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ARSIS ASSOCIATION FOR THE SOCIAL SUPPORT OF YOUTH

# Transnational Protection of Children The Case of Albania and Greece 2000-2006



**TACT** Transnational Action  
Project against Child Trafficking

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## FOREWORD

This publication presents the experience and knowledge of the Organizations Terre des hommes and ARSIS in their efforts to address the phenomenon of exploitation and trafficking of Albanian children in the streets of Greece in the last 5 years. The collaboration between both organizations takes place in the framework of TACT (Transnational Action against Child Trafficking), a project dealing with the issue of child exploitation and trafficking and contributing to the set up and run of protection mechanisms for Albanian children. A preliminary success factor of the TACT initiative lies on its clear transnational dimension. The transnational element is, indeed, a key ingredient, since trafficking is often a cross-border phenomenon, which commences at one side of the border with the recruitment of the person, and continues on the other side of the border with the exploitation of the recruited person. Terre des hommes and ARSIS have sought by coordinated actions to provide protection to the children in need throughout the process, regardless of their geographic location. As pointed out in this publication, the activities of these organizations and others, both in Albania and Greece, have been complementary and supportive to the significant number of measures undertaken by the State authorities on both sides.

The Government of Albania has placed the fight against trafficking of human beings, and in particular that of children, at the core of its priorities. The Government's efforts aim not only at punishing the traffickers, but also at preventing the phenomenon as well as protecting and assisting victims of trafficking and witnesses. In this regard, the efficient coordination of all actors involved in the fight against human trafficking becomes essential. Such coordination at the country level is the main responsibility of the National Coordinator of Anti-trafficking in Human Beings and of the affiliated office at the Albanian Ministry of Interior. In this position, I strongly believe that enforcement of collaboration with agencies within the country, as well as establishment and institutionalization of cooperation with the authorities in the neighboring countries is crucial.

In the first six months of 2006, the Government of Albania has undertaken a number of coordinated measures to fight trafficking. Such efforts enumerate initially the signing of the *Agreement between the Government of the Republic of Albania and that of the Republic of Greece on the Protection and Assistance of Children Victims of Trafficking*, currently ratified by the Albanian Parliament and pending ratification by the Greek Parliament; this followed also by the establishment of the *Responsible Authority* for the National Referral Mechanism of Victims of Trafficking cases. This body is in charge of facilitating the process of referral, prosecution, protection, assistance and reintegration of victims of trafficking throughout the country. This objective will be pursued in close collaboration with the Ministry of Foreign Affairs, through its Albanian consular missions abroad, Ministry of Labor, Social Affairs and Equal Opportunities, state social services throughout the country, as well as the national reception centers for victims of trafficking in the country. Establishment of *Anti-trafficking Regional Committees* enabled also the extension of working networks at a local level. These committees support, at a regional level, the identification of socially vulnerable groups, marginalized categories and persons at risk of trafficking, offer social assistance, inclusion in schools and working environment, and provide protection and integration. These committees are run by the Prefects and bring together representatives from police local structures, state social services, local government, education, health, labor, prosecution offices and non-governmental organizations. In addition, we are assisting the Ministry of Justice in drafting legal amendments for the granting of temporary residence permits to foreign victims of trafficking in Albania, in introducing new provisions in the penal code to criminalize the smuggling of Albanian migrants abroad, and in strengthening measures against exploitation through child labor and prostitution of women.

We are assisting the establishment of unified pre-screening procedures at the Albanian border crossing points for the Border and Anti-Trafficking Police in interviewing returned irregular migrants and potential Victims of Trafficking. We are also assisting the equipment of the *Court on Grave Crimes* (this is a special judicial

*body with specific responsibilities on organized crime and trafficking in humans cases*) with video-teleconference to enable the testimony of victims at-distance. We are facilitating and providing training programs for police forces throughout the country on the rights of children and women and on the special profile of victims of trafficking for the interrogating procedures to be followed at the police commissariats, etc.

The Government also plans to further enhance these measures in the upcoming period. Attention will be paid to the efficient implementation of the Agreement with the Government of Greece by intensifying the collaboration with the Greek respective authorities. At the transnational level, the Government will seek to establish direct links between the Albanian Responsible Authority for the National Referral Mechanism of Victims of Trafficking cases and the homologue authorities of the neighboring countries. The aim is to enable the rapid exchange of information on Albanian children and women exploited on the other side of the border. Such exchange will on its side accelerate the measures taken by both countries in the benefit of the Albanian citizens exploited across the border.

Attached to the Responsible Authority a database will be established and maintained to register the cases of victims referred, protected and assisted in Albania. A toll free national telephone help-line will be made available for the denunciation of alleged trafficking cases, ensuring anonymity, aiming at speeding the rapid intervention of the respective State authorities. This intervention will be facilitated through the coordination at the local level between the Responsible Authority and the Regional Anti-trafficking Committees. The Local Committees will be assisted by the National Coordinator's Office to expand their role and take over important responsibilities. They should coordinate the efficient involvement of all the represented agencies by facilitating, for example, the registration of all children that have dropped out school in schools or by registering at the Civil Office Register the unregistered children, by assisting families in need, by building integration programs and healthy and friendly environment for marginalized persons, etc. The next top priority of the Government will be tackling and preventing women abuse for prostitution and child trafficking. The legislation providing the rights of women and children such as family law, education law, social policies, labor law, and penal law will be harmonized and their implementation will be supervised in a national scale.

In fulfilling all these duties the serious commitment of every government and non-government agency is crucial. The serious engagement, the sincere concern and the strong efforts in building standards for informing and protecting the citizens from trafficking in humans is a duty that every democratic government should do. In this respect the inclusion of and the close collaboration with civil society is considered a key to the success of the implementation of these policies undertaken by the Government. The civil society has a national wide functioning reach, has experience and knowledge on the problems of the localities, and has assisted in bringing the Government's response closer to the needs of the Albanian citizens. A number of policies and actions of the Government in the fight against human trafficking are built on the information and experience of the civil society actors. Amongst the conglomerate of the civil society actors active in the country, TACT program is an important partner of the Albanian Government in building consolidated national policies, in mobilizing local relevant agencies and in establishing international cooperation for providing the rights of the Albanian citizens. I look forward to see this partnership grow in sharing efforts and responsibilities and in building a partnership on equal basis that lasts in time.

**Iva ZAJMI**  
Deputy Minister of Interior  
National Coordinator for Anti-Trafficking in Human Beings

## Introduction

The child rights organisation Terre des hommes Foundation Lausanne (Tdh) established its own mission in Albania in 1993. In 2000, Tdh started its first projects to counter child trafficking in Albania. The current project implemented by the organisation, entitled “Transnational Action against Child Trafficking” (TACT) is supported by six international donors and is based on the accumulated experience of Albanian initiatives against child trafficking. The project aims at the prevention of child trafficking, the protection of trafficked children, their assisted voluntary return (AVR) and reintegration.

ARSIS is a Greek non governmental organisation (NGO), established in 1992 aiming at supporting children and youth facing social exclusion and marginalisation and at promoting the rights of children and youth, their expression, and social participation. Reacting to the phenomenon of children in street situation in Greece, ARSIS has developed actions against child trafficking since 1998. Since 2002, ARSIS has been Tdh’s partner in Greece in implementing the TACT project. ARSIS activities on combating child trafficking are supported by Hellenic AID of the Greek Ministry of Foreign Affairs.

Commencing from 2003, Tdh has published extensively on the issue of child-trafficking, especially regarding the route Albania – Greece. While the previous studies have focussed on the analysis of child trafficking in Albania and the responses provided by Tdh and its partners, this publication pays specific attention to the best practices and challenges faced in transnational cooperation. Its content is the result of a best practices workshop held in May 2005 in Tirana, with the participation of the staff from both partner NGOs, Tdh and ARSIS. This publication is primarily intended for all concerned actors in countries of origin, transit and destination (primarily Albania and Greece): NGOs, public social services, Police, Prosecutors and competent Ministries. It is also of interest in understanding how NGOs cooperate in combating child-trafficking on a transnational level.

<sup>1</sup>Pierre Philippe & Vincent Tournecueillert, “The trafficking of Albanian children in Greece”, Terre des hommes-Lausanne, 2003; Mike Dottridge, “Kids as commodities? Child trafficking and what to do about it”, International Federation Terre des Hommes, 2004; Mirjam van Reizen & Ana Stefanovic, “Lost Kids, Lost Futures. The European Union’s Response to Child Trafficking”, International Federation Terre des Hommes, 2004; Daniel Stoecklin & Vincent Tournecueillert “Child Trafficking in South-eastern Europe: The Development of Good Practices to Protect Albanian Children”, Terre des hommes-Lausanne, 2004.

## ANALYSIS OF SITUATION

The analysis of situation is of crucial importance in any project and even more so when it comes to sensitive issues like child-trafficking. One has to start from the concrete situations that the social workers of both organisations are confronted with in the field.

### 1.1. The evolution and the social dimension of the phenomenon in Albania

The situation of trafficking of Albanian children seems different today as compared to the end of '90s-beginning of '00s. From the first investigations dating back at that time and accompanied by anti-trafficking programs implemented by Tdh and partners, both in Albania and Greece, the number of Albanian children trafficked to Greece produced alarming results<sup>2</sup>. However, both the Albanian and Greek Governments were reluctant to recognise the existence of the phenomenon. Their structures were not able to address child trafficking properly and the first initiatives were taken by the civil society. In addition to assisting the victims, civil society in both countries sought to evidence the existence of the phenomenon and analyse the causes behind it.

One of the causes regarded the overall situation in Albania. After the fall of communism, the Albanian society went through a deep social and economical transformation. Many families were reduced to live in extreme poverty. While many State structures were experiencing grave malfunctions, the rapid liberalisation taking place in the economy was hardly conducive to collective actors and practices linked to citizenship. Many self-evident relations existing in the past were strongly put into question. This was experienced both in the family life, but also in the role of the individual within the society, towards other individuals and society structures, including the State.



In Albania, an overwhelming majority (90%) of the families whose children are recorded, since 2000, by the project either as trafficked or at risk of being trafficked is affected by extreme poverty and instable relations within the family. With extreme poverty reference is done not only to the families' lack of resources in the past and present, but also to a feeling of hopelessness for future improvement. This often contributes to the instability of the parents (alcoholism, health problems, use of violence, practices of polygamy, abandonment of family, etc). It also forces parents and children themselves to “search

for a better life” abroad. These factors make the families and the children become quite vulnerable to the offers of traffickers who quickly impose a debtor-creditor relationship.

<sup>2</sup>Pierre Philippe & Vincent Tournecueillert, “The trafficking of Albanian children in Greece”, Terre des hommes-Lausanne, 2003, p. 9.

**These relations between exploiters and those who are exploited are taking place in a political and economical environment, where the absence of democratic culture and participation, is conducive to a social bond marked by a withdrawal in terms of either communitarianism or individual consumerism. Thus, one can make the hypothesis that the problematic relationship to the State, after the “great treachery” of the former regime, has resulted in an over-investment in close relationships.**

The loss of confidence in the weak authorities may have contributed to sweeping aside requirements, which previously were normal in everyday interactions, in particular the ability to request from others certain guarantees in exchange for the trust placed in them (to do or refrain from doing something). This can be called the “unconditional trust syndrome”, which is determined by the notion that expressing a doubt or simply a reservation about the intentions of the others could be considered an offence (towards them).

