the child in inverted commas (“the minor confessed that...”). Use formula like “I have noticed that...”, “the minor has stated that...”;
- **Highlight the danger: for alerts directed to the judicial authority, the features that characterise the nature of the breach of the law must be clearly established** and give as much detail as possible about the nature of the danger.

NB: Alerts can also be sent in consultation with other partners taking action over the same situation.

DISPELLING PRECONCEPTIONS ABOUT ALERTS

“But if I do something/report something to the authorities and it turns out to be untrue, will I be in trouble?”

It is better to notify the authorities of a possible situation of trafficking that turns out to be unfounded than to do nothing and allow the exploitation to continue. The person raising the alert cannot be blamed for being vigilant.

“Nothing ever happens when we send alerts and notify the authorities!”

Sometimes the notification gives rise to no immediate visible reaction. There are many possible explanations for this: the notification is too vague, unknown address, the minor still cannot be located, the minor may already be subject to an alert from another organisation/institution, an enquiry may already be in progress. The judicial authority is not obliged to inform the person who sent the alert of any action being taken.



III. PRACTICAL FIELD EXPERIENCE: WORKING ON THE STREETS

The work of detecting possible cases in the streets, in the places where vagrancy is common and where minors are active is essential in order to enter into contact with the children who are most alienated from the provisions of ordinary law and potentially victims of trafficking. The work done on the streets by Hors la rue consists of creating a space in which meeting, hearing out, exchanging with and questioning potential victims is not only possible but one that is conducive to the minors asking for or voicing a desire for change. The purpose of providing support on the street is to break through the isolation of the young people we encounter and encourage them to engage with the world around them. It also means giving them the tools to protect themselves from the dangers they are exposed to on a daily basis because of their vagrancy.

1. DIFFICULTIES ENCOUNTERED IN THE FIELD

A lack of trust towards adults and institutions: the young people targeted by Hors la rue's actions are those furthest away from any kind of pastoral care and, as a result of this, have grown accustomed to fending for themselves and their own urgent needs, coming to rely only on themselves or their immediate environment. Minors who are particularly marginalised often have had no schooling, therefore express total ignorance of institutions and a total lack of trust towards them and the people representing them (police officers, magistrates, lawyers, doctors, caseworkers). Professionals from our team are thus frequently confronted with their mistrust, especially when the minors are in a group. As a result of their lack of knowledge of institutions and of the role of each of them, minors found on the streets can struggle to differentiate our teams from police officers or be unable to understand the limits of our remit. This mistrust can be expressed in practice by fleeing when we arrive, taunting or mocking, intimidation games and sexually explicit or aggressive behaviour.

A high degree of mobility on the street: the fact that these minors are particularly mobile can make it difficult for our field teams to make interventions or mean that they have a very limited window in which to act, until a place dedicated to "breaks" can be identified (a square, metro stop, train station, etc.). Similarly, their sudden departure from a break area, even in the middle of an activity, may be impossible to foresee.

Drug/alcohol consumption, gambling, the presence of adults nearby, the presence of police officers/security staff, difficulties in understanding due to language are all factors that can affect the street relationship, discussions with the team of professionals and the activities that are offered. **The group dynamic:** the fact that these young people are often in a group, sometimes quite a sizeable one, has a direct impact on the exchanges that professionals may be able to have with these youths (power plays, dominance of one youth over the others or the exclusion of one individual from the group, violence between different members of the group, etc.)

2. USEFUL LEVERS: PRINCIPLES OF STREET INTERVENTION

Several principles of intervention govern Hors la rue's interactions with minors on the street. These principles are the foundations underpinning our actions.

2.1. PROXIMITY: REACHING OUT AND "GOING TOWARDS"

By going out onto the street, to the places where the children operate and where they live, in slums and squats, hospitals, emergency shelters and places of detention, Hors la rue staff can be in a position to get to know and understand the different groups in which some minors are forced into delinquency. This approach of **"going towards" them makes it possible to get close to those minors who are most alienated from their statutory rights and create a connection with these children**, who generally have little contact with adults. The work of "reaching out" begins at the point of first contact with the minor in order for them to be able to identify the caseworkers and staff members as kind people and eventually a source of support, by gradually developing a trusting relationship. It is therefore fundamental to **take the time** to introduce yourself, clearly explain your role, and possibly even repeat this step several times. **Kindness, an open mind, a non-judgemental attitude and humility continue to be the core values that must guide these first encounters.**

There is not just one technique for reaching out but a whole range! The strategies used will often depend on the intuition of the professionals and the atmosphere within the group, the layout of the place where the intervention occurs, amongst other variables. Although it can be useful to go out to greet the individual and suggest doing something together, it is sometimes just as effective to hang back and wait for the young people to engage the adults who are there. Humour is often a very good ally!



ACTIVITIES AS A REASON TO MEET UP



- > **Using cultural mediation** and professionals who speak the same language or share the same culture has proven to be an excellent tool for a more personalised first encounter. Likewise, learning a few words from their language, taking an interest in their culture, country, customs and religion can make it a lot easier to engage the child's interest.
- > **Local activities:** initially, you might suggest going to have a drink somewhere nearby, which enables introductions to be made and to get them away from the spot they are attached to as vagrants. A local café is a neutral spot that represents neither their workplace, nor their break area, nor a daycentre. This invitation gives them a chance to enter spaces outside their habitual environment, where they will still feel reassured by adults they can trust. This more personalised interaction in a cafe also allows the child to get a break from their group and activity. You could also suggest games or other leisure activities (such as football or a round of pool).

2.2. CONSTANCY AND RESPONSIVENESS

Minors met on the street are often part of groups that are exceptionally mobile, and which regularly switch around. This means **that regular and repeated meetings, the ability to listen and respond, if you are required to do so, will facilitate creating and maintaining a connection.** Creating a connection can take anything from a few days to several months.

SOME KEY CONCEPTS

> Patience and perseverance

Meetings may initially feel frustrating because young people may not be inclined to open up and talk to professionals. Nevertheless, building a connection with them must also overcome setbacks and requires patience. Some young people may only begin to talk to professionals after several months of roaming operations! Repeated visits to the same place allow them to gradually come to recognise you and mean you can set the boundaries for your intervention (e.g. intimidation games, drinks, etc.). We always recommend adhering to the young person's timeframes, their preference not to be contacted directly, while at the same time leaving the door open for communication, being welcoming where possible (waving from afar, or just smiling). Even in the street, where the environment places people in jeopardy and therefore brings a certain urgency, building trust takes time.

> Responsiveness/ingenuity

Over the course of repeated meetings opportunities may arise and they must be seized (e.g. a small group, few drinks that day, young people inclined to talk to professionals or take part in activities). This can also be linked to a specific event: violence against a minor perpetrated by someone close to them/family members/people exploiting them and the young person's willingness to report these acts, the arrest of a family member, the team being asked to place them in foster care or a request for medical attention). You have to be able to recognise such windows of opportunity -- which may be very brief -- and be able to react very quickly in order to respond to a request swiftly, whatever it may be. **Furthermore, using the wants and needs of the young people as a starting point for building the street intervention is crucial.** Some young people no longer see themselves as children and will not take up proposals to play games (at any rate, initially). Finally, active young people often have little time to spare so selecting the right activity -- one that they will make time for (e.g. temporary tattoos, a conversation about pregnancy, accompanying them to the pharmacy, having lunch together, etc.) is essential.

> Regular interactions

Establishing regular meetups (in roaming operations) several times a week, on a particular day of the week and setting a framework and a landmark with the same group of minors is a useful approach. Creating a pattern or schedule for spending time with the young people makes it easier for them to recognise you but also gives rise to expectation.

2.3. INDIVIDUALISATION AND MULTIDISCIPLINARY APPROACHES

Many young people found on the streets will not be accustomed to doing things on their own. They live as part of a group/community and they may also be watched over and therefore may not want to or be able to get separated from their friends/family members, even for a few minutes. They often find it difficult to make even basic decisions for themselves and to think autonomously. One of the keys to individualising the relationship within the context of a group is the responsiveness mentioned earlier, in order to find the opportune moment to be alone with the young person (for example, when a young person shows you that he has a blister on his foot, seizing the opportunity to go to the pharmacy with the young person and thus have a few minutes alone with them).

Another key to success is the use of a range of tools by a multi-disciplinary team. The team will indeed deploy a range of activities that could serve as a basis for building a connection (informal discussions where you are or in a nearby café, board games, outdoor group sports, an art-therapy session, etc.).

These regular meetups mean that the young person can be temporarily drawn out of their habitual activity and provides an opportunity to deepen the connection and raise personal issues, while at the same time going at the child's pace and being guided by their needs. In groups, where requests are seldom expressed, these can be elicited through suggestions (to engage in an activity, to accompany them, to have a chat) as a way of broadening the range of options.

Hors la rue has a multi-disciplinary team, where each member is working towards a common goal. A range of activities can be suggested to enable exploration of a combination of both individual and collective dimensions.

JOUE TA ZIK : ARTS MEDIATION WITH A GROUP OF YOUNG ROMANIAN NATIONALS COMPELLED TO COMMIT CRIME.