The perceptions of the life abroad, influenced strongly by the media and by the long term isolation of Albania, played in favour of the “unconditional trust syndrome”. Both parents and children had the naive expectation that once abroad things could not go wrong. Consequently, the trafficking and abuse of Albanian children can be explained partly by an interaction marked by perceptions (unwritten rules of honour and trust; the wealthy and careless life abroad) in a context where children are educated to fully obey adult generations, which are themselves poor and have lost confidence in their authorities.

**The current situation showing a decline in child trafficking in Albania is the result of various, inter-related factors.**

The first substantial change came when, under the pressure of the international community, the Albanian State recognised the existence of the phenomenon and committed itself to address it, despite the fact that even today the Government’s main successes remain related with prosecution of traffickers. In fact, as it will be elaborated in the next chapter, the Albanian Criminal Code was amended<sup>3</sup>, providing high sentences for perpetrators of various forms of trafficking, including child trafficking. A separate police structure, the Anti-trafficking Police, was also established. When it commenced to involve real risks, widely presented in the Albanian media<sup>4</sup>, child trafficking became a less attractive activity, even though it still remains a lucrative business.

It is also crucial to note that the State’s recognition of the existence of phenomenon and its efforts to address it, leveraged also the prevention and protection activities conducted by the NGOs and IOs. TACT project in Albania worked in particular with vulnerable communities and schools to raise awareness on child trafficking, focusing on the element of exploitation of children for begging. Other organisations conducted similar activities, addressing the general public through the media or the youth in schools and focusing mainly on trafficking for sexual exploitation of women<sup>5</sup>.

<sup>3</sup>Law no 8733, dated 24.01.2001 “On Amendments to the Albanian Criminal Code”, Law no 7895, dated 27.01.1995 (hereinafter: ACC).

<sup>4</sup>Tdh Albania conducts a press review aiming at selecting, commenting and distributing articles of the Albanian and foreign press dealing with child trafficking in Albania. Most of the articles reflect stories of prosecution.

<sup>5</sup>IOM, Save the Children, Unicef, ILO-IPEC, etc.

TACT prevention messages were strongly built upon the testimonies of children trafficked to Greece. The stories of exploitation of children abroad discussed in high risk families, both with the parents and the children, helped in addressing the so-called “unconditional trust syndrome”. However, warning on the risks has proven to be not always sufficient, the families and the children need real alternatives. Moreover, while the functioning of the institutions increasingly improved, increasing consequently also the trust in them, still today, the child protection environment in Albania remains very weak.

These underlying and structural gaps are also the causes for the current wide-spread exploitation and labour of Albanian children. The current declining number of children exploited by third parties abroad is accompanied by the increasing number of Albanian children exploited abroad or in Albania by their parents. The activities, in which the children are exploited today by their parents, either in Albania or abroad, are the same: selling small items, washing cars’ windows, begging, etc. It is also worthy to note that children belonging to Roma and Jevgj/Egyptian<sup>6</sup> communities in Albania are the most vulnerable to exploitation by third parties, or directly by the parents. While TACT project has sought to provide particular assistance and protection to Roma and Jevgj/Egyptian communities within Albania, researchers and professionals have sought to understand the reasons behind the particular vulnerability of these communities.

*“Some argue that it is part of traditional Roma cultural practices, such as early, arranged marriages, unequal position of the family members, using child labour – especially for begging – others, that it is a consequence of belonging to the most highly discriminated and poorest group in the society where trafficking is used as a survival strategy”<sup>7</sup>.*

The interpretation touches topics which are understood to be taboo in several communities. For many Roma they are very sensitive issues, hardly, if at all, to be discussed within the community and particularly not with “outsiders”.

Even though legally speaking, the Roma and Jevgj/Egyptian communities are entitled to the same rights as other Albanian citizens, they have historically been discriminated. The Albanian State has failed to support them to access the rights recognised on paper. Suffering from neglect and discrimination, these communities did not feel as part of the Albanian society even during communism. Today, a large number of Roma and Jevgj/Egyptian families suffer from low education, unemployment, lack of shelter and resources. Instead of leading the efforts to address inequality, today, a large number of families from these communities have developed an under-valuing tendency towards common society and child protection institutions, such as birth registration and schooling. Tolerance towards child labour and the profits it brings also contribute to the present situation.

<sup>6</sup>This community claims to derive from Egypt and refers to itself as “Egyptians”. However, this claim has not met general agreement and many still use the term “J”

<sup>7</sup>Barbara Limanowska, “Trafficking in Human Beings in South Eastern Europe- 2004 - Focus on Prevention in: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro, and the UN Administered Province of Kosovo”, published by United Nations Development Program (UNDP), with the support of the United Nations Children’s Fund (UNICEF), the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR), within the framework of the Stability Pact Task Force on Trafficking in Human Beings, March 2005, p. 64.

**The sustainability of reintegration of former child victims of trafficking, as well as the prevention of the phenomenon are directly linked with the democratic capacities of these populations (Romas, Jevgj/Egyptians), who are precisely stigmatised. The concern here is the recognition of civil, political, and social rights, also called active citizenship, in a society marked by large social inequities.**

## **1.2. The Evolution and the Social Dimension of the Phenomenon in Greece**

When children in street situation appeared for the first time in Greece at the end of '90s – beginning of '00s, it presented a new phenomenon for the Greek society. At the beginning, the children were located at the traffic-lights begging, selling tissues or washing windscreens and gradually they moved to the bars and restaurants. They were usually very poorly dressed and dirty and their image aimed at arousing a feeling of compassion on the passer-by. According to their testimonies, the children came mostly from Albania and had arrived in Greece following a relative or a friend of the family or even an unknown person. They worked endless hours in the streets, regardless of the weather conditions. They were threatened to earn high amounts of money every day and were beaten and mistreated when failing to comply with the traffickers' orders. As already mentioned above, in the first years this phenomenon was not addressed in an organised way by the Greek State. Some steps to protect these children came only from the civil society.



Both in Albania and Greece, children are increasingly exploited directly by their parents

The lack of a coordinated response by the Greek State structures and the eagerness of the public to give money to the “poor little children” in the streets established a profitable “market” in the country, of which the traffickers took advantage. The “capital” was found easily: the traffickers would either obtain the consent of the parents in Albania, who were eager to earn money or to provide a “better life” for their children abroad, or they would even abduct children from their families. The transportation to Greece was not very difficult. Greece and Albania are neighbouring countries and the mountainous landscape of the border area makes controls for illegal immigration a very difficult task. The “costs” of the business were low, since accommodation and food for the children were provided in a minimum quantity and quality. The parents received – if any – a very low sum in comparison to the high “profits” made due to the generosity of the public. The “dangers” on the other hand were low, because the police was usually neglecting the phenomenon. But even when the police would act, they could usually locate only the child and were not able to reach the trafficker, who was hiding.

In Greece, like in other European Union Member States, the traffickers can easily benefit from the disadvantaged situation of foreigners. Foreigners who do not speak the language of the country, who lack insight in the required procedures and in particular those who are even afraid to approach the authorities because of their illegal status can easily be placed in a status of dependence. This dependence is even stronger in the case of a child, who because of the young age is less able to oppose an adult “patron”.

The main change in the phenomenon came after the two concerned States took measures to address it. It is also a result of the fact that the parents and the children in Albania were sensitised about the dangers facing the children in Greece. However, since some of the main root causes of the phenomenon, such as the poverty of the families in Albania, still exist, the exploitation of children continues even today, but in a different form. The image of the children has changed and the profile of the exploiters as well. Now the children are clean, wearing tidy and warm clothes. Few of them beg (usually the newcomers), while the majority sells tissues or small items (e.g. small icons, pins and small toys/decorations for mobile phones) or even play a musical instrument. Their merchandise is determined according to the current “fashion” and their attitude towards the customers is professional. The ones profiting directly from the children’s work nowadays are usually their own parents, without the intervention of third parties.

As already mentioned, the real or perceived differences between Albania and Greece in actual employment opportunities, in life conditions and in salaries lead to a permanent migration flow of people, who leave Albania to look for a “better life” in Greece. Legal migration to Greece is in theory possible, but in practice, the conditions set by the legislation are extremely difficult to fulfil. On the other hand, illegal migration is common, since, as already mentioned, the long and mountainous Greek-Albanian border line is very difficult to be controlled. Thus many of the Albanian immigrants in Greece have entered the country at some point illegally. However, through the legalisation procedures provided by law from the Greek State some of them have later legalised their stay and were awarded the status of the legal migrant. These cases give hope that an illegal entry in Greece can be an attractive and easy way to acquire eventually a legal residence permit.

However, once in Greece the situation is not always as comfortable as imagined. Work cannot always be found that easily. An important drawback is the lack of residence permit. Some employers refuse to hire illegal immigrants and others exploit them by paying them under wage and by denying them labour related rights, such as the right to insurance, holidays, etc. This exploitation is not reported to the authorities due

to the reluctance and fear of each person residing illegally in the country to claim his rights before the public authorities. Other factors which prevent immigrants from finding a stable job or a decently paid job or even any kind of job is the lack of qualifications and special skills, the limited knowledge of the Greek language, the discrimination towards Albanians by some employers, among others.

In case the father succeeds to find a job, a second salary might still be needed to maintain the family. However, the mother cannot work, either because she needs to stay home and take care of the little babies (in cases of big families, with more than three children) or simply because her role is perceived to be at home.

Thus, for many of the families, affected by the above-mentioned problems, the income which can be earned by their young children seems irresistible. Very often, child labour is better paid than the jobs of the parents. In other cases, child labour is the easy solution, conveniently preferred by unstable parents (facing alcoholism, health problems, use of violence, practices of polygamy, abandonment of family, etc, as previously mentioned), or by single mothers.

Especially for parents belonging to the Roma and Jevgi/Egyptian communities child labour does not conflict with their values and mentality. It presents the way they themselves were brought up and the situation they observe around them. Additionally, even in Greece, as it was the case in Albania, these communities face the same or even a higher level of neglect and social exclusion. This social exclusion and their illegal status in Greece make the Roma and Jevgi/Egyptian children the ones mostly affected by trafficking and exploitation.

In all these situations the children are obligated to undertake partly or wholly the responsibility to support the family. This responsibility affects also their behaviour and view of the situation. They are professional and very serious in their work. Many of them claim to have chosen this way of life and accept the consequences it involves for their future. The choice to work in the streets instead of going to school appears preferable to some of the children, who experience great difficulties in school. They do not know Greek. They have already missed years of schooling either in Greece or in Albania. They have often moved from school to school due to their change of residence, and they often face discrimination in school by the pupils and even by teachers. Many of the children, as well as their parents, fail to realise the importance of school education. They are already able to earn good money and in their environment school education is a rare qualification among the adults. Also the choice of child labour is in conformity with the overriding mentality in these communities to provide for the present and not necessarily think for the future.

Thus many of the street children and the parents fail to see and chose any other alternatives besides the child working/begging in the streets supervised by the parents. However, working in the street exposes children to dangers and familiarises them with the street situation and with minor forms of delinquency, like stealing. In a later stage, when they are "too old" for begging or selling in the streets, it becomes a pushing option for them to cross over to forms of delinquency. Especially children who did not acquire professional skills due to lack of schooling have very limited alternatives, when grown up. In this way, the street situation becomes the first stage for other forms of exploitation and marginalisation.