Based on an article entitled "La musique opère auprès des mineurs en situation d'exploitation" (Music at work on exploited minors) written by the Collective "Ensemble contre la Traite des Etres Humains" (the original article appeared in French).

In 2018, twenty youngsters suspected of being victims of trafficking were given the opportunity to write and compose a music album by Hors la rue. The story begins in a public square, where youngsters originally from Romania would typically come to hang out and take a break from their day punctuated by the crimes they are forced to commit. Two caseworkers from Hors la rue, with assistance from the musician Pierre De Mereles went out to meet them, handed them a pen, paper and a microphone and recorded their compositions using a mobile recording studio.

The activity began with a writing workshop where the youngsters were able to freely raise any topics close to their hearts: a friend in jail, a brother or cousins in detention, dedications full of emotion. Little by little, they revealed all, telling their own stories through the songs they were writing. Then they chose the background music for their rap from a from selection of samples put together by Pierre, before finally recording the tracks. The outcome, in the Romany language, is striking, engaging and very moving.

This activity led to a great sense of freedom in the relations between this group of youngsters and the caseworkers. The pre-existing connection between them became much stronger, principally through mutual trust. Many topics, previously out of bounds, now came up in discussions.

THE BENEFITS OF ART-THERAPY IN ARTS MEDIATION

Events and mediation sessions have proven to be tools that are particularly well-suited for these youngsters because they enable interaction with young people through an indirect process, with a diversion or distraction that means that sensitive subjects (identity, background, delinquency) do not have to be tackled head on. Taking part in such activities on the street may also spur a desire to attend the daycentres we run to support Hors la rue's roaming operations.

A break in their daily routine. For minors, these workshops are first and foremost seen as a break from their everyday routine, a time for them to let go of the worries and the hold that weighs on them and finally be children again. They can get away from their usual status and get engrossed in creative or artistic expression about things that are important to them: love, humour, difficulties they face, their own identities etc. Their sensitivity is quite striking, and facilitators of the workshops/caseworkers can see another side to them and lay the foundations for a new relationship with these children, one based on trust and what they have expressed about what they are going through.

Being treated like a child again. During these workshops, young people are not seen or treated as young delinquents but as young adolescents taking part in an age-appropriate activity. The young people may also feel pleasant, calming and gratifying sensations. The fact that these sessions take place in public places also means that passers-by can change their impressions of these youngsters and be reminded that they are also young teens.

Inter-cultural dialogue. During these discussions, young people also have us listen to their music and learn about their culture and things they like. It is also an opportunity for them to translate some of their songs for the team. These sessions are a chance to disentangle their wants and desires, individual tastes, which are important levers for a more individual relationship. "Dialogue" is essential. In fact, these moments prompt questions from the youngsters about how we live our lives, our opinions, how we view society. This time together facilitates the emergence of a cultural bridge that is necessary in order for a connection between the young person and the professional to develop and also to enable the young person to start seeing and believing in new possibilities for their own lives.

An opportunity to experience a different way of life. The group arts workshops are also a chance to build new bonds with others, especially for those who are isolated. Drama in particular brings personality traits to the surface and allows individuals to experience the group in a different way, through humour, acting and playful interaction. These activities al-



low young people to play a different role for a while and to experiment with the possibility of agency rather than being subjugated.

Telling their story. Each young person has an unusual background and sometimes a complex family set-up as well. Using music, song-writing and free expression is an indirect means to get them talking about themselves and their teenage worries.

Learning to see themselves differently. Artistic practice allows young people to tap into their emotions and desires and free their imagination. They can express themselves freely through drawing, painting or sculpture to get back in touch with their feelings and decompress mentally. Designing tattoos and photography also helps them re-evaluate their self-image.

A pathway to rebuilding themselves. These workshops are also a time devoted to symbolic reconstruction through the activities on offer. Engaging in a creative process allows young people to express their sensibilities, rediscover themselves and learn new skills. For minors who often suffer from discrimination and who may struggle to accept the way society views them, creative workshops are a way to get immersed in a project and find fulfilment through a constructive activity that gives them a sense of self-worth -- especially for those children who have never been to school. These workshops are spaces where young people can reinvent themselves by developing their creativity and imagination.

2. 4. PARTNERSHIPS AND GUIDANCE

As we shall see in the third part of this guide (*see p.72*), **working in partnership with others continues to be fundamental.** The aim is to build links to with other existing health and social welfare organisations who may be able to take over once our interventions come to an end. Hors la rue continues to be focussed on upstream actions, and it is therefore useful to identify downstream organisations in order to ensure continuity for the youngsters we support. Indeed, in order for appropriate and lasting solutions to be adopted, partnerships with institutional bodies and non-profits must be developed in order for young people to gain access to housing, training and healthcare. For this reason, local organisations providing access to resources must be identified so that they can be assisted in gaining an understanding of the background to our street operations, so as to open up opportunities towards guidance for these young people we support.

Once the young person feels they can trust you will it be possible to address other matters such as access to common law services (identity documents, getting an address, health cover, enrolling in school or training or getting support from the Child Welfare Agency).

GOING TOWARDS
Kindness
Open-mindedness
Non-judgemental
attitude
Humility

WORKING ON THE STREET

Bună ziua !
ح ا ب ص ر ي خ ل ا
Salamalekum !
Hello !

BUILDING A BOND



Artistic and cultural mediation,
socio-educational activities



Patience



Regularity



Exchange

A MULTIDISCIPLINARY TEAM

Caseworker, psychologist,
art-therapist, THB head of
mission, doctor, etc.



PARTNERSHIP AND GUIDANCE



PERSONALISATION

Medical accompanimentWQ,
one-to-one conversations...



Justice
system



Police



Accommoda-
tion



Healthcare

IV. PRACTICAL FIELD EXPERIENCE: WORKING IN DETENTION

As mentioned previously, **minors who have been victims of human trafficking can end up in prison, especially when they have not yet been identified as being victims, but also because the principle of non-punishment has yet to be properly implemented. The role of professionals who intervene while the minor is in detention is therefore paramount as over the course of their interviews, they may be able to discern signs of exploitation and report it.**

Working with minors in detention enables communication over a slightly longer timeframe than for other professionals who may deal with these minors on an ad hoc basis or for a very short period. **Furthermore, detention means that it is possible to meet the young person alone. Paradoxically, perhaps, it is also a time when the young person takes a step back and reflects on their delinquent activities.**

Time management, however, is extremely important as the allotted time often passes very quickly. It therefore makes sense to activate certain services quite quickly, especially when the situation of exploitation has already been flagged by a specialist non-profit in order to then be able to work with the youngster on a long-term basis once they are out of the clutches of this exploitation.



HADRIEN BOURBON-ASSO CASEWORKER AT THE PJJ – SECJD IN FLEURY

1. What types of offences do you find among minors compelled to commit crime that you encounter in detention?

We find all types of offences and crimes in the cases we deal with in the PJJ services. Nevertheless, in the context of detention we have noticed that trafficking of persons seems to be a more visible issue amongst minors said to be “unaccompanied”. In addition to theft at ATM and fake fundraising (charity fraud) which is common among young Romanians, we have observed offences linked to selling crack involving young people from the Senegalese community in northern Paris, or even burglary where the modus operandi and the recurrence leads us to suspect the work of a human trafficking network (more common amongst young UM from North Africa or Bosnian and Serbian youths).

2. What indicators do you look for to help you identify a minor compelled to commit crime who is in detention?

With UM, aside from the matter of their isolation for UM and their state of health, especially poor for some cases (addiction, skin conditions, dental problems), there are some particularly strong

indicators in a prison setting. The fact that some minors never have anyone visiting them, or never receive clothes or money over several months of detention when their families are living in the country may indeed raise concerns, as would the fact that the parents do not seek to get in contact with the educational services. But the opposite can sometimes be true. We have found that some minors will receive large sums of money from adults whereas the educational services team has not been contacted to provide the cell number. This may reveal a desire to maintain a hold over these young people, even when they are in prison.

3. What advice could you give to professionals who intervene in detention settings and may come into contact with these minors?

In my opinion, once a situation of exploitation has been identified, it must be discussed in dedicated team meetings in order to get opinions from professionals. We should also contact partners from open settings. A request should be made to have a PJJ open settings caseworker appointed as soon as possible with a view to having a “red thread” caseworker who can be a continuous point of contact both in detention and outside it.

After the case has been discussed, a written letter should be sent to the office of the public prosecutor and to the judge in that jurisdiction where we share our observations and explain how the indicators that have been spotted might lead us to believe this is a case of THB. Ideally, all of the departments involved should send a letter.

A request also needs to be made for the young person be represented by a lawyer specialising in trafficking of persons, in order to secure long-term legal advice across separate criminal charges.

Ideally, you want to ensure that the support is as tailored to the individual as possible: working on health needs (pregnancy, skin conditions, dental problems, addiction support), offering psy-

chological support, treatment for addiction and forging a new path forward to show the young person that they have never known anything other than delinquency because they were never given a choice.

Nevertheless, the psychological hold over the child can be very strong and we do not have enough time to break it down, and standard institutional solutions may not always fit the child's needs. However, things are changing, and innovative projects are being launched (a secure and supportive accommodation centre is to be created in 2021, partnerships with the public prosecutor are being strengthened).

STRENGTHENING THE YOUNG PERSON'S

PSYCHOSOCIAL SKILLS AND SELF-RELIANCE

Most minors that reach detention really struggle to understand the criminal justice system, the role of the different people involved and the course of judicial proceedings. Creating factsheets about the different figures they will encounter (magistrate, policeman, lawyer, caseworker, etc.) or describing the physical surroundings (detention, courtroom) using visual media (photos, pictures, pictograms) is a useful tool for introducing these institutions to minors or perhaps rehabilitating their perception of them, so that they can recognise the utility of such institutions in their daily lives as well as in their process of integration.



AN EXAMPLE OF WORKING IN PARTNERSHIP

WITH OTHER INSTITUTIONS: YOUNG VANESSA'S SITUATION

Detection and identification

November 2018: *Hors la rue* teams met Vanessa while on a street tour. She stated that she lived with her parents in a shantytown on the outskirts of Paris. From their first meeting, she confided in the team about her theft from ATM and the many arrests that she is regularly subject to (she stated that she had been remanded in custody over 10 times and once been detained under an arrest warrant). She was then seen once more during a break period on a square, where our non-profit met up with her. She adopted hypersexualised behaviours that we found very worrying. These breaks take place in a square where she meets a group of teenagers compelled to commit similar offences (several adults from this group have been found guilty of human trafficking offences).

March 2019: We lose track of Vanessa and have no contact with her for several months.

Working in partnership with the PJJ

April 2019: Vanessa is arrested once again: on this occasion, the PJJ's education service which intervenes at the court consults us for additional information about this young girl and to suggest a tailored solution. Following this arrest, a decision is made to apply a judicial education measure, and Vanessa is to be monitored by a caseworker from the Educational Facility for Unaccompanied Minors (DEMNA) who meets with her several times. We stay in touch.

Working in partnership with the public prosecutor for juvenile offences

June 2019: following a further arrest and concerns that we share with her PJJ caseworker, we send an alert to the office of the public prosecutor for juvenile offences in Paris (regarding a suspected victim of trafficking in human beings). We stay in regular contact with the office of the public prosecutor regarding the situation. A provisional remand order (Ordonnance de Placement Provisoire/OPP) is immediately issued. Vanessa disappears.

June 2019: a joint visit to her place of residence is organised by the PJJ and a *Hors la rue* caseworker to try and find young Vanessa: there are rumours of the young girl's marriage and her departure to another country. We again alert the office of the prosecutor as to the risk of disappearance of the young girl.

July 2019: Vanessa is summoned to appear before the children's magistrate. The office of the public prosecutor contacts Hors la rue to facilitate placement within a specialised organisation but the young girl must first be placed in an emergency shelter. We arrange to go there but the young girl has already escaped on the way to the emergency shelter (being accompanied by an interim caseworker).

August 2019: Vanessa is summoned before the court yet again, the PJJ services get in touch with Hors la rue and also the office of the public prosecutor for juvenile offences. We attend the juvenile court with a view to facilitating a placement further away, depending on the decision to be taken at the hearing. However, the young girl is sent to prison, as an older sentence is applied, despite her status as a suspected victim of trafficking in human beings. We immediately contact the Paris Bar to have a specialised lawyer appointed to her case.

As soon as she is imprisoned we set up psycho-social counselling for the girl. We then see an array of professionals deployed around Vanessa: PJJ caseworker in detention and open settings, Hors la rue team (psychologist, head of mission for combating trafficking in human beings, caseworkers), doctor in detention, psychologist in detention, lawyer specialising in such matters in order to provide better support for the young girl and plan ahead for her eventual release.

Over the next several months, Vanessa is summoned to new hearings, relating to more recent offences. The hearings have been prepared well in advance with her legal counsel, support from Hors la rue, the PJJ caseworker in detention and the open settings caseworker. The minor has been heard by the Child Protection Division of French Police Force (BPM) in conjunction with the Office of the Public Prosecutor. Substantial medical care is undertaken as the young girl has several health problems. Psychotherapy is set up. Young Vanessa's case has been opened for educational assistance in light of her status as a suspected victim of trafficking, upon request by the public prosecutor.

Active research is begun in order to find a placement in accommodation that would suit the young girl's profile and specific difficulties. A review meeting involving the ASE, PJJ and Hors la rue is held. After numerous procedures conducted by the Paris prosecutor's office, the ASE, the PJJ, our partners at Koutcha and authorities from another country of the European Union, a place is found for this young girl at a centre outside France which specialises in providing accommodation and support for minors who have been victims of trafficking in human beings. This type of placement is indeed pos-



sible under the Brussels II Bis regulation. This centre seems to be the most suitable solution for this young girl; no centre of this type currently exists in France.

February 2020: Vanessa is released from custody. She refuses to get into the vehicle taking her to the care facility and goes back to live with her community. Her parents are no longer in France. One month after her release, she gets married to a young man. She is still committing forced theft and is brought before a judge several times.

June 2020: Vanessa is once again imprisoned for similar offences, just four months after being released from detention. A new coordinated effort is initiated.

We note that over a dozen actors have been mobilised regarding young Vanessa's situation and are working together to find a suitable solution.

Vanessa's imprisonment, which is a breach of the principle of non-punishment, is wholly unacceptable to us. At the same time, we note that the options for guiding these minors towards further assistance is shockingly limited, notably because of the absence of suitable organisations and facilities in France (shelter staff having little training on these issues and having little awareness of the specific needs of these minors) but also and more significantly because of the absence of a quick and effective mechanism able to direct these young people to such care facilities more quickly (a stay in an emergency shelter is almost systematic, which means interim caseworkers, etc.). Finally, the psychological pressure and strong hold over certain minors must also be taken into account in the support work that is offered (see p.57).



V. PROVIDING PSYCHOLOGICAL SUPPORT

In this section, Morgane Siri, Hors la rue psychologist from 2008 to 2018 and founding member of the non-profit “Koutcha” offers insights into the mechanisms of control and social identity. These are fundamental concepts that all professionals must have at the forefront of their minds when supporting these young people.

1. FACTORING IN THE PHENOMENON OF CONTROL

Intervening with a minor suspected of being a victim of trafficking implies that the professional must take into account the **potential control** or **hold** exerted over the victim. Obviously, one cannot assume that all minors suspected of being compelled to commit crime are subject to the same strategies. **Certain groups exercise more control than others** and not all minors occupy the same position within an exploitation network.

In the observations made by Hors la rue, **the means by which control is exerted over these minors will often depend on the groups they belong to and how they were recruited.**

For groups originating from Eastern Europe, many minors are recruited from within the family or through marriage, regardless of whether it is an arranged marriage or not. Parents have often themselves been involved in delinquent activity before handing over to their children. Control is generally family and community based. As a result, it is not really thought of as exploitation and the minors may not spontaneously call themselves victims or they may claim full responsibility for their delinquent activities. They may also never see themselves as victims or call themselves victims. For example, in some groups, the hold over the young girls can be brought about by forcing them to have children, who will then be sent back to their home country and looked after by other members of the family. The threat of never seeing her child again may then be used as a means of emotional blackmail. Control is often exercised through close surveillance, either over the telephone or via social networks. In

some cases, influence can be exerted by promoting boys within the group, proffering the possibility of rising through the ranks of a network and in this way achieving a certain status and recognition by their peers. This lever is then linked to potential for social climbing and to the idea of contributing to the family's standing. This sense of prestige is thus advertised, flashed and broadcast, often through social networks (luxury home/car/watch, using nicknames that reflect success e.g. "*boss*", "*prince*", "*king*"). This control induces a strong sense of indebtedness and loyalty, making it especially difficult to report the crimes of exploitation as this would tarnish these family bonds.

In the groups that come from North Africa (Maghreb), where recruitment is more often performed by those outside the family, the psychological hold seems to be less powerful, however it relies on other means such as violence, addiction and dependency of these minors on narcotics or on a debt owed to the exploiters (debt from travel or linked to living conditions, e.g. payment for a squat). These minors often mention family disputes that led to their exile (death of a parent, remarriage). Promotion of delinquency as a pathway to a luxury lifestyle or social success is also visible on these youngsters' social networks, and this may influence other minors' decision to leave their country of origin.



Minors who may be victims of trafficking in human beings have often been strongly controlled and influenced to the extent that this experience is likely to have a significant impact on their ability to see themselves or to identify as victims. This lack of recognition of their position can affect professionals, who may also struggle to perceive them as victims. It is important to bear in mind the psychological hold exploiters may have over many minors who are compelled to commit crime.