### 1.3. The Importance of the Transnational Approach

Cross border child trafficking is by definition a transnational phenomenon. As presented above, through their actions, the traffickers overcome the national borders and seek to take advantage of specific situations in both countries. It is a phenomenon that commences in one country, proceeds in another, may return to the first one and definitely has repercussions in both. The economical, social, legal situation and its transformations in each country can affect the evolution of the transnational phenomenon. Moreover, the continuous movement of the children (and today of the families) makes the phenomenon difficult to be traced and the protection of the child even more challenging.

**It is important that the causes and the different stages of the phenomenon of cross-border child trafficking are taken into consideration and evaluated as such, that the phenomenon is perceived as a transborder process and is also addressed as such.**

To achieve this, a transnational approach is needed, which goes hand in hand with the transnational cooperation of all the involved organisations and authorities. This approach is necessary not only regarding prosecution, but also in understanding the phenomenon, adapting the fight to the new trends and succeeding in preventing trafficking or following and protecting the trafficked child.

**In order to fight the traffickers, who organise their crimes and execute them on a transborder basis, the anti-trafficking activities should be based on an equal level, if not a higher level of transnational cooperation.**

In NGO work practical mechanisms have been sought, analysis models have been used and principles of actions have been identified and systematised on the basis of an inductive proceeding. Some fundamental principles have often been identified through analogical thinking. For instance, as the crime of child trafficking is committed by a network which knows no geographical limits and overcomes legal constraints then the principle for combating child trafficking is to use means contrary to those of the traffickers. However, that brings a similar potential of success: coordinated activities, a transnational network and international conventions.

**The principle of «strategic parallelism» implies that the means used to combat trafficking must include at least the same advantages as those on which or from which trafficking itself develops: no geographical or legal limitation, a network, the trust of the parents and an immediate material advantage for the parents<sup>8</sup>. The most important challenges are the legal obstacles and the level of coordination of the network, but these aspects cannot be detached from the social dimensions of the phenomenon.**

<sup>8</sup>For an analysis of the logic and the model of intervention see Daniel Stoecklin & Vincent Tournecueillert supra n 1, pp. 43-53.

## THE INSTITUTIONAL FRAMEWORK

### 2.1. The Legal Framework in Albania

After years of inactivity, in 2000-2001, the Albanian government commenced to address the crime of trafficking in human beings, by first of all amending existing legislation. This became a necessity due also to the fact that Albania signed and ratified the so-called Palermo Protocol<sup>9</sup>. According to the Albanian Constitution, the ratified international agreements are part of the national legal order and may be invoked before a court of law in case of contradictory national law. However, the legislator seeks to amend contradictory laws before entry into force of the international agreement/convention.

The Criminal Code was the first subject of amendments<sup>10</sup>. As result of these amendments, today the Albanian Criminal Code criminalises trafficking in human beings<sup>11</sup>, in women<sup>12</sup> and in children<sup>13</sup>. The definitions of the Albanian Criminal Code on human trafficking and child trafficking follow the definitions of the Palermo Protocol. The sanctions prescribed by law vary from five to twenty years of imprisonment. In some cases, in addition to the imprisonment, the law provides also for a fine varying from 2-5 million lek to 6-8 million lek<sup>14</sup>. In the event that one of the above mentioned crimes results in the death of the victim, the Criminal Code provides for life imprisonment. The number of cases of child trafficking considered by the Albanian judiciary experienced an increase in 2004-06, even though most of the charges were on acts committed in 2000-02. The majority of the cases brought to the court are on cross-border trafficking and have resulted in convictions.

The Criminal Code criminalises also illegal border crossing<sup>15</sup> and assistance in illegal border crossing<sup>16</sup>. When these acts are committed for profit, the sanctions provided are stiffer. In addition, the legislation criminalises also prostitution related acts and namely prostitution<sup>17</sup>, exploitation of prostitution<sup>18</sup>, exploitation of prostitution in aggravated circumstances<sup>19</sup>, the maintenance of premises for prostitution<sup>20</sup> and pornography<sup>21</sup>.

<sup>9</sup>Protocol to Prevent, Suppress and Punish the Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime; A/Res/55/25, Nov. 2000; entered into force in Albania in September 2003 (hereinafter: Palermo Protocol). In addition to the Palermo Protocol, Albania has also ratified the UN Convention against Transnational Organised Crime, A/Res/55/25, Nov. 2000, the UN Convention on the Rights of the Child, Adopted by GA Res. 44/25, November 1989 (CRC), and Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Adopted by ILO Conference, 87th session, June 1999.

<sup>10</sup>ACC, see *supra* n 3.

<sup>11</sup>Art. 110 (1), ACC.

<sup>12</sup>Art. 114 (b), ACC.

<sup>13</sup>Art. 128 (b), ACC.

<sup>14</sup>Approximately 16.500,00-45.000,00 and 50.000,00-66.000,00 Euro respectively.

<sup>15</sup>Art. 297, ACC.

<sup>16</sup>Art. 298, ACC.

<sup>17</sup>Art. 113, ACC.

<sup>18</sup>Art. 114, ACC.

<sup>19</sup>Art. 114 (a), ACC.

<sup>20</sup>Art. 115, ACC.

<sup>21</sup>Art. 117, ACC.

**While the Albanian legislator has traditionally been strong in criminalising sexual exploitation of children, the State has failed to criminalize child exploitation through forced labour and outside the trafficking context.**

Child exploitation through forced labour is dealt mainly by the Albanian Labour Code<sup>22</sup>, which establishes the minimum age for child labour as well as the main conditions under which child labour above the minimum age may be conducted. However the prohibition by the Labour Code is not translated in a criminalization of those who exploit the child labour. The Labour Code leaves it unclear which institution is responsible for ensuring the banning of child labour within the country.

The current Albanian Criminal Code on the other hand does not criminalize the exploitation of children through forced labour, begging, etc.

It is also worth noting that an alternative would be to invoke the Family Code<sup>23</sup> and request the civil judge either to place the child under guardianship, in order to protect the child from the potential risk the parents pose or to remove their parental responsibility in cases of grave abuse. Even these opportunities offered by the civil legislation have not been duly explored. In very few existing court cases, the court has been requested to remove the parental responsibility by a child rights organisation and the court, not being convinced that it would serve the best interest of the child, has ruled against such requests. It can be argued that if the request would have been presented by a State agency involved in child protection or by the Prosecutor Office, the Court would have come to a different decision.



**The proper implementation of laws such as the Family Code, the Labour Code, the Law on Social Services, the Law on Witness Protection, etc. are indispensable in preventing child trafficking and guaranteeing the proper protection and reintegration of trafficked children. A number of State agencies, both at national and local level should comply with specific duties of child protection, as provided for in the Albanian legislation.**

In Albania alternative institutions to parental care such as foster care families remain poorly developed.

<sup>22</sup>Labor Code, Law no. 7961, dated 12.07.1995, amended version.

<sup>23</sup>Family Code, Law no. 9062, dated 08.05.2003.

Unfortunately, while the progress in criminal law was remarkable, changes in legislation covering protection elements took longer. Even the Law on Witness Protection was only adopted in March 2004<sup>24</sup>. This law, which is also applicable in the context of child trafficking, recognises the possibility of applying a large number of protective measures. In any case the rights and the obligations of the protected person and competent authorities are elaborated in details in the so-called “protection agreement”, which also establishes the duration of the measures and the condition for the termination of the agreement. The law applies to children as well and when elaborating on the “protection agreement”, the law states that in case of a child, the agreement should be governed by the best interests of the child and signed by the parent or the legal guardian. Until present, no child victim of trafficking has benefited from this law. 14 children assisted by the project have witnessed against their traffickers, most of them before the entry into force of this law.

When speaking about prevention, protection and reintegration, it should be noted that the Government of Albania approved two National Strategies to address trafficking in human beings and a specific one on child trafficking<sup>25</sup>. TACT project contributed to these Strategies through the Child anti-trafficking Albanian inter-NGO Coalition, BKTF<sup>26</sup>. The implementation of the Action Plans accompanying the Strategies contributed to a reduction in child trafficking. However, very often State structures did not properly comply with their responsibilities according to the Strategies. This occurred because the implementation of such responsibilities required changes in their structural laws, which came too late or were incomplete.

Today, some laws (the Law on Social Services, Family Code) still need to be further elaborated in bylaws and regulations. Most of them need an increase in resources allocated towards their implementation (Law on Witness Protection). In particular at the local level there is a need to establish new structures (child protection units at the municipality), to increase the capacities of the existing ones (social services, police, school staff, prosecutors, judges, etc) and to enhance and formalise the cooperation between them. A strong child protection system is necessary at the local level, so that efficient intervention is guaranteed when the child faces the risk of becoming victim of trafficking or when faced with a child victim needing assistance and protection.

## 2.2. The Legal Framework in Greece

### a. Trafficking in Human Beings

The national law in Greece concerning trafficking was adopted in 2002. Before this law the crimes of the traffickers against women or children were addressed under a number of other provisions (e.g. abduction, slavery, procuring etc). However, the convictions under these provisions proved to be difficult and not effective<sup>27</sup>. Some trafficking related acts were not per se criminalised (e.g. exploitation through labour,

<sup>24</sup>Law No 9205, dated 15.03.2004 “On the Protection of Witness and Collaborators of Justice”, Official Journal of 22 April 2004.

<sup>25</sup>The National Strategy for Fighting Child Trafficking and Protection of Child Victims of Trafficking and its corresponding Action Plan, dated 11 February 2005

<sup>26</sup>BKTF is the Albanian Abbreviation for “All Together Against Child Trafficking”. For more on the Coalition and its members see Daniel Stoecklin & Vincent Tournecullert, *supra* n. 1.

<sup>27</sup>For an analysis of the previous legal framework and the problems of its implementation see Elisavet Symeonidou-Kastanidou, “Trafficking in human beings in the international environment and its penal response in the Greek law” (in Greek), in *Company of Jurists of Northern Greece, The new law 3064/2002 on trafficking in human beings (in Greek)*, 2003, pp. 29-35.

unless fulfilling the conditions foreseen in the provision about slavery). Also the punishment for some acts was very low in comparison to the gravity of the harm they brought to the victim when committed in the context of trafficking. Moreover, - and very important - no provisions existed for assistance and protection to victims. On the contrary, the victims were themselves accused for other criminal acts (e.g. illegal prostitution, illegal entry in the country). Thus the adoption of a special provision in the Criminal Code was necessary to address a phenomenon that was increasingly occurring. The first step was taken at the international level with the Palermo Protocol<sup>28</sup>, which was signed by Greece on 13th of December 2000.

**The national legal framework in Greece consists of Law 3064/2002 and the Presidential Decree 233/2003. This legislation provides for the severe punishment of traffickers and for the protection and support of the victims. It also established an interministerial committee against trafficking in human beings, which consists of the General Secretaries of the relevant Ministries<sup>29</sup> and monitors and coordinates the activities against trafficking in human beings. An important work of this committee is the Complete Plan of Actions against Trafficking in Human Beings issued in August 2004.**

The Law criminalised trafficking in human beings by adding two new articles in the Criminal Code: Art. 323A criminalises trafficking for labour exploitation or removal of organs. Art. 351 criminalises trafficking for sexual exploitation. The definition of both criminal acts is in accordance with the Palermo Protocol. The penalties are 5-10 years imprisonment and a fine of 10.000,00-50.000,00 Euro. When the victims of these crimes are children, it is considered aggravating circumstances of the crimes and more severe penalties are prescribed (10-20 years imprisonment and 50.000,00-100.000,00 Euro fine).