THE MECHANISMS OF CONTROL



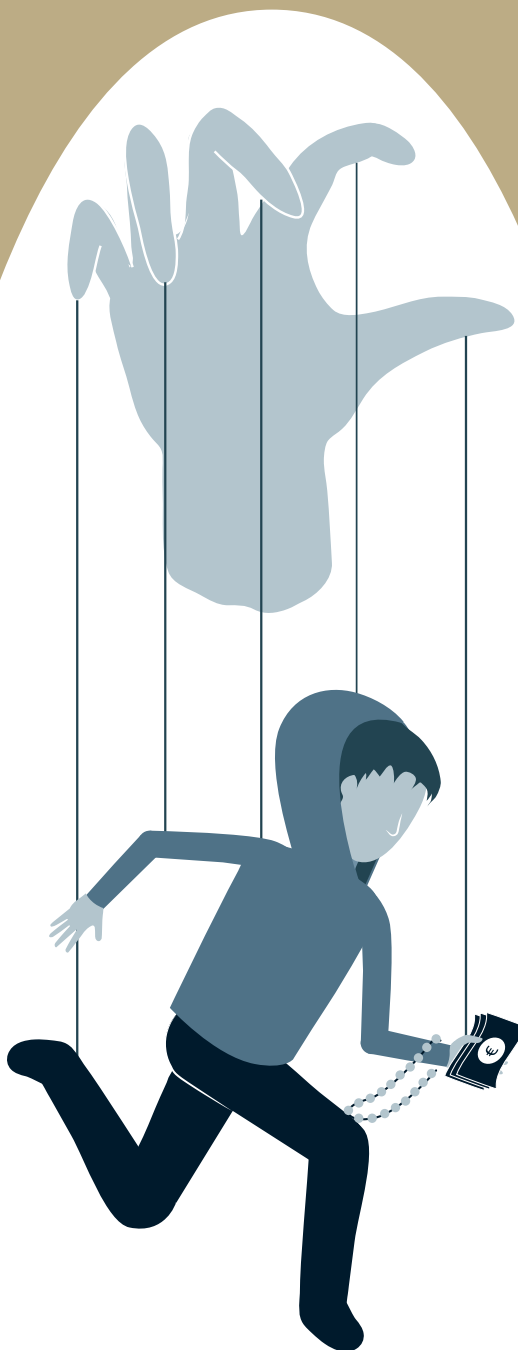
Promotion within the group
Peer recognition



Dependency on
narcotic substances



Emotional blackmail



Physical and psychological
abuse



Travel debts/dowry



Promise of a better life



Payment for
accommodation

2. CONTROL AND SOCIAL IDENTITY

While the matter of control is important, it is above all the question of social identity that comes to the fore in this type of exploitation.

According to **Roger Dorey**, control generates “*a fundamental tendency towards neutralising the desire of others, which is to say reducing any otherness, any difference, abolishing any specificity, the end goal being to draw the other into the function and status of an object that can be fully absorbed.*”¹

In certain groups, for example, (notably those from Eastern Europe), young people compelled to commit crime **are reduced to the function and status of thieves**. They will therefore see themselves from this angle alone. “I am a thief, it’s in my blood”. In this statement the individual’s identity is what defines them **rather than the actions or offences**, in which case the youngster would have said “I steal”.

Identity can be divided into two axes:

- **Personal identity**, defined as being the ordered set of feelings, representations, experiences and future plans in relation to the self. It is a dynamic process where self-image is the conscious, verbalised external expression of this structure².

- and **Social identity which**, on the other hand, is the result of messages sent by ourselves and others, like the product of relations between the subject, the group and society³. In a more general sense, it is the part of the representation that the individual creates of themselves and is linked to roles and social status in groups or categories to which they belong.

The question of identity becomes particularly dominant during adolescence. In teenagers, the physical, cognitive and relational changes challenge their sense of identity. The question “*Who am I?*” takes centre stage. The adolescent must redefine themselves in their own eyes and in those of others. For this reason, young people whose situation can be described as different to the majority, either because of their culture or lifestyle, will struggle to define themselves even more than most as culture and lifestyle come into conflict. **In addition, the host society’s view of them** also impacts their identity. According to Cooley’s theory of the “*looking-glass self*” (1902), the self (personality) is constructed through our social interactions with others and depends on the way others perceive us. **Negative stereotypes thus become internalised.** In this sense, **society’s perception of the young person and reaction to them** (passers-by, in court, caseworkers, etc.) also has a decisive role to play on their sense of self or identity. For example, a judge’s guilty verdict for theft while the young person is still being exploited **will reinforce this view of themselves as “a thief”**.

1. DOREY R. “La relation d’emprise”. *Nouvelle revue de la psychanalyse*, 1981 (online, in French).

2. Tap P. “Socialisation et construction de l’identité personnelle”, Hanna Malewska-Peyre éd., *La socialisation de l’enfance à l’adolescence*. Presses Universitaires de France, 1991, pp. 49-74 (in French).

3. *Ibid.*

However, every person has a fundamental need to maintain a positive image of themselves and must do so unconsciously, either by comparing themselves to other persons who resemble them in some way or by **valuing those areas in which they are most successful**.

Among certain groups, notably those from Eastern Europe, young people compelled to commit crime will therefore use two strategies in particular to boost their sense of self-worth.

➤ **Delinquency as a means of improving self-perception** (*re-narcissisation* in French). In this case, delinquent activity becomes a source of validation by the group and the individual. Young people will then do everything they can to become “good” thieves and find a point of comparison within the gang/mafia culture;

➤ **The community as a source of identification.** Differences with the host culture will be cultivated and valued. “*In our culture, this is what we do*”.

At this point, it is worth asking whether in this type of exploitation, the hold or influence the minor is under may not, in fact, stem from two sources: **a pattern of delinquency in the family that is rooted** several generations back, which is then reinforced by **society’s negative view of them**.

CONFLICTING LOYALTIES: THE CASE OF YOUNG GAËTAN

Gaëtan is a young boy compelled to commit theft at ATM. He lived in England for 5 years and then in France, where he was able to go to school. Gaëtan’s parents have been imprisoned as part of a THB investigation. This has deeply affected Gaëtan because it was his hearing at the Child Protection Division that led to an investigation further down the line and then to the arrest of his parents. During their arrest, Gaëtan was also questioned with a view to placing him in care. It all happened in front of his brothers and other people in the slum. He ran away. We see him in the street and he regularly attends the daycentre where he seems to enjoy himself. Gaëtan thinks of himself as a thief and as the educational support delves deeper and we try to work with him on other possibilities (enrolling in school or training), he says that he must wait for his parents, who need him (especially financially). Afterwards, he says, they will have a house and then he will be able to go back to school. Gaëtan is a boy full of empathy: he steals without using violence and feels guilty when he gets the impression he may have robbed someone who doesn’t have a lot of money. He is afraid of prison yet, at the same time, he says that is what makes a man. The others have been to prison. It is seen as a rite of passage by the young people in his group. While his parents are to be released after two years in prison, Gaëtan is jailed for violent robbery. While in prison he gets a visit from our team. He wants to be accompanied to his hearing but refuses to address the matter of exploitation. He shuts down and refuses any further support. He doesn’t want to talk to us anymore.

Gaëtan felt responsible for his parents’ arrest, be it in his own eyes or those of his brothers. Even if he aspired to a teenage life, the guilt and love he feels for his family have prevented him from having one.



DELINQUENCY AS A STRATEGY FOR IMPROVING SELF-IMAGE



BossOfDollars

#boss #dollars #prince #king

ADOPTING CODES
FROM MAFIA CULTURE



82



65

PEER VALIDATION THROUGH SOCIAL
NETWORKS = REINFORCED SENSE
OF BELONGING



3. BREAKING DOWN THE HOLD OVER A MINOR

Working to break down this influence takes time and involves constancy alongside the minor.

- **Reminding them of parental responsibility and the law:** telling a young person that they are a victim often makes little sense to them. Grounding statements in the law and parents' responsibility to their children is much easier to understand for youngsters.
- **Working on their self-esteem:** highlight their existing skills and how they can be applied and valued. Mediation is often useful for this and allows the young person to discover new talents and through them new possibilities. All of this work can also be done through art-therapy activities. *For the benefits of art-therapy and mediation through the arts see p.47.*
- **Working on and maintaining a bond of trust with the adult, being reliable:** all of the work done here will help to deconstruct their sole identity as "a thief" and gradually enable them to envisage other possibilities for their future and view the host society in a different light.

4. SUPPORTING THE MINOR THROUGH PSYCHOLOGICAL RECONSTRUCTION

The young people we support need to continue working **on their identity** even once they have been removed from the exploitation network and are in safe accommodation, **especially by building self-confidence.**

Psychological support is paramount to helping the minor through this process and to enable them to have **their own space.** Losing their bearings due to being confronted with an entirely new environment can be very unsettling, so the young person will need **to verbalise this and deposit** what they have experienced **with a third party.**

Uncertainty about their future, perhaps a fear of reprisals from the network against the young person or members of their family, signs of mental stress due to changes in their lives and, potentially, trauma all require psychological support. This support will help the young person learn **to think of themselves as a person with their own desires able to achieve fulfilment in a way that is self-affirming** which, in turn, will help them rebuild a positive identity.

It is also important **to work on trusting other people** in order for the young person to be able to recognise kindness in others, consider themselves worthy of receiving support and validation. Progress in this area will allow them to reclaim their own past and thus project themselves into the future.

VI. FACILITATING SECURE AND SUPPORTIVE PLACEMENTS

1. THE NEED FOR COORDINATION AMONG PROFESSIONALS WORKING ON A CASE

Getting a child victim of trafficking out of an environment where they are being exploited and guiding them towards a place where they have support, feel secure and are far away from their former environment will facilitate the process of breaking down the hold over them and their gradual emergence from exploitation.

Nevertheless, paving the way for the distancing of a child victim of trafficking is not an easy task and requires **significant coordination** among professionals in order for them to take control of the situation as quickly as possible. In addition, distancing will require investment in **training stakeholders**, notably by applying a pedagogical approach to support professionals through dealing with these types of cases, **in order to ensure that both victims and institutions follow through on their commitments.**

Successful support will therefore require patience but **two aspects in particular require special attention: quickly finding somewhere for the minor to be housed, then providing adequate support within the new residential facility.**

Considerations prior to placement

Thinking about where the minor is to be placed should be done very early on if possible. For this, it is best to:

- **Have a knowledge of the region or regions in which exploitation** of the minor has occurred in order for geographic distancing to be effective;
- In the event of exploitation within a familial setting, **limit all contact with the family and not communicating any information about the child**, where they have been placed etc. Whatever their requests may be, the family must only communicate through the Children's Judge (JDE);
- **Identify a place where the child can be given accommodation, set out the terms and agree on the care early on.** Be able to describe the place to the young person, perhaps showing them photos of it;
- **Find out whether the facility has at any point in the past been known to THB networks** that may be related to the minor, e.g. following prior placements (adults have been known to come and take young children away from care);
- **Ensure that the address where the child has been placed is not mentioned** in any of the information communicated to the opposing counsel;
- **Avoid placing the child in standard emergency shelters as much as possible** as these places can often been identified by their peers;
- **In certain cases, avoid placing child victims of the same network in the same shelter/ foster home**, especially when arrests give rise to several minors from the same group needing to be placed. The situation of young siblings needs to be carefully assessed;
- **Ideally, give priority to facilities where staff have received training or been made aware of the specificities** (e.g. that already fostered UM, are aware of cultural differences, have suitable linguistic resources or having had training on trafficking issues). Those who are already working with the young person may get in contact with the care facility;
- **Ensure that the gap between the decision being taken to place the child in care, it being announced and made effective is as short as possible.** Taking too long before the child is found a place is clearly a contributing factor to failed placements;
- **Be especially vigilant at the time of transfer to the residential facility.** It may be wise to make the following recommendations in the alert notification to the authorities: banning the use of public transport, the minor's SIM card must not be returned. In addition, it is desirable for support staff to be trained in issues surrounding trafficking in human beings.

Appropriate support

Some tips that may help host facilities offer suitable support once the young person enters care:

- **Welcoming new residents.** Special attention should be paid to welcoming the young person and to the first few days spent in their new home (welcome ceremony, break periods, activities that arouse their interest, enhanced security precautions)
- **Special security measures must be reinforced throughout their care.** It is appropriate to set progressive levels of security measures (going out, access to a mobile phone, access to social networks, to public transport) according to a series of stages to be specified at the outset and to ensure the child understands the reasons for these measures. For example, going out may be completely prohibited initially and then allowed only when accompanied, then alone. Regarding the telephone, it could be explained to the child that they will get their phone back after an evaluation but that this cannot be done immediately because it puts them at risk. It is very common for exploiters to attempt to get back in contact with their victim through social networks or via the telephone. The matter of the phone and access to social networks is therefore of critical importance. Family visits or calls with mediation may be arranged subject to assessment on a case by case basis;
- **Personalise support.** It is wise to offer the minor care that is as personalised as possible (based on their identity, background, tastes, hobbies), rather than a standardised support package that might be offered to all child victims of trafficking. The presence of staff that speak the child's mother tongue is a positive factor but using interpreting services can also be beneficial in order to allow the young person to keep their language and culture alive and find their place within them. Traditional cooking, music, games or books about the country are all possible mediation pathways to tackling their home culture and making adjustment to the new living environment as pleasant as possible;
- **Quickly re-establish the young person's identity,** in the event that the minor has no official registration documents or false documents;
- **Avoid returning to the place where exploitation occurred.** For example, if exploitation took place in Paris, the child should not go on a school trip to Paris too soon. If going back cannot be avoided (for example for a hearing at the Child Protection Division or at the Juvenile Court) it would be wise to plan for a caseworker to accompany the child for the duration of the trip and to avoid public transport;
- **Relations with parents/family members must be assessed on a case by case basis.** Severing connections, even if the parents were perpetrators of the exploitation is not necessarily permanent. It is possible to work on the relationship through telephone calls or meetings with

mediation, for example, subject to supervision or approval by the Children's Judge (JDE);

➤ **Systematic psychological support should be set up from the beginning of care together with medical support, especially in cases where there are significant substance abuse issues.** Failing to offer replacement therapy/medical follow-ups could lead to the young person running away because they do not have the substance they have grown accustomed to consuming;

➤ **Quickly find an occupation for the young person while their learning plan is drawn up.** The young people who receive support are often ill-accustomed to being idle and alone. Mobilising or re-initiating learning, which should be adapted to fit their profile and to the child's requests should begin within the first few days of arrival in the host facility. It is important for the young person to look forward to positive aspects and concrete plans in their near future, they must be able to imagine what their protection will be like aside from being kept safe from immediate dangers;

➤ **Immediately release funds for clothing and pocket money** (because often young victims of trafficking arrive with no clothes other than what they are wearing, suffer from tobacco use, etc.);

➤ **The place of their provisional placement must remain confidential** in order to avoid the young person being found and retrieved. The location should not be mentioned in the file that can be consulted by the opposing counsel;

➤ **Ensure as much stability as possible** (locations, groups, points of contact for caseworkers). It is best for the Child Welfare (ASE) caseworker to be the central hub and guiding thread that is a stable presence throughout the protection process. This person should be the link between different interlocutors involved in the situation (detection agents, Children's Judge (JDE), placement facility etc.);

➤ **For young people who are often in thrall to strong conflicting loyalties,** it is preferable for them not to be present during the hearing before the judge in order to avoid having to confront their exploiters directly;

➤ **You must bear in mind the risk of the child running away.** Although escaping from care and returning to the adult exploiters is not rare, it often leads to worsening conditions of exploitation. Indeed, young people must at that point "make up for lost earnings" during their absence and reassure their exploiters of their "loyalty" towards them. It is nevertheless important to realise that running away does not necessarily mean the end of support for a young person and that time spent in a placement, however brief, can be a major turning point in a young person's journey out of a situation of exploitation.

RUNNING AWAY DOES NOT MEAN THE END OF SUPPORT:

FOUR YEARS OF SUPPORT FOR ALINA

Late December 2011: Alina attends the Hors la rue daycentre, together with a group of her peers for the first time.

2012: Alina attends the daycentre and we see her where she is active (daily robbery). The trust is clearly established. Alina smiles at us but hardly says anything: she knows she is being watched closely by the other children in her group, notably her “brothers-in-law”. We understand that she has great difficulty expressing an opinion of her own, including for very simple things. It is very difficult for her to get out of the role of object that has been assigned to her.

2013: Alina begins to express her unhappiness and confides that her life is difficult. We mention getting out of exploitation to her and raise the different possibilities open to her for rebuilding a different future. In September, Alina is jailed for one month. Visiting her in prison, we are able to talk with her about life after prison. Alina seems to envisage being placed in care but when the time comes she refuses to get in the car with the caseworker who has come to pick her up. Hors la rue sends several alerts to the relevant authorities.

2014: At the start of the year, Alina asks us for immediate protection. She finally articulates the duress and abuse she has endured. The first two attempts to place her in protective care end up with her fleeing after a few days, but these experiences allow her to imagine a different future ahead and are crucial in her journey towards reaching the very difficult decision to sever ties with her entire group.

In June she makes a second request for protection. She has thought seriously about her decision and says that she is prepared to permanently sever all ties with her group. She is placed in a foster home in suburban Paris. Following recommendations from Hors la rue and the BPM she is quickly placed in a foster home far away from the Paris area in order ensure she has maximum protection.

2015: Alina attends school and speaks French very well. She seems to be doing well and her interests and worries seem to be those of an ordinary teenager.