**The forms of assistance towards victims of trafficking are provided in the Law and the Presidential Decree, as well as in the legislation on migration. The victims are identified as such by the Prosecutor after the investigation of the Police. As a result of the identification the victims are protected from deportation and they may profit from a number of support measures, such as accommodation, medical care and psychological support, legal and interpretation services, access to education and eventually to the labour market.**

The Police are in most of the cases the first public authority to come to contact with victims of trafficking. After the anti-trafficking legislation came into force, two Anti-trafficking Units were established within the Police Headquarters, in Athens and Thessaloniki. Since January 2006, ten more Anti-trafficking Units were established throughout Greece. These Units deal mainly with cases of trafficking in women for sexual exploitation. When the victims of trafficking are children, the cases lie either

<sup>28</sup>supra n.9

<sup>29</sup>Ministries of Justice, of Foreign Affairs, of Interior, of Public Order, of Health, of Labour, of Education, of Finance. At present, Head of this Committee is the General Secretary of the Ministry of Justice.

within the competence of the Department for Minors (in the cities where such a Department exists<sup>30</sup>) or within the competence of the Anti-trafficking Unit in the other places.

The investigation of the Police is crucial for the identification of a victim by the Prosecutor. During this preliminary investigation the Police may ask for the cooperation of specialised professionals (doctors, psychologists, social workers, lawyers, interpreters, etc) from NGOs active in the field of anti-trafficking. The cooperation with NGOs is not provided for by the legislation, but is recommended by an internal Police Regulation, issued by the Police Headquarters to all the police services. It gives directions on how to investigate cases of trafficking in human beings and how to treat victims.

After identifying a person as a victim the abovementioned support measures are provided. According to the Presidential Decree these services may be provided to victims by State authorities or by NGOs. In the Appendix of the Presidential Decree a number of State services are specified, among them are a number of shelters for children. However, these authorities in most cases were not specialised to support victims of trafficking, nor could they afford it qua time and space to deal with these cases in addition to the other vulnerable groups they are also assisting. Thus in practise the support services to victims of trafficking are provided to a great extent by NGOs. The cooperation between the State and NGOs includes also joint meetings of the inter-ministerial committee and NGOs. This cooperation, on an operational and on a coordination level, was institutionalised with a Memorandum of Understanding between the General Secretaries of the inter-ministerial committee and 12 NGOs (among them includes ARSIS), signed on 29/11/2005

**The Prosecutor may order the suspension of the victim's deportation until a final decision is issued on the criminal proceedings against the traffickers. Special residence permits for victims are provided for by the legislation for migrants<sup>31</sup>. If the victim wants to return to his/her country, he/she can be repatriated. When the victim is a child, the Prosecutor must consent to the repatriation and his decision is issued after a report of the Juvenile Justice Officer<sup>32</sup>.**

When it is considered that remaining in Greece serves the best interest of the child, the Prosecutor places the child in an institution. Child victims of trafficking are entitled to all the abovementioned support measures and they have access to public education. They have the same rights and obligations as the rest of the children who live in the institution. Besides the placement in institutions, the Greek legislation prescribes more possibilities for orphan children or children who cannot be taken care of by their parents. Foster care and adoption are within these options, however in practise the procedures are usually time-consuming.

<sup>30</sup>Athens, Thessaloniki, Patra, Heraklion.

<sup>31</sup>Since 01.01.2006 the Greek legislation provides for a reflection period for victims of trafficking, which is awarded by the Prosecutor, lasts one month for adults and until two months for minors and gives the victim time to recover and decide if he/she wants to cooperate with the police. During this period the victims may profit from the support measures for victims. After this period residence permits are issued, only if the victims are willing to cooperate. These provisions were included in the Greek legislation with law 3386/2005, which came into force on 01.01.2006 and which reflects the provisions of the Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

<sup>32</sup>For an analysis of the practise of the repatriation procedure see below under 5.2

Of course, the above-mentioned measures were applicable only after 2002, when the anti-trafficking legislation was adopted. Child victims who were detected earlier could not profit from these provisions. A number of Albanian children were actually detected working in the streets of Greece and were placed in institutions, before the anti-trafficking legislation entered into force. For some of them it was possible to locate their families in Albania (usually with the cooperation of NGOs as Tdh and ARSIS), but many of them remained in Greek institutions as their parents were unknown.

The legal status of these children was unclear, since they had entered into Greece illegally and since no special residence permits could be issued for them, because officially, due to the time of their detection, they could not be identified as victims of trafficking. While they were residing in institutions after a Prosecutor's order, the Police chose not to investigate their legal status. However, after they came to age and they could not reside in the institutions any longer, they risked deportation as illegal immigrants. The problem was solved through issuing residence permits for humanitarian reasons by the Ministry of Interior after the intervention of NGOs and of shelters. This solution was institutionalised by a specific law provision in the new migration law<sup>33</sup>.

## b. Child Labour



In Greece child labour is prohibited for children under 15 years old and is allowed on specific conditions when the child is 15-18 years old<sup>34</sup>. It is also explicitly provided for that activities such as begging and other forms of labour in the street (e.g. selling small items, cleaning car windows, selling flowers, cleaning shoes etc) are dangerous for the health and safety of the children and thus prohibited without exceptions<sup>35</sup>. However, this legislation foresees no punishment for other violations of the rule, except for begging. The Criminal Code criminalises begging in general and, when committed by children, it

is regarded as aggravating circumstances against their parents or guardians and the sanction is ten days to six months imprisonment or a fine<sup>36</sup>. This provision is applied by the courts, although not very often. The imposed sanctions are usually suspended.

<sup>33</sup>Art. 44 par. 1c of law 3386/2005 provides that residence permits are issued for minors who live in Greek institutions.

<sup>34</sup>Law 1837/1989. Also Greece has signed and ratified with Law 2918/2001 the Convention No 182 of the International Labour Organisation Concerning the Prohibition of Child Labour.

<sup>35</sup>Ministerial Decree 130621, published on 02/07/2003 in the Official Newspaper No B' 875.

<sup>36</sup>Art. 409 of the Greek Criminal Code.

### c. Deportation of Children-Third Country Nationals

According to Greek legislation, third country nationals who live in Greece without a residence permit are subject to deportation. Some exceptions to this rule are foreseen, but there is no general ban on deportation of children, as provided for in other countries' legislations<sup>37</sup>. In Greece the deportation of a child is prohibited only if the child is a refugee or asylum seeker, if the parents or guardian have a residence permit or if a sanction is imposed on the child by a Greek Juvenile Court<sup>38</sup>. It is also prohibited to deport identified victims of trafficking.

There is quite a considerable number of Albanian children who reside in Greece illegally, alone or with their parents, who reside also illegally. These children cannot benefit from any of the above-mentioned deportation's bans, thus if arrested they will be deported. Even children victims of trafficking, arrested while working in the streets, may be deported when the police fails to determine their status as victims and determines only that the children lack residence permit. Since the children are taught to be afraid of the police, it is highly possible that they will not easily reveal the fact that they are trafficked to the police. Consequently if no special attention is given to their cases by the police, they will not be identified as victims of trafficking and thus not be able to benefit from the anti-trafficking legislation and its ban on deportation.

<sup>37</sup>The deportation of children under 18 years old is prohibited in France and Italy. In Germany and in the UK children are not deported according to the time period they have spent in the country of destination (Greek Ombudsman, Special Report on the Administrative Detention and Deportation of Alien Minors, October 2005, p. 36).

<sup>38</sup>The last ground of exception was added by Law 3386/2005 (art. 79), which came into force on 01.01.2006.

## THE “ACTOR CHILD”

### 3.1. The “Actor Child” and the Child Victim

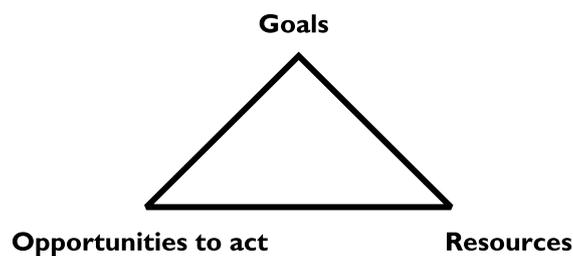
The intervention of Tdh and ARSIS is based on the consideration that every child is a social actor. This approach is inspired by the principles of the CRC, which considers the child as a subject of rights and obligations and entitled to express his/her views (art. 12-13). According to this approach, every child should have the freedom (“room to move”) to make decisions about his/her actions and his/her future and thus decide if he/she wants to follow a relative/“friend of the family”/acquaintance to Greece to work.

The intervention of the project is aimed at the child, with the objective to reinforce his/her role in making decisions for his/her life and in resisting the offers and the temptations, which can place the child in a situation of trafficking. It is also necessary to address the parents, given the role they play as mediators at this stage between the trafficker and the child.

Motivation is essential to the choices made when the child is regarded as an active participant, as a subject and not an object. In order to understand in more concrete terms the motivation, the model elaborated by M. Cusson can be used (hereunder): it represents the motivation as a triad connecting a person’s resources (physical, social, cultural, cognitive, affective) with his/her goals and with the opportunities to act which arise.

**When one of these three elements is missing or is defective, then motivation is in crisis.**

**Diagram I: The « System of Opportunity »<sup>39</sup>**



<sup>39</sup>Maurice Cusson, “Pourquoi délinquants”, Paris: Colin, 1981, p. 168.

When this scheme is applied in the context of trafficking, it becomes evident that working in Greece (opportunity to act) appears motivating to the actor who wants to “help his family” (goal) by showing “what he is capable of” (resources). Even though less motivating for the actor, the same scheme explains also why the child accepts to work in the street in Albania. It is precisely because the opportunities to act (in order to contribute to the family’s income) are all too rare in Albania, that children feel even more motivated to try their luck in Greece, or accept other offers, while not giving a thought to questions relating to real working conditions. Before discovering them, the child is therefore often motivated to accept.

However, once in Greece the situation in which the child finds himself/herself into is much different than the one he/she imagined and was promised by the trafficker. The “opportunity to act” in the form of working in Greece, which may have been chosen by the child or his/her family, is not an option anymore, but an obligation, a forced condition in which no other alternative exists. The relative/“friend of the family”/acquaintance is now the trafficker, who exploits and abuses, and the child’s freedom (“room to move”) doesn’t exist anymore.

In fact, trafficking must be considered as a process and not as a state: the state of the “trafficked” child blinds the observer to the stages which led this child into this situation. However, if, on the contrary, one regards the phenomenon as a process, i.e., as an interaction, marked by specific configurations of interactions between individuals, then one can consider that the early stages certainly included a choice on the part of the child and/or his/her family, a motivation, before the interaction between the child and the adult became a persecutor-victim relationship. What is underlying in this movement from friendship to abuse is the question of confidence. Yet, it is precisely in the blind confidence, in the over-investment in immediate and close relationships that one can see the absence or weakness of institutional mechanisms of intervention.

**The child might have wanted to follow an uncle or an acquaintance because he/she wanted to do something for his/her family, to contribute to the family income, to show that he/she could make it alone, to be as able as others, etc... It is only after this initial agreement that the child (and his/her family) are misled by the trafficker. But he who is now a “trafficker” in our eyes was initially a “friend” in the eyes of the child.**

The meaning of emphasising that one must include the child as an actor of this configuration and not consider him/her only as a “victim” is not that the child is responsible for what happens to him/her, nor that he/she should be accountable for his/her actions. This approach is taken from a social perspective and serves the intervention of the project aiming to empower the child. As such, it can and should not be confused with the criminal justice perspective. It simply means that, placed in a situation of constraints, the child nevertheless makes some choices. These choices serve or not the trafficker’s purpose to take the child with him to Greece to exploit him/her and keep the child under an exploitative situation in Greece. The notion of “actor” is therefore not contrary to the recognition of the choices made by the child as the “choices of a victim”. On the contrary, clarifying the degree to which the freedom (“room to move”) of the actor is growing or shrinking in the different phases of trafficking helps considering that the child is a victim when his/her freedom is clearly reduced. The aim of any intervention should be to empower the

child so that his/her freedom is expanding, he/she has actual choices and opportunities and he/she is not limited to the “choices of a victim.” And since the key element in the trafficker-victim relationship is the element of trust, the intervention should be also based on creating a trust relationship with the child<sup>40</sup>.

**The variations in the degree of freedom the child has at different phases of trafficking (recruitment, transfer, reception, exploitation) should be considered. In this context vulnerability refers to the relation between the degree of a person’s freedom (“room to move”) and the dangers or threats present in this person’s immediate physical and/or social environment. Vulnerable children should be the target of the intervention.**

Certain phases of trafficking are more critical than others for a child’s physical and psychological integrity. Contrary to some general perceptions, the phase of exploitation in the street is not always the most critical one. The child may have contacts with other persons, who offer him/her alternative normative references, even if these contacts are limited by his/her “supervisors”. In comparison, during the transportation, the clandestine crossing of the border, the reception at destination by the network of traffickers, the child’s degree of freedom is almost reduced to nothing (escaping is the only possible strategy).

**It is when the child has no or little “room to move” (degree of freedom) that the child is vulnerable. In cases of trafficking, limitations are constantly imposed on the child. The challenge of intervening against child trafficking requires combining repression of the phenomenon with the creation of opportunities that increase the possibilities to make choices, the “room to move”, or in other words the degree of freedom of the children and their families.**

To achieve this, the notion of “career” is quite useful. The concept of career does not assume that the child willingly chooses to be exploited in the streets and to pursue this way of life to earn his/her living and to support his/her family. The term is chosen to emphasise the fact that the child should have a certain amount of “room to move”. (S)He should somehow influence the decisions that will affect him/her. Of course, some phases are more permeable than others to the appreciation and decisions of the child. However, the concept of “trajectory” conveys the image of a child who has no influence on what is happening to him/her. His/Her path would only be dependent on external elements that intervene<sup>41</sup>.

<sup>40</sup>The means of an intervention aiming at creating a relationship of trust are elaborated in Daniel Stoecklin & Vincent Tournecullert, *supra* n.1, pp. 43-50.

<sup>41</sup>The terms “career” and “trajectory” in the context of trafficking in children are analyzed in Daniel Stoecklin & Vincent Tournecullert, *supra* n 1, pp.21-23.

**The use of the concept of “career” aims at discovering each phase of trafficking the possibilities that exist and how an intervention can turn them into the benefit of the child, to increase the child’s “room to move” and thus allow him/her to become more of an “actor” of his/her choices. It is with this practical objective that the notion of “career” gives a better perspective than the concept of “trajectory”. The goal is to intervene in favour of the child and prevent or end his/her trafficking situation.**

### 3.2. The Evaluation of the Child’s Situation by Different Intervening Actors

The understanding of trafficking as a process, where the child is an actor, with different degrees of freedom in each phase of trafficking needs to be adopted by all third parties who intervene against child trafficking (in the Albania-Greece context very often these third parties are mainly NGOs and the Police). This would substantially facilitate their coordinated intervention. Unfortunately, the differences in the degree of freedom of the child according to the phases of trafficking are perceived in different ways by the intervening structures.

A child who develops more elaborate survival strategies in the streets of Greece could be considered by the social worker as on the way towards a progressive emancipation. This represents for the social worker a chance to try instilling a relationship of trust, with the aim to protect the child and prepare him/her for withdrawing from the situation of exploitation he/she is subject to.

Yet, the same child trying to emancipate from his/her tutors, runs the risk to face alone the police, who would consider him/her as an illegal immigrant. The “resourceful acting” the child shows in this phase of trafficking could eventually be seen as a proof of his/her ability to decide and make choices regarding his/her intended illegal stay in Greece and related responsibilities. In this context the “consent” of the child to come to Greece given in the first phase of trafficking is interpreted on the basis of the child’s behaviour on a following phase of trafficking, when the child seems to have increased his “room to move”, although still exploited by the traffickers. The limitation of choices due to the trafficking situation is not determined and thus not taken into consideration.

The problem lies in the fact that NGOs and Police do not focus on the same subject: the NGO focuses on the state of the trafficked child, exploited in the streets of the Greek cities, whereas the Greek Police focus on the choice made by the child and/or its family to come to work illegally in Greece. On the basis of this initial “choice” the Police attribute a responsibility to the child and consider him an illegal immigrant. If the investigation is restricted to this fact and does not consider subsequent events of abuse, exploitation and lack of freedom, the child is not considered as victim, but simply as in conflict with the law.

In a sense, both institutional actors are right: each one is concentrating on a different phase of trafficking (a child leaving Albania and crossing the border illegally/a child arriving in the streets of Greece and forced to work), and each one analyses from its specific point of view one part of the situation. However, what is missing is the comprehensive evaluation and understanding of the entire process the child has been through.

**In order to improve coordination of interventions between NGOs and authorities, it is necessary to share a global vision of all the phases that the child is going through in the process of trafficking.**

While the failure of the Police to respond adequately to the situation is usually linked to their focus on the choice made to cross the border illegally, the risk NGOs often run is to look at every child in a street situation as a trafficked child. Yet, this is not the case. Some children, accompanied or not, even though working in the street, still have a considerable freedom as compared to the trafficked children. They are not under exploitation, since the profits they make go largely to their own benefit.

Of course these children would also need assistance, in particular when their street situation places them in a very dangerous environment. Assisting these children would mean establishing other opportunities for them to act (not any longer in the streets), in the sense of M. Cusson diagram<sup>42</sup>. However, not making a clear distinction between the situation of these children and that of trafficked children, would make any intervention counter-productive and might lead to violations of the child's best interest.



This boy emphasizes the right to live with both parents and the right to be protected from trafficking and sale. During an activity organized by Romany Baxht. Many NGO activities aim at increasing the awareness of children on their rights.

<sup>42</sup>see *supra* n. 39.

## THE INTERVENTION BY TDH AND ARSIS

### 4.1. The Framework of Intervention

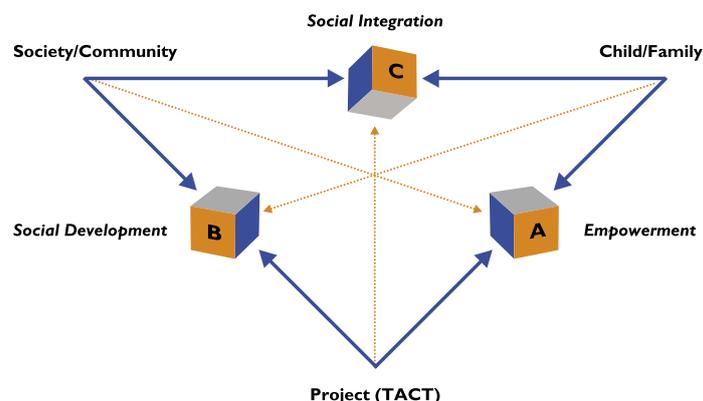
The joint intervention of Tdh and ARSIS in the TACT project is based on the principle of “the child as a social actor”, as elaborated in the previous chapter. The specific services offered by the project on both sides of the border are large in number and serve various purposes. They can be systematically analysed by referring to the framework of intervention elaborated by Tdh for its sectorial strategy regarding children in street situation (see picture below).

On one side, the main objective of the intervention framework is the empowerment of the child, so that his “room to move” is expanded and consequently also his ability to make choices. The same objective is pursued by TACT project towards the family of the child, since the situation and position of the family strongly influences the child. The family is often a sort of mediator between the child and the third party, or is directly behind the exploitation of the child.

On the other side, TACT intervention addresses the society/community, where the child and the family operate. The idea behind this area of intervention is to increase the child’s and family’s “opportunities to act” within this society/community.

TACT intervention in these two aspects has consequences for the social integration of the child/family in the society/community. Social integration becomes possible only through the interaction between child/family on one side and society/community on the other side. If social integration is achieved, it further influences both the child/family and society/community. Empowered children and families directly contribute to the improvement of the society/community they belong to. In the meantime, socially developed societies/communities ensure that their family and individual members, including children are further empowered.

**Figure 1: Framework of the strategy for children in street situations**



The framework presents a systemic model. The systemic approach creates the opportunity to consider the reciprocal influence between the elements, which make up the system: any change affects the overall balance. The system comprises the axes of intervention (axes A and B) and the effects (C), which in return affect both interventions and consequently the system. The straight arrows indicate concrete interactions,

while the dotted arrows show the possible influence of one player on the interactions of the other two. As a player in this system of intervention, the project can only define what it aims to achieve and the means of achieving it. It can act only in the two relationships where it is directly a party: with (A) the child/family on one side and with (B) different stakeholders of society/community on the other side. In the case of TACT, the intervention aims:

- to encourage and support the child and family to make the right choices (A)
- to support the society/community to create possibilities for the social integration of their members (children and their families) (B).

The project (TACT) does not have the capacity or the authority to dictate how social integration (C) should happen in day-to-day reality. However, as it will be elaborated below, through activities developed in axis (A) and (B) the project influences social integration in the direction of mutual adjustment. Empowerment and community development actions mutually reinforce each other. It is through the reinforcement of their abilities that beneficiaries can also become agents in promoting rights and the preventing abuse, thus becoming “actors” in the project/network, and not only “beneficiaries”.

**Our strategic framework shows that the activities carried out for empowerment purposes are influential on social development, and vice versa. This means that what the child and his family gain on one side (direct aid) will contribute to their capabilities to act, not only regarding their own social integration, but also in support of further activities for promotion of rights and prevention of abuse within their communities. In other words for the social development of their communities. This model therefore links empowerment with social development. It fits into dynamic contexts and facilitates their change, because it considers that each actor, whether an “individual” (child, family), or a “collective” actor (project, network, community, society) can affect the relation between the other actors.**

### **Empowerment of the child/family (A)**

In order to ensure the empowerment of the child and his/her family, TACT responds not only to their emergency needs (providing food, shelter: the concept of survival), but it also seeks to increase their “capabilities” to see various options possible for living their life. Empowerment is ensured through recognised rights, participation, developed personal skills, self- esteem and awareness.