THE NEED FOR COORDINATION BETWEEN PROFESSIONALS

AROUND A MINOR PLACED IN CARE: THE CASE OF YOUNG LILIANA

March 2013: *Hors la rue meets Liliana at the site where she is active.*

April 2013: *We continue to see Liliana where she engages in her activities. She starts to attend our daycentre from time to time.*

December 2013: *after a stay of several months in Romania, Liliana returns to France and we continue to monitor her. She makes her first request for support, which is for medical assistance.*

2014: *Liliana requests immediate refuge, together with another young girl from her group. She reports the coercion she is subjected to which causes her to rob in the metro every day. The two young girls are placed in care together. Liliana seems to enjoy the experience of being in care even though adjusting to this new framework is somewhat difficult. After a few days, Liliana runs away but stays in contact with Hors la rue and says she is thinking about the possibility of a new placement. Very soon after she makes another request for a placement. She is quickly sent far away from the Paris area to a first and then a second foster home. This decision to make drastic changes to her life is very challenging for Liliana, who has experienced abuse that has left deep psychological trauma.*

Communication problems between the various agents involved cause significant complications in monitoring her situation. Liliana feels abandoned and discriminated against and launches various attempts to blackmail us. She calls us almost daily, but official authorisation to visit her is obtained very late. Liliana then makes contact with the people in her group and is retrieved by her exploiters. She is sent back to Romania, where she suffers abuse. We lose all contact with her.

2015: *Liliana comes back to France and comes to Hors la rue. We take up Liliana's case once again. Now a young adult, it appears that she is being exploited again.*



CASE STUDY: TWO CHANNELS FOR SHORT-TERM PLACEMENTS

During a roaming operation two of our caseworkers witnessed a surprising scene on line 1 of the Paris metro. Two boys of about ten years old look like they are about to commit a robbery using an unusual modus operandi: one of them takes their clothes off while the other takes advantage of the distraction to pick the pockets of gawping passengers. The very next day, the team organises a roaming detection operation in the metro. They spot the children at the Tuileries metro stop surrounded by RATP (the metro operator) security staff. There are no longer just two children but five, as three girls have joined the group: two teenagers and a little girl. After explaining who they are to the security staff, the caseworkers chat to the youngsters in Romanian. Whereas ordinarily child victims of exploitation networks are generally mistrustful toward adults and especially social workers, these youngsters are forthcoming and ask for help. They say they want to be placed in care as quickly as possible to get away from their parents, whom they accuse of forcing them to beg and steal but also of beating them when they don't bring in enough money. Meanwhile, the caseworkers keep the team leader informed, who in turn alerts the public prosecutor and applies for a protection order.

At the café, the youngsters go into more detail about their background. All five of them belong to three branches of the same family. On one side are Alexia, 13 years old and Rolando, 12, brother and sister. They accuse their grandmother of forcing them to work and beating them. On the other side are their cousins Dana and Arturo, 14 and 11 years of age, also forced to steal by their parents. And, finally, there is Lena, introduced as another of their cousins aged 7 years, who is in the country alone, and has joined the group as an observer to learn the business. Several of these children have been placed in care in the past but each time their parents have come to fetch them and have forced them to return to their former activities. The request for a placement comes from Dana, the eldest, who says she wants to flee an arranged marriage which is planned for a month's time. She claims her parents have sold her to a boy she is not interested in and tells of other abuse she claims to have suffered. While they are waiting for a home to be found for them, the group is taken to our reception centre. The caseworkers are a little anxious as there have been several instances where youngsters suddenly change their minds and flee in the middle of the journey. This time they seem determined. Then the ASE informs us of the locations for their temporary placement. The boy's residence is located in Seine-et-Marne. The two youngest girls Alexia and Lena are to be placed in Seine-Saint-Denis. Alexia is worried because she knows that her grandmother begs in the same town. Dana is placed alone in another home in the same district. After a long day spent telling them not to breathe a word to anyone, they are taken to their respective foster homes at around 11pm, over 10 hours after they were first spotted in the metro. A few months later we learn that the investigation was successful and that their abusive parents are being charged for the thefts. By forcing their children to steal and beg they had amassed 65 000 Euro.



2. TRIALLING A DISTANCING MECHANISM FOR CHILD VICTIMS OF TRAFFICKING IN THE PARIS AREA

For several years, Paris-based staff involved in child protection have all noted the impediments to effective protection of child victims of trafficking. In particular, for minors compelled to commit crime, it had been observed that when exploitation was discovered during arraignment before an examining magistrate, Provisional Remand Orders (OPP) with Child Welfare Services (ASE) and in emergency shelters proved ineffectual. Since these services are located in the centre of Paris and can be accessed by public transport, the locations were easily identified by the exploitation networks who were eager to recover the children as quickly as possible. In addition, being so geographically close to Paris made it more likely for children to escape, as they can often have strict instructions to do so and could face reprisals for staying in foster care.

Consequently, based on this observation that child victims of trafficking in France were unable to benefit from **the nationwide “Ac.Sè” mechanism** created by the non-profit Agir pour le Lien social et la Citoyenneté (ALC/Action for social Links and Citizenship) which allows adult victims to be housed in centres and facilities situated far away from the exploitation networks), a decision was made to create a framework specifically tailored to the needs of child victims of trafficking. **A trial mechanism for distancing in the Paris area was set up in June 2016**, to be coordinated by MIPROF, and a partnership agreement was established between various stakeholders (Paris Police Prefecture, the Office of the Public Prosecutor of Paris, Regional Court (Tribunal de Grande Instance/TGI), PJJ, Departmental Council and Paris City Hall, the Inter-ministerial committee for the prevention of delinquency and radicalisation (CIPDR), the Paris Bar and the non-profits Hors la Rue and Bus des Femmes). This experimental mechanism provided for a more joined-up approach to connecting the various stages of protection, from detection of exploitation to enrolling the young person into a care programme.

3. OTHER POSSIBLE FORMS OF PROTECTION AND CARE

In Europe, other forms of placements for child victims of trafficking are possible, which appear to be better suited to the backgrounds of minors compelled to commit crime. A few exemplary systems are worth mentioning: placements in foster families who specialise in trafficking, (e.g. Sweden) and Esperanto, **a secure and supportive foster centre, located in Belgium.**¹

This centre provides safe accommodation for child victims of all forms of trafficking who are at a very high risk of being retrieved and is able to offer them significant support with the psychological reconstruction following exploitation. **Koutcha, a non-profit association**, has since 2013 **been calling for the creation of a centre** that would apply the same approach in France. This centre should be able to accommodate about a dozen minors from 2021 onwards.

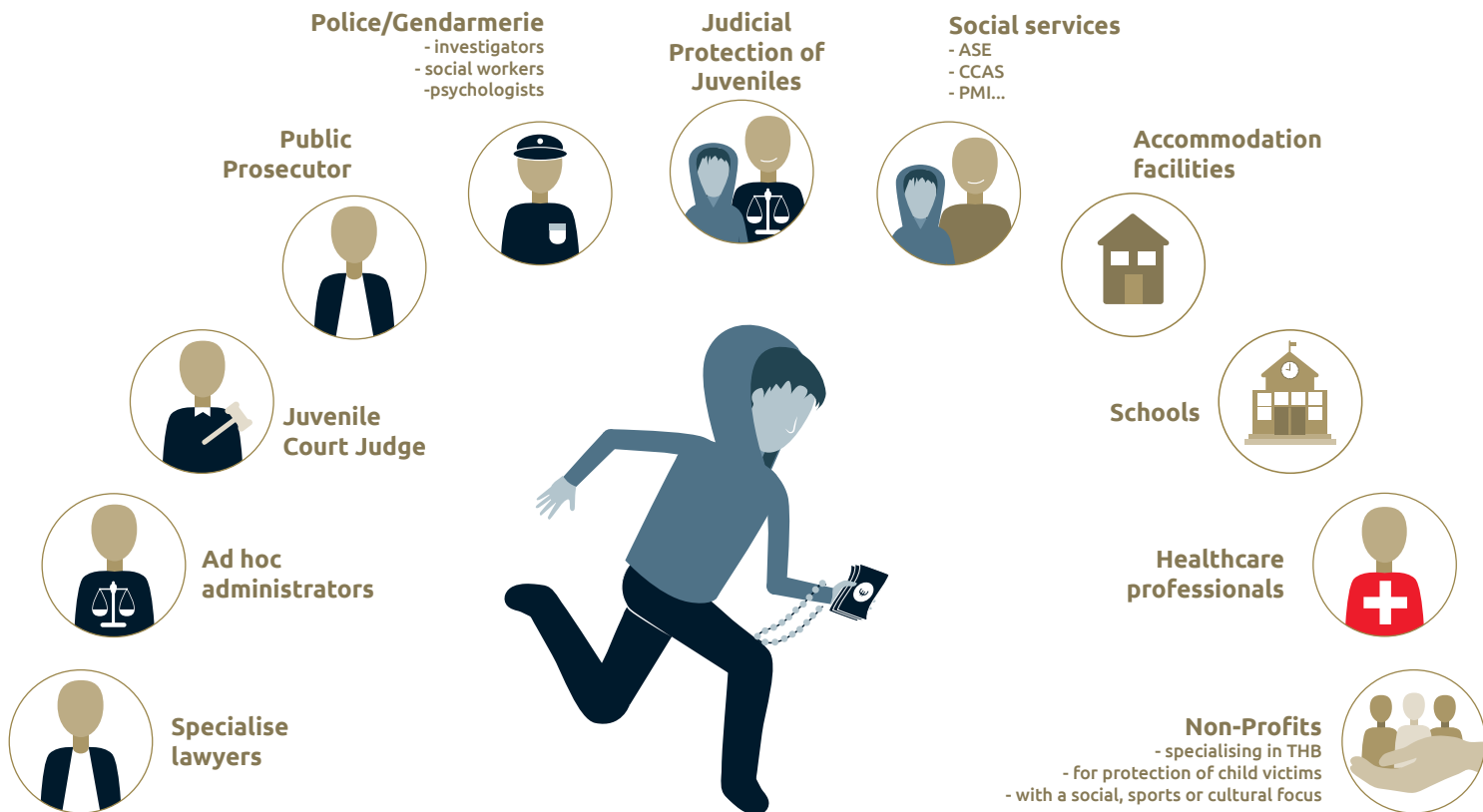
1. www.esperantomena.org

PART 3. ON THE CRITICAL IMPORTANCE OF WORKING IN PARTNERSHIP

- I. ESTABLISHING A FORMAL FRAMEWORK FOR PARTNERSHIP
- II. STRENGTHENING TRAINING
- III. DEVELOPING INNOVATIVE PROJECTS THROUGH
JOINT EFFORTS