Family empowerment (A) means having access to rights, being able to exercise them, but also complying with certain obligations. It requires to be responsible both in the exercise of the rights and in the compliance with the obligations. The project does not act based on an image of the ideal family, but on real situations. In certain situations rights are simply not guaranteed, while in others rights are guaranteed and the intervention should concentrate on assisting the family to take responsibility. It is important to differentiate between these situations so that truly disadvantaged families (to whom rights are not guaranteed/or who have difficulties in accessing them) are not further stigmatised. The assistance offered by the project to these groups differs from the intervention in cases of individuals who have simply abandoned their parental responsibilities by not complying with their obligations and abusing their rights.

### **Social Development of Society/Community (B)**

The rights the children and the families are entitled to and their access to these rights depend on the society/community. This is why TACT interacts with the society/community aiming to improve the protection of the rights of the children and their families. In this manner, particular attention is paid to the improvement of law, policies and their implementation in areas such as child rights, rights of aliens, social issues, etc. on both sides of the border. At the society level, TACT also seeks to address the perceptions of the society on the role of children or certain minority groups. The role of the child is looked upon by TACT also in its interactions with the various communities of the society. Through its actions, TACT seeks to improve these communities' own mechanisms of child rights protection.

### **Social Integration (C)**

In this way, TACT indirectly influences the social integration of the child/family in its society/community. The project recognises and seeks to enhance the influence of the society/community in the empowerment of its individuals. According to the Nobel Winner for Economics (1998), Amartya Sen<sup>43</sup>, a person's "capability" (opportunities to act) depends on numerous elements comprising personal characteristics as well as the social organisation. Poverty is the lack of freedom to lead a suitable life, in this case a lack of "capabilities". Therefore, the responsibility of the society/community towards individual freedom is to pay attention and seek to increase the capabilities which different people actually possess. It is always necessary to consider the capacity of the social organisation to improve human capabilities<sup>44</sup>. The development of choices results from social opportunities and individual abilities. These two elements are interdependent and there are critical points: if the resources in the environment are too rare, the individual personality will do nothing. Inversely, when individual abilities are too poor (symbolic poverty), then material wealth hardly has any meaning. To increase the available choices to individuals requires TACT to "consider the different ways of converting revenue and primary resources into capabilities and freedom<sup>45</sup>". This transfer of power from the intervening team to the beneficiaries is what is called "empowerment".

**Through the above analysis the notion of the "actor" proves again to be of central importance. The intervention aims not simply at combating child trafficking and protecting children against the phenomenon. Basic principle of the actions is to facilitate the transformation of children and families from "beneficiaries" into "actors".**

<sup>43</sup>Amartya Sen, "La li

<sup>44</sup>Ibid., pp. 64-65.

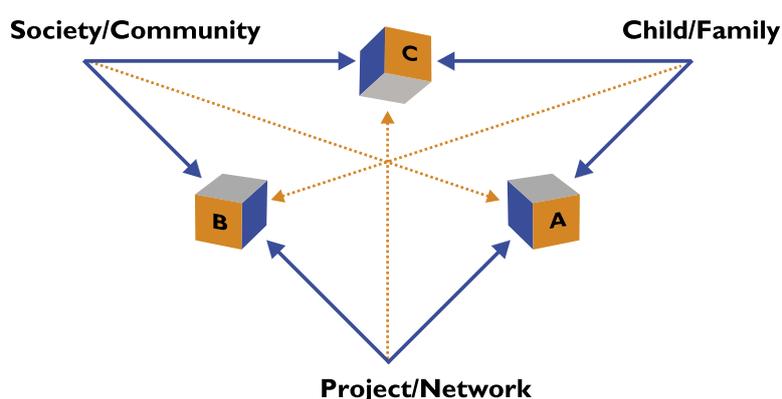
<sup>45</sup>Ibid., p. 66.

## 4.2. The Range of Services Offered

In the following pages the actions undertaken by TACT in Greece and in Albania are presented and analysed according to the project's framework of intervention. This visual presentation reflects the interactions and the constraints in the system and in this way enables a better understanding of the project on both sides of the border, by developing also ways for improvement and solutions to problems. The description of TACT activities below will demonstrate how interrelated the actions are with each-other and the same can be concluded about their results.

However, despite the activities conducted by TACT and aiming at the protection and empowerment of the child and family, the project recognises that it can play only a minor role. As a matter of fact, the influences of third parties on the child and family make the real difference. The rights that the child and family are entitled to, the access to these rights, the approach of the society and its institutions (public and private) towards the child are all the real crucial factors. Therefore the project seeks to influence them as well.

### a. Albania<sup>46</sup>



#### Empowerment

##### Identification of the Child

In order to achieve its overall aim, the first objective of TACT is to identify those children who are either already victims of trafficking (in Albania: victims of internal trafficking) or in a very vulnerable position which puts them at risk of being trafficked. Then specific actions are undertaken to seek the empowerment of the identified children and their families. However, in identifying these children and their families, the project does not only conduct street work by itself, but it also organises activities with the community and its institutions (schools) aiming at identification.

**Very often children are the first source of information.** Children identified in street-situation and approached by the project speak to TACT social workers about their situation. Moreover, through school and community activities, children have the opportunity to refer to the social workers cases of their friends who are trafficked, and/or exploited. Such concrete results have been the outcome of awareness

raising activities organised with children and teachers at schools. These activities have also served various other purposes, such as empowerment of children in general (not only vulnerable children) and social development of community through informing and discussing with them child rights issues.

When the information is received in first instance by the children, the project seeks to “check” it with other sources (school, State agencies, etc) by using different tools. On the other hand, when the information about children at risk or trafficked children reaches the project through sources such as school’s staff, community members, State Social Services, Police, etc, the project seeks to contact the child and assess his/her situation. In the case of Roma and Jevgj/Egyptian communities, the project is increasingly focusing on empowering the community members to identify children at risk or trafficked through their own community.

### **Social Accompaniment of the Child**

The identified children are accompanied by TACT social workers, who seek their empowerment. When the child is under exploitation, the social workers seek to enable the child to progressively regain the capacities to make free choices. However, often before any other step is undertaken, it would be necessary to protect the child physically. In order to achieve this, TACT in Albania cooperates with the Police, with which it has also concluded an agreement of cooperation<sup>47</sup>. In other cases, in particular during the unaccompanied return of the child from the place of exploitation to a safe one (parent’s home, foster care or institution), the child also needs transportation and accompaniment during transportation<sup>48</sup>. According to the needs of the child, besides physical protection and social accompaniment, also legal and psychological assistance is provided by TACT or its partners.

The social accompaniment of the child by the social workers would be impossible without the child trusting them. The establishment of this trust is an ongoing and difficult process. Therefore, it is crucial that the social workers do not make false promises to the child. The social worker respects the child, gives the child the opportunity to express his/her views and seeks to understand the child’s opinions, situation, and their choices.

All contacts of the project staff with the child are strictly governed by Tdh Child Protection Policy. Tdh Child Protection Policy is a set of principles, commitments, and conduct rules embraced by the organisation and its staff. The aim is to prevent cases of child abuse by the organisation’s own staff, but also by outsiders (parents, teachers, guardians, other officials in contact with children, media, etc) and to react efficiently in addressing the abuse cases that might occur. The implementation of the Child Protection Policy in conformity with the local norms and values serve as an extra safeguard for the trust the child places in the project’s staff<sup>49</sup>.

<sup>47</sup>See for more on this Agreement, *infra* under “Anti Trafficking Police”.

<sup>48</sup>See for more on this, below Chapter 5.

<sup>49</sup>For more on Tdh Child Protection Policy see *Procedures des protection de l’enfant et documents de reference*, available at: [http://www.tdh.ch/website/doc\\_dnlid.nsf/bf25ab0f47ba5dd785256499006b15a419267967c164efbcbcl25715c00504198/\\$FILE/politique\\_protection\\_enfance.pdf](http://www.tdh.ch/website/doc_dnlid.nsf/bf25ab0f47ba5dd785256499006b15a419267967c164efbcbcl25715c00504198/$FILE/politique_protection_enfance.pdf); see also *Keeping children safe by Keeping Children Safe Coalition*, available at : [http://www.crin.org/docs/kcs\\_flyer.pdf](http://www.crin.org/docs/kcs_flyer.pdf).

## Family Assistance

The child pays attention not only to the behaviour of the social workers towards him/her, but also towards the family. The assistance the project provides to the child's family and the trust the family has in the project strongly influences the relation child-social worker.



The project provides various forms of assistance to the family (and through it to the child), including assistance in kind, legal and administrative assistance, social follow-up, etc. The form of assistance provided depends mainly on the needs of the child and family. Such needs are assessed through regular contact of the project's social workers with the child and the visits to his/her family.

During the family visits, the staff discusses with

the family members the situation of the child, paying particular attention to school attendance, which is considered very important by the project. Children abandoning school are exposed to a large spectrum of negative social phenomenon, including exploitation and trafficking. Moreover, the school plays an indispensable role in developing the child's personality, skills, and talents to the fullest. Unfortunately, often the family of the child, due to economical and social conditions or because of their perception of the role of the child within the family, fails to acknowledge the importance of school attendance.

**While on one side the social workers address the child, seeking to (re)direct the child's interest towards school, it is also necessary for the project to influence the family in making the right decision and allowing the child to continue attending school. When school attendance does not depend only on the parents, but also on economical, administrative and legal constraints, the project assists the family in overcoming these constraints.**

A good example is the registration of the child at school, which requires the delivery of the birth certificate of the child. Very often children do not possess the birth certificate, because they are not even registered at the civil status office. The registration at the civil status office is therefore required before school registration. This is conducted through court proceedings, where the family of the child is legally represented by the project.

However all too often, the access to economic resources (through i.e. begging of the child) is the most important aspect for the family. It takes time and effort to persuade the parents to register their children at school if they don't see any immediate advantage. Often such immediate advantages are highlighted to the family by the social worker. In the above-mentioned case of registration of the child at the civil status office through court proceedings, after the registration, the family might become entitled to financial assistance from the State. In other cases, the project itself provides material assistance to the family to support the school attendance of the child. In order to reduce parents' dependence on the earnings of school-aged children, the project is paying increasing attention also to the involvement of some of the families in income generating and/or micro-credit schemes.

### **Follow- up of Cases with Other NGOs**

It has already become clear to the reader that the activities of TACT with the children are not conducted by the TACT staff alone. The activities are implemented in close collaboration and partnership with State structures and institutions, international organizations (UNICEF, IOM, ILO-IPEC, etc.) and local and international NGOs.

A distinction should be made between relations with other NGOs in advocacy and operational level. If the NGO is member of BKTF, the institutionalised relationship already exists. Within the Coalition, the members have an understanding of the services offered by each-other and an agreed expectation on their quality. Thus there is no hesitation to refer and work together. The common efforts are based on complementarity, both in services and in geographical coverage. BKTF operational roles consist in cross-checking information in the field, family tracing, referral of cases for follow-up and is based on service delivery by each member or/and geographical coverage.

However, outside the Coalition, operational cooperation with another NGO needs a second thought. Since NGOs working in anti-trafficking field in Albania are not yet accredited as such by the State, it becomes complex to refer a case and its accompanying responsibilities to an organisation which is not BKTF-member. In such cases, a brief assessment of the organisation, its services and their quality is conducted before any official contact on the case. Such cases are quite frequent due to the wide range of services needed by children at risk or victims of trafficking and which cannot be fully covered only by BKTF members.

BKTF has sought to expand its membership. However, national NGOs with limited geographical coverage and resources are justified when they do not invest in national networks. There are also many community based forms of organisations, which by lacking the status of an NGO cannot become members of BKTF. Nevertheless these actors are becoming increasingly crucial to the development of the project in Albania. A found solution has been to support the establishment of less permanent but more locally oriented and operated networks of service providers. The expectation is that such networks of service providers will further develop to institutionalised child protection nets at the local level.



## **Social Development of the Community**

As already stated above, the project conducts different activities aiming at promotion of child rights and prevention of their violations. A large part of these activities target schools.

Other activities of the project are conducted at the community level. They serve different purposes (raising awareness in the community and its institutions on child rights issues, identification, empowerment of children and families, etc). The activities are also tailored differently according to the actors participating in them. For example, promotion of child rights with children is often conducted in the framework of leisure activities, during summer camps, concerts, etc.

More result-targeted activities are conducted by the project with the authorities. In addition to the general discussions about child rights issues and the current situation, these activities seek to focus on specific intervention of the respective authorities, on problems faced, solutions and joint activities.

### **Schools**

From May 2003-May 2005 TACT staff in Albania had identified schools in areas with vulnerable population and has conducted awareness raising campaigns with the teachers and the pupils. The awareness raising campaigns were conducted in schools around the country, with the participation of 34.641 pupils and 1.467 teachers and addressed in particular the phenomenon of child trafficking, even though they also served as a forum for discussing general child rights issues. The message on child trafficking was given to the children twice in two different forms: through discussion of a strip cartoon telling the story of how a child had been sent to Greece and exploited there; and through interaction of children by giving them different pieces of a child trafficking story and asking them to put the story together and finish it. Video testimonies of children trafficked to Greece had also been used by the project to raise awareness on child trafficking in schools, community and institutions.

### **State Social Service**

The project considers public social services as a crucial actor in child rights protection, particularly at the field level. Therefore, various activities are organised together. In its first stages the project sought to raise the awareness of State Social Services about the phenomenon of child trafficking. This was achieved through sharing various publications and information. Later on, the project sought to share the model and principles of intervention with State Social Services. To meet this aim, tailored trainings were organised. Moreover, the project sought also the direct involvement of the State Social Services in the intervention of the project, by conducting joint family visits, case follow-ups, etc. Currently TACT is working on the establishment of a specific structure at the local level of State Social Services in charge of child rights protection and on the enhancement of this structure's capacity.

### **Anti-trafficking Police**

Awareness meetings on child rights issues are organised also with the Police and specifically with Anti-trafficking and Border Police. The staff rotation within this institution counts for the continuous need for

such meetings. Once again, in addition to the general framework of child rights protection, the project seeks to discuss with the Police specific situations where the Police are in contact with the child and how the child rights should be guaranteed in such situations. The presence of the project staff during the contacts with the Police and the children (for example during interviews with unaccompanied children returned from abroad or with child victims of trafficking) lead to very concrete discussions about what needs to be improved and how it can be achieved.



Because of its mandate and based on the agreement with the Police, the project has also asked the Police to take concrete measures to prevent child trafficking situations or other forms of abuse from occurring. This agreement describes the respective procedures to be jointly followed by the Police and the project in fighting child trafficking, exploitation and abuse, as well as providing assistance to Albanian children, victims of trafficking or of other forms of

exploitation and abuse. The forms of assistance are protection, assisted voluntary return, and reintegration. In addition, the agreement covers children at risk of trafficking, exploitation or abuse, focusing on prevention and protection. The agreement lays down two main roles for Tdh. It commits itself to inform children and structures which provide assistance to children and to educate them about the crime of child trafficking and its related risks. It also plays a role in analysing the social context of the child and family and supports them in the fulfilment of the specific needs of the child. The Police conform to the Albanian legislation and is committed to intervene in child trafficking cases, ensuring the physical wellbeing of the child and preventing trafficking from occurring.

The Police intervention in most cases has proven to be quick and efficient. Strong cooperation has taken place in the regards to the victims' protection. Child victims have provided the Police information against their traffickers. Even though these children have not benefited from the provisions of the Law on Witnesses Protection, the Police have paid attention to their situation when this was required by the project staff.

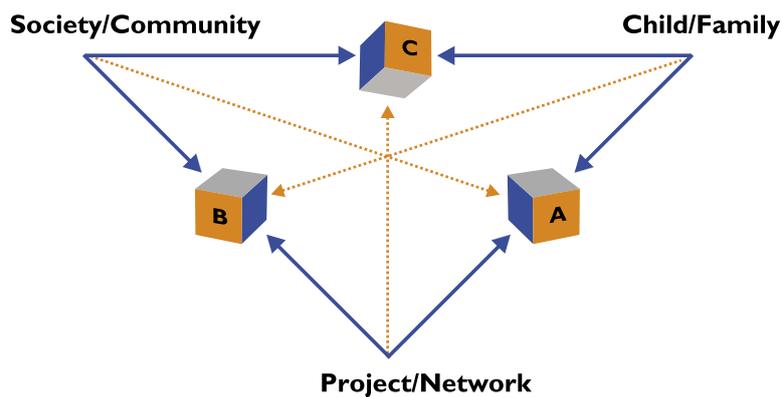
**The team in Albania considers the overall cooperation and exchange with the authorities as increasingly positive. However, it is pointed out that the establishment of interpersonal relations facilitates the exchange of information. It is also difficult to be assertive while at the same time trying to maintain good relationships with them. In some cases, despite the good will of the authority in charge, the legal framework does not facilitate an intervention from its side in the best interest of the child.**

### Advocacy Work

The advocacy component is considered very important by the project. TACT has not only sought after the improvement of anti-trafficking legislation, policies, and their implementation, but the same aims have been pursued regarding broader child rights protection issues. Moreover, TACT has sought to avoid being an isolated voice. At the advocacy level, the messages given are stronger and more legitimate when coming from various organisations. They are also more sustained when based on facts and assessments made by several organisations working in different areas of the country. But joint advocacy, especially decision making remains challenging. This is why institutionalised procedures and relations are needed, such as the case with BKTF. BKTF has sought to include in its advocacy messages the views and positions of other NGOs, which are not members but work in the field or on the specific topic. There are however, cases of NGOs providing crucial services to the children in the field, but reluctant to engage in advocacy towards the authorities.

BKTF Coalition has sought the improvement of national laws and policies affecting child rights protection as well as their adequate implementation. The BKTF has also taken satisfactory steps at an international level, in particular towards the Greek authorities. The signing of the Albania-Greece Agreement on the protection of the child victims of trafficking can be mentioned in this regard. At the national level reference can be made to the contribution in the draft of the various anti-trafficking strategies and the standards for social services. Throughout its activities, BKTF has been supported by State Agencies and international partners. In the future advocacy work should specifically target the adequate implementation of all these laws and policies.

#### b. Greece





## Empowerment

### Street –work Practices and the First Contact with the Child

A team of two social workers (one Albanian and one Greek<sup>50</sup>) implement street-work on a daily basis: they detect street children, approach them, initiate communication with them and try to build a relationship of trust. The first approach aims at finding out the conditions of the children's work and life and to identify if they are accompanied or not. If they are victims of trafficking, then the project looks into their needs, which need to be addressed.

Approaching the child may prove to be a complicated and difficult procedure. The team has to overcome difficulties arising because of the possibly timid or suspicious character of the child. Also many of the children encountered by the street-workers are very tired from their daily work to engage in communication with their "customers" or are afraid that they will be punished by their exploiters. Some of them even show a "professional" attitude towards their street "profession," which doesn't allow them to waste time.

The street-workers should be friendly and careful, so that the child feels safe and comfortable. They should be able to trust them and give clear, true answers to the questions about his/her personal data and the conditions of his/her life. They should also have the ability to extract useful information without bombing the child with questions, but through leading a friendly and confidential discussion. They should assess every piece of information, to judge if it is valid or not. They should also be able to remember it and verify it by asking the child again at another time, through talking to other children in the street and through cooperation with the team in Albania<sup>51</sup>.

The way to gather information and to approach a child is determined every time by the specific elements of the child's character and personality. The street-workers draft and implement an action plan accordingly to gain the child's trust. The plan is oriented to the characteristics of each child and takes into consideration the general characteristics of the system, in which the child participates. This approach will be followed systematically on a number of encounters in the street until a good relationship with the child is developed. The street-workers should in no way scare the child by insisting or by putting pressure to receive an answer. Also the child should not see them taking notes or taking photos of the child or talking on the mobile phone as soon as the child departs or acting in any other way that might seem suspicious to the child, e.g. as means of notification to the law enforcement mechanism.



<sup>50</sup>About the importance of the group's combination, see below under 5.1.a.

<sup>51</sup>About the ways of cooperation on verifying information see below chapter 5.

Extracted from an ARSIS film on street activities in Athens, Greece

Besides the interaction with the child a very important part of the street-workers' work is observation. A great amount of important information can be gathered, e.g. if an adult is standing nearby and supervises, if an adult approaches the child or collects the money regularly, if patterns of work are followed, what are the habits of children, who are their friends, where they actually live etc. The role of the "observer" can be played by the street-workers or by a third person who sits separately, is unknown to the child and has the ability to move and even follow the child from a secure distance. His/Her work enables the street-workers to concentrate on approaching the child. The information gathered completes the picture of the situation. The idea is that street-work in general also requires a good capacity of observation: if you ask too many questions you get lost. The children are very clever: they can give all sorts of wrong information. Sometimes it's better just to observe (for example were the money goes).

### **Support to Children in Cooperation with the Public Authorities**

The anti-trafficking authorities are immediately contacted by the street-workers, as soon as serious suspicions arise that the child is a victim of trafficking. The street-workers should be very careful, so that they do not expose the child and themselves to dangers. During the procedure the social workers offer psychosocial support to the child, look for a shelter for the child and promote solutions which are compatible with the needs and the wishes of the child<sup>52</sup>.

ARSIS and Tdh team seek through the TACT project to link the child with the biological family. ARSIS has initiated cooperation with institutions for children in Greece in order to provide assistance in locating in Albania and communicating with the families of children victims of trafficking, who already reside in Greek institutions. ARSIS and Tdh have acted as intermediaries in a number of cases. The role of the project in these cases were important, since it made the whole process less bureaucratic and time-consuming. In addition, the institutions were more willing to trust a Greek NGO, which they could reach at any time and communicate in their own language whereas they would have been more sceptical about cooperating with a foreign NGO or a person claiming to be a relative of the child or a representative of the family. From their side, the families in Albania seem more willing to trust with their stories the social workers of an Albanian NGO, who often are already known to them through the intervention in their communities. For the parents of children victims of trafficking, it is particularly difficult to locate themselves a long ago lost child, who had departed to Greece with a trafficker. The families are confronted with practical obstacles (difficult VISA procedures, no knowledge of the language and the procedures in Greece, financial difficulties), which are impossible to overcome by people with a background of limited possibilities and also – and most crucially – they completely lack information about their children's whereabouts in Greece.