[RETURN TO CONTENTS](#)

TRAFFICKING IN HUMAN BEINGS: AT THE CROSSROADS



THB is an issue that sits at the crossroads of numerous intersecting problems and, as such, draws on expertise from people who work in a broad variety of disciplines such as criminal law, social legislation, rights of foreign persons, child protection, psychology, criminology, sociology, etc.

While each of these specialists evolve within their own specific discipline and have their own aims (to fully identify and prosecute perpetrators of exploitation, study the sociology of the group, identify minors who are victims of trafficking and provide support, etc.) it is the combined efforts of these different components and their ability to work in a coordinated fashion that actually brings results towards their common purpose, which is combating human trafficking. Looked at in this way, it becomes clear that there is a host of professionals surrounding the child victim of trafficking who cannot make progress towards their objectives without relying on one another.

I. ESTABLISHING A FORMAL FRAMEWORK FOR PARTNERSHIP

One sign of this need for coordination is the **signing of agreements or protocols** that define the role and mission of each stakeholder in order to achieve better protection for child victims.

In this sense, signing the **Partnership agreement with a view to the creation of a trial mechanism for child victims of trafficking between various stakeholders** is a perfect illustration of such an approach. For more information about this Agreement see page 71. Indeed, each party to the agreement has a different role to play but is linked to several stages in the process. The stakeholders often cannot make progress without collaboration from other partners. It seems quite clear that the work of investigators and the judicial system will struggle to make any progress without first gaining the trust of the young person, or without psychological advances being made by the victim receiving care and that the victim themselves will be unable to make progress towards their own reconstruction without the intervention of the justice system, recognition that they are, in fact, victims or the arrest of the persons who have exploited them.

Similarly, **the partnership with the Educational Services at the Centre for Young Detainees (SECJD) in Fleury-Mérogis Prison that was brought to fruition in 2017 thanks to an agreement signed with Hors la rue** can be cited as another example. Thanks to this partnership, the non-profit has been able to strengthen its ties with prison services and with the caseworkers at the Centre for Young Detainees, with the aim of fine-tuning a shared understanding of and common strategies to dealing with the issues surrounding the trafficking of minors. We have, in fact, held bimonthly meetings with PJJ caseworkers in order to discuss what we know about the living conditions of these young people, both in detention and outside it and to continue to raise awareness amongst the staff at the SECJD about the

specific issues facing minors compelled to commit crime. In addition, we meet for individual review meetings with the caseworkers who are the point of contact at the SECJD and the UEAT (Educational Unit at the Court), in order to define our joint strategies for the young person's release from detention that will give them better chances of getting out of the clutches of exploitation permanently. Working together in partnership also fosters capacity building within our respective departments, with the goal of improving the actual care provided for minors who are suspected of being victims.

As explained above, minors compelled to commit crime are especially affected by migratory movements within Europe. As a result, partnerships cannot be limited to stakeholders in a single national territory but, on the contrary, becomes really meaningful when stakeholders from both countries of origin and destination countries are involved. For this reason, **the trial mechanism for information exchange** between child protection agents in France and Romania, created in 2017, can enable a form of continuity in the educational support offered to these young people in cases where the minors that are stopped in the Paris area are potentially victims of trafficking. While, at present, activating this mechanism is still rather complicated, it is nevertheless useful to be able to rely on it as a framework for dialogue with Romanian child protection professionals.¹

Beyond this mechanism, **working in a more informal fashion with local non-profits based in the country of origin is especially helpful**. Indeed, these charities or volunteer organisations can often represent a vast store of information, both about the local environment in the places that the minors we support come from, and about specific family circumstances of the youngsters found in France. Similarly, it is wise to get in contact with non-profits that may have come into contact with these minors during their trips to other European countries (foster homes, specialised non-profits working on the streets).

1. Peyroux O, supported by Ministère de l'Europe et des affaires étrangères, *A practical guide for France and Romania "Trafficking in Human Beings for the purposes of forced criminality From identifying networks to protecting child victims"* (Guide pratique franco-roumain "La traite des êtres humains aux fins de criminalité forcée De l'identification des réseaux à la protection des victimes mineures" (in French)).

II. STRENGTHENING TRAINING

It is not uncommon for several professionals gathered in the same room relating to the same situation to have very little information about the missions of other actors involved, or only partial knowledge about what they do. For this reason, having numerous opportunities to meet together and setting up joint training sessions means that more insights can be shared relating to specific situations and, at the same time, enables greater understanding of what others do.

In order to dispel certain preconceptions and preconceived notions that may be held by professionals, it is important for staff to receive both initial and continuous training. This kind of training has proven indispensable, especially for professionals tasked with welcoming minors who have been victims of trafficking in these facilities. It is only through training and experience of being in contact with these minors that professionals will be able to develop a full understanding of the pathways, how certain groups operate and the ways they exert control.

It is also worth mentioning the **new training programme “Enquête et protection des victimes: les enjeux en matière de traite des êtres humains”** (Investigations and protecting victims: challenges in the field of trafficking in human beings) which was held at the Fort of Rosny in July 2019, bringing together investigators, lawyers, magistrates, social workers from institutions and non-profits around the same table, for a full-scale role-playing exercise, intended to foster closer collaboration between professionals. This training programme, inspired by the Organisation for Security and Cooperation in Europe (OSCE), and designed and delivered by the French National School for Judiciary, the Directorate-General of the French national gendarmerie, the Paris Bar, the non-profit Bus des femmes and the ALC Ac.Sé mechanism. Hors la rue, a member of the Collective “Ensemble contre la traite des êtres humains” was involved in preparing the content of the scripts, thanks to their field experience with child victims of trafficking compelled to commit crime.

Based on the article “*All working together to combat trafficking effectively*” (Ensemble Contre la Traite website, www.contrelatraite.org, in French).

III. DEVELOPING INNOVATIVE PROJECTS THROUGH JOINT EFFORTS

While our observations show that minors compelled to commit crime are almost always arrested through the lens of repression and enter through the criminal pathway, gradual recognition of their status as victims also makes it possible for programmes that are better suited to their backgrounds to be jointly developed alongside more institutional partners.

“BREAK-AWAY GETAWAY” FOR TWO MINORS FORCED TO COMMIT CRIME

We have been supporting Nicolas and Pierre since 2018. We met them during our roaming operations in Paris and these two minors confided in us about their daily robberies. Nicolas confided about the violence he was subjected to by his father who forces him to steal. Nicolas's parents were arrested in 2019 and convicted of THB offences. Pierre's parents were arrested in July 2019 and are currently being prosecuted for similar crimes; they are awaiting trial.

In October 2019 these two minors compelled to commit crime took part in a “Break-away getaway” organised by Hors la rue for the first time. This initiative came to fruition thanks to combined support from the Office of the public prosecutor for juvenile offences of Paris, the Public Prosecutor of Bobigny, and the Juvenile Courts of these two jurisdictions and the ASE of Paris and Seine-Saint-Denis. Over the course of this residential stay led by three caseworkers and an art-therapist, the young people received an induction to land art and a range of drama workshops. For victims of exploitation who live in extremely unstable and degrading conditions, these experiences are decisive in guiding them towards making the choice to get out of the situation they are in and ultimately choose to start new life. This group experience, far removed from their daily reality, enables these youngsters to truly be children for a few days.

Based on the article “A window onto another life” (*Une fenêtre sur une autre vie*, from www.contrelatraite.org, in French).

NON-PROFITS WORKING TO COMBAT THB

ACPE - Agir Contre la Prostitution des Enfants - Action Against Child Prostitution

Since 1986, ACPE has fought against all forms of sexual exploitation of minors by raising awareness, providing training for professionals and through legal action. The ACPE also provides a drop-in clinic aimed at professionals so that they can discuss individual situations.

www.acpe-asso.org - contact@acpe-asso.org
Tel. : +33 01 40 26 91 5

AFJ

At the AFJ foster centre, professionals ensure that victims of trafficking for the purposes of sexual exploitation are safely accommodated and draft a general support plan to facilitate growing autonomy for the people welcomed here. The association also runs training and awareness-raising programmes about the issues surrounding trafficking in persons and caring for victims.

www.foyer-afj.fr
afj.servicesocial@gmail.com

Amicale du Nid

The aim of this non-profit, which works across France is to go out and meet, welcome and support adults and children who are in prostitution or have been in the past or may be at risk of prostitution and help them seek an alternative to their situation. As regards their work with minors in Paris, their efforts here are geared at professionals and consists of offering technical support and sessions to raise awareness about the issues surrounding child prostitution.

www.amicaledunid.org/paris
amicaledunid.paris@adn75.fr

Aux captifs, la Libération - Liberation for those in captivity

Founded in 1981, the non-profit association meets and supports people on the streets. The main actions they cover are roaming operations, drop-in clinics, social support and follow up, revitalisation programmes, support giving up alcohol, basic employability training, referrals to housing.

www.captifs.fr - siege@captifs.fr

The non-profits in the Collective "Ensemble contre la traite des êtres humains" - Together against trafficking in human beings

The Collective "Ensemble contre la traite des êtres humains" is a network that was created in 2007 by Secours Catholique and brings together 28 French non-profit associations to take effective action against all forms of exploitation.

Coordination of the collective: Geneviève Colas
contre.la.traite@secours-catholique.org
www.contrelatraite.org

CCEM - Comité Contre l'Esclavage Moderne - Committee Against Modern Slavery

Since 1994, CCEM has been combating all forms of trafficking for purposes of exploitation through labour, notably domestic work. The Committee provides social and legal assistance to victims, conducts advocacy activities with public authorities and raises awareness in public opinion.

www.esclavagemoderne.org
Tel. : +33 01 44 52 88 92

Dispositif National Ac.Sé

Created by the ALC in 2001, the Dispositif National Ac.Sé (French Nationwide Ac.Sé Mechanism) seeks to offer protection, housing and support people identified as having been victims of trafficking in

human beings and who are at risk in the local area. They also run a resource centre for professionals.
ac.se@association-alc.org - www.acse-alc.org

ECPAT France

Created in 1997, ECPAT France fights to end the sexual exploitation of children in all its forms in France and internationally. The organisation conducts advocacy aimed at policymakers, runs awareness campaigns and offers training to all stakeholders, as well as being engaged in actions to support access to justice.

contact@ecpat-france.org - www.ecpat-france.fr

Fondation Jean et Jeanne Scelles

Since 1994, the goal of Fondation Scelles has been to learn about and understand sexual exploitation and to tackle this issue by informing public bodies and society and raising awareness.

www.fondationscelles.org

fondationscelles@wanadoo.fr

France terre d'asile

FTDA is a non-profit association specialising in asylum, integration and child welfare for isolate foreign minors. Trafficking in human beings is one of the specialist areas in which they have developed expertise over the last ten years.

www.france-terre-asile.org

infos@france-terre-asile.org

Koutcha

The non-profit association's goal is to offer child victims of all forms of trafficking in Europe a safe and secure facility where they can seek shelter, and which will aid their integration in the host society.

contact@koutcha.org - Tel. : +33 06 20 67 50 17

La Cimade

La Cimade receives, supports, advises and defends foreign persons facing administrative difficulties

linked to residency or asylum. The non-profit is present in administrative holding centres and in correctional facilities. **La Cimade IDF is not active in providing support for minors.**

www.lacimade.org - infos@lacimade.org

Le Cofrade

The French Council of Associations for the Rights of the Child (*Le Cofrade/Conseil Français des Associations pour les Droits de l'Enfant*) is a collective of 52 non-profit associations that defend the rights of children in France. Le Cofrade's mission is to ensure the proper implementation of the (International) UN Convention on the Rights of the Child.

www.cofrade.fr - cofrade.contact@gmail.com

MIST - Mission d'Intervention et de Sensibilisation contre la Traite des êtres humains - Mission of Intervention and Sensitization against human Trafficking

Since 2020, MIST has been fighting against the trafficking of human beings for purposes of sexual exploitation and prostitution by detecting and providing assistance to victims, both adult and minors irrespective of gender.

www.mist-association.org

contact@mist-association.org

OICEM - Organisation Internationale Contre l'Esclavage Moderne - International Organisation Against Modern Slavery

Founded in 2001, the OICEM takes action to support people who have been victims of slavery and regularly provides awareness-raising and training activities. The organisation runs literacy workshops and cultural, citizenship and arts workshops as well as days out for minors.

www.oicem.org - info@oicem.org

Planète Enfants

Planète Enfants & Développement strives daily to

give them most vulnerable children a protective, stable and stimulating environment that is free of violence. In the area of human trafficking, the charity works with a network of partner associations to raise awareness of the issues among the general public.
www.planete-eed.org - siege@planete-eed.org
Tel. : +33 01 53 34 86 32

RUELLE - Relais Urbain d'Échanges et de Lutte contre L'Exploitation - Urban Exchange Network for Combating Exploitation

RUELLE offers social, educational, psychological and legal support provided by a team of professionals to people who have been exploited. The association's mission is to combat all forms of exploitation of persons occurring in the context of THB.
www.associationruelle.org - ruelle33000@gmail.com - Tel. : +33 06 98 39 70 42 / 06 59 18 71 66

Secours Catholique Caritas France

Secours Catholique Caritas France contributes to the fight against trafficking in human being in all its forms by supporting local initiatives in France and other countries and by developing advocacy actions to lobby institutional stakeholders.
geneviève.colas@secours-catholique.org
www.secours-catholique.org

INSTITUTIONS

ASE - French Child Welfare Agency

See the ASE in your administrative area (French *département*)

Défenseur des enfants - Child and Youth Advocate

The défenseur des droits or ombudsman is a body appointed to ensure that rights are respected and may be approached when the rights of a child are

not respected or when a situation puts the interests of a child at risk.

www.defenseurdesdroits.fr

3 pl. de Fontenoy, 75007 Paris

Tel. : +33 09 69 39 00 00

Protection Judiciaire de la Jeunesse

See the PJJ in your administrative area.

WHO SHOULD YOU ALERT AS PART OF NOTIFICATION PROCEDURE?

Unit for gathering disturbing information

See the CRIP in your administrative area

The Children's Judge

The matter should be referred to the JDE through a request submitted at the Court. The Court with jurisdiction is determined according to the address of the parents, the foster family, the guardian or any other person or unit with responsibility for the child.

Child prosecution services

See the office of the Public Prosecutor in your area

French "Childline" national hotline for children at risk - Numéro vert national enfance en danger: 119

OTHERS ORGANIZATIONS

ISM Interprétariat (Interpreting Services)

90 avenue de Flandre - 75019 Paris

Tél: +33 01.53.26.52.50

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ASE French Child Welfare Agency (*Aide Sociale à l'Enfance*)

BPM Child Protection Division of French Police Force (*Brigade de Protection des Mineurs*)

CASF French Code of Social Action and Families (*Code de l'Action Sociale et des Familles*)

CIPDR French Inter-ministerial committee for the prevention of delinquency and radicalisation (*Comité Interministériel de Prévention et de Délinquance et de la Radicalisation*)

CRIP French Departmental Unit for the Gathering, Processing and Assessment of Disturbing Information (*Cellule Départementale de Recueil, de Traitement, d'Evaluation des Informations Préoccupantes*)

DEMNA French Educational Facility for Unaccompanied Minors (*Dispositif Educatif Mineurs Non Accompagnés*)

JDE Children's Judge (*Juge des Enfants*)

MIPROF French inter-ministerial task force for the protection of women from violence and action against trafficking in human beings (*Mission Interministérielle pour la Protection des Femmes contre les violences et la lutte contre la traite des êtres humains*)

PJJ Judicial Protection of Juveniles Department (of the French Ministry of Justice) (*Protection Judiciaire de la Jeunesse*)

OFPPRA French Office for the Protection of Refugees and Stateless Persons (Office Française de Protection des Réfugiés et des Apatrides)

ONDRP French National Observatory of Crime and Criminal Justice (Observatoire national de la délinquance et des réponses pénales)

OPP Provisional Remand Order (Ordonnance de Placement Provisoire)

RRSE Gathering of Socio-Scholastic Intelligence (*Recueil de Renseignements Socio-Educatifs*)

SEAT Educational Services at the Courts (*Service Educatif Auprès des Tribunaux*)

SECJD Education Department at the Centre for Young Detainees (*Service Educatif au Centre de Jeunes Détenus*)

STEMO Local Education Services for Open Settings (*Services Territoriaux Educatifs de Milieu Ouvert*)

TGI Regional Court (*Tribunal de Grande Instance*)

UEAT Education Unit at the Court (*Unité Educative Auprès du Tribunal*)

Others abbreviations:

ATM Automatic Teller Machine

UM Unaccompanied Minor

THB Trafficking in Human Beings

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70 rue Douy Delcupe
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01 41 58 14 65
www.horslarue.org