### **Support to Children in Cooperation with the Family**

If the child is accompanied by the parent(s), then a different procedure starts, which requires a long term and well planned intervention: the child is approached as a member of the family and the intervention aims at addressing the causes that lead the parents to bring their children in the street.

<sup>52</sup>An analysis about the procedure is provided under Chapter 5.

**After the first contact with the accompanied child the aim of the social worker is to come in contact with the family. A guiding principle of the intervention is that no procedure can be undertaken with the child, without including the environment, where the child lives and that determines his/her living conditions and limits his/her choices.**

Based on this principle the social workers start building a relationship of trust with the family as well. This procedure is similar to the one followed with the children. The focus is on the best interest of the children, their needs and the improvement of their life conditions. The social workers make it clear to the family that they intervene in order to help and assist them in their needs and not to judge their way of life.

The first step is to visit the family, find out their life conditions and record their immediate needs. According to them assistance is offered and the family is connected with the various services that can be provided to them by ARSIS. The contact with the family and the social workers' intervention may be hindered by the complete lack of educational qualifications and flaws in the parents' personality. These two elements must be taken into consideration by the social workers, who should draft accordingly the model and a way to communicate with the parents.

Another difficulty which arises from the cultural framework and the social conditions of these families, is the role of the father, which is peculiarly dominant. The peculiarity lies in the fact that the father has substantial rights and limited obligations. Although he is the leader of the family, the responsibility to provide for the everyday needs falls on the mother's shoulders, who also has the responsibility over the children. Because of this dominant approach, it is not rare that the father even abandons the family and informally creates a new one. Thus, two families exist, actually both one-parent families, where typically the responsibility substantially lies on the mothers. Within these families the life conditions of the children are particularly difficult. They are very often exploited by the family directly or run the risk to be "entrusted" by the family to a third party.

### **Psychosocial Support**

ARSIS provides material support mainly in the form of second-hand clothes and also limited food provisions to children and families in need. Psychosocial support is also available by specialised psychologists and social workers. Assistance is provided in administrative procedures (passport issuing/renewal, birth registration, health insurance, access to state grants), as well as with procedures for issuing or renewing residence permits in Greece. Additional support is provided in matters concerning the health care of children, like vaccines and the general health of children. Also advice on family programming is given, concerning hygiene conditions at home, personal hygiene, and children's nutrition.



As in Greece, in Albania too importance is given to the process of learning through play

These forms of assistance have a twofold role: on the one hand, they support those who have limited resources and would otherwise be deprived of goods and services essential for their daily life. On the other hand, they present an incentive for children (and their families) to visit ARSIS premises and a proof that the social workers can be trusted to help the child and the family. The assistance and support of ARSIS staff substantially contribute in building relationships of trust with children and families and give the social workers a wider margin of intervention.

**The ultimate goal of the intervention in the family is to change the perception about the role of the child in the family. Through putting emphasis on the needs and the rights of the child and the dangers that threaten the child in the street, a different approach about the upbringing of the child is promoted. This aims to build a better future for the children, better than their present situation, the prospects this brings and what their parents have experienced themselves as children.**

#### **Integration of Accompanied Children in Greece:**

##### **- Registration at School and Follow-up of the School Attendance**

After a relationship of trust has been built and the intervention has proceeded, the immediate goal is the registration of the child at school. School is a key element for the integration of the child. It is an educational institution which changes the child's everyday routine. It places the child in a protective environment. The social workers of ARSIS have permanent communication with the school and the teachers, in order to follow-up with the child's progress and to cooperate with the school to overcome eventual problems. Also the children are assisted through support classes, which are organised in ARSIS's premises by groups of volunteers either for one child or for groups of two. This support is especially important because the children are bilingual or even trilingual (the children of the Roma community speak also the Roma language besides Albanian and Greek). Another reason is because the family environment cannot support them in any way in matters of education. The volunteers who are involved in the support classes do not only address the learning process of the child, but they also aim to enforce and maintain the motivation of the children to attend school. All this is sought to be achieved with children who face serious problems within the family environment or whose parents do not recognise the importance of school attendance.

Moreover, in ARSIS premises creative workshops are organised, where not only children in street situation are invited, but also different groups of children interested in participating. The aim is to keep the children away from the streets and also give them an incentive to be in touch with ARSIS staff. At the same time, these activities are a tool to integrate the children in street situation and help in their socialising with children who live a different life, away from the streets.

##### **- Connecting the Parents with the Labour Market**

One of the main reasons why children and sometimes even the parents themselves "work" or beg in the streets is that the family has no other income. The parents suffer more from the problem of unemployment, because they are not qualified to enter the labour market or they are excluded from it facing social discrimination.

The first step in the intervention is to persuade the parent that (s)he should enter the labour market him/herself in order to bring a stable income to the family and also fulfil the legal conditions for legal residence in the country. Then the parents are connected with the employment consultants of ARSIS. Through an interview their qualifications and skills are identified and then recorded so that eventually an appropriate job can be found. The parent is also connected with the relevant public employment services, which implement projects against exclusion from the labour market. Furthermore ARSIS is in contact with sensitised employers, who are willing to employ people who face discrimination and social exclusion.

**The connection of the parents to the labour market is a crucial element in the procedure of integration, since it directly addresses the causes which lead the parents to bring their children in the street or to give them away.**



### **Social Development of the community**

To achieve the objective of abuse prevention and promotion of rights, different activities of advocacy, sensitisation, outreach for cooperation and coordination are required. These activities address the competent authorities, but also the general public.

#### **Police**

Sensitisation and awareness raising activities were organised by the project towards all levels of policemen. Meetings were arranged with the local Police Departments, often involving not only the Heads of the Police Department, but the entire staff. Also meetings were organised with the Minors Departments in the Police Headquarters. The local Departments of the Police for Aliens were also visited, as well as the Head Officers of the Police Directorate for Aliens. The purpose of these meetings was originally to inform the policemen about the phenomenon and its characteristics as the street-workers perceive them on an everyday basis. During these meetings, the policemen were also informed about the activities of the project. The long-term purpose was to establish a network of cooperation with the Police. In this network, the local Police Departments were approached to establish cooperation and exchange of information at the field level. At this level the cooperation aims more at the detection of victims and the protection of at risk children. At the other level, the cooperation with the higher ranking units aim more at providing support to victims and developing protection activities towards unaccompanied minors who are waiting deportation.

As in Albania, in Greece as well the importance of the interpersonal relations should be noted. Establishing good relations between individual members of the project's staff and the Police can facilitate the work and enforce the trust between them and their institutions. Unfortunately, it often happens that the cooperation is only working impeccably between these people and once one of them departs or is transferred, the relationship would regress or would have to be re-established between different people.

## Institutions

The contacts with the institutions aim to develop a network, that is able to provide support to children victims of trafficking or at risk. The contacts include information sharing about the phenomenon, its evolution and changes in the legal and policy framework. The aim is to sensitise the institutions and to establish a contact, so that cases of detected victims of trafficking can be referred to them for sheltering. Although the Presidential Decree 233/2003, concerning the protection and assistance services towards victims of trafficking, specified in its Annex a number of state institutions as possible shelters for victims of trafficking, most of them were not aware of this competency. Nor did they have deep knowledge about the phenomenon. Nor were they especially trained. The information provided to them by ARSIS is aimed at supporting them in their role and also assisting them in handling cases of victims of trafficking residing there, as it was mentioned above.

## Seminars for Law Enforcement Authorities and Judiciary

In its role as a leading NGO in child anti-trafficking in Greece, ARSIS has often been invited to seminars and trainings on trafficking for law enforcement authorities and judiciary. The purpose of the presentations in these occasions is to sensitise a high number of professionals in Greece about the phenomenon and inform them on the actual dimensions and problems; to explain the activities and possibilities for cooperation presented by the project and to promote good practises from Greece and abroad.

## Education

Sensitisation seminars and informational meetings are organised in schools for groups of teachers on the problems faced by children in street situation. In these meetings, the project staff points out the unique factors that influence the learning process of the children in street situation. It also emphasises on how important it is that these children feel welcomed in the school environment, so that their motivation and will is strengthened to continue attending. In addition, the TACT staff discusses with the teachers how the child's integration in school is especially important for the general integration of the child in Greece. All these aspects are important to teachers, while teaching to this special group of children.

## Advocacy

Advocacy at the highest level targets the inter-ministerial committee. The actual and current problems and challenges in the field of child anti-trafficking are communicated to the decision-making authorities. They are thus informed about the implementation of the legislation in the everyday practice. Effective solutions are sought to be promoted by ARSIS and the shortcomings of services, failures in the practices or problematic behaviour of officials/ departments are addressed by the project in this forum.



Conference on Child Trafficking organized by ARSIS

In absence of a formalised NGO Coalition as in Albania, the NGOs in Greece which are active against trafficking in human beings exchange information and cooperate informally. There is also cooperation and support in dealing with specific cases according to the activities of each NGO.

### **Awareness Raising**

Since Greece is a destination country of trafficking victims and since traffickers seek to profit from a “market” already established, the project’s activities address also the public, which constitutes this “market”. Awareness raising campaigns with TV spots, posters and leaflets aim at sensitising every person about the phenomenon. The general motto is: Don’t give money to children in the street situation! Instead of that, the public is advised to help the children by showing a deeper interest about their problems and informing ARSIS and the other competent authorities, so that the children who have not yet been identified by the project can still benefit from its services. Street events and conferences are also organised to this effect.

An important sensitisation tool is the Human Trafficking Newsletter which is issued periodically by ARSIS. It addresses all the instances of the society, from the public to the authorities, the NGOs, and the inter-ministerial committee. It provides information concerning the legislation and the current situation in the field, but also presents a forum for NGOs and authorities to present their work. This forum enables them to be informed about each-other’s activities and to eventually pursue cooperation.



Conference on Child Trafficking organized by ARSIS

## PRACTICES OF TRANSNATIONAL COOPERATION

### 5.1. Identification and Assessment

When a Tdh social worker in Albania realises that a child has been missing from the project's activities and information is available that the child has moved to Greece, then ARSIS is contacted and all the relevant information is provided. The aim is to immediately locate the child and to guarantee his/her protection. The utmost priority is that the project considers the case when there is evidence to suspect that the child has been trafficked. Most of the resources in Greece are then allocated to locating and protecting the child.

This is often not an easy task. The information coming from Albania is often neither very precise, nor accurate. In addition, it occurs that child victims of trafficking are moved constantly from one place to the other within Greece. Thus these social workers are not able to make contact with these children. Moreover, Albanian children in street situation in Greece often give false names. They usually "adopt" a Greek name to introduce themselves in the streets. "New comers in the street" are also reluctant or afraid to talk to TACT social workers. This all makes it difficult to assess the situation of "the new child" and establish whether (s)he is the one reported missing from Albania. TACT has sought to overcome these difficulties by the model of mixed teams and trans-national cross-checking of information.

#### a. Mixed Teams

The street-work teams in Greece consist of one Albanian and one Greek street-worker. This composition is preferred, because it provides important practical and strategic advantages both in identifying the children, building a relationship of trust with them, and assisting them in short and long term perspectives. It also reflects the transnational character of the intervention to the children, families, and authorities.

Commencing from the practicalities, a very important element is that mixed teams are in possession of both languages, Greek and Albanian. The fact that the Albanian social worker can understand the children in their mother tongue is often crucial both to identify the children's origin and to extract information from them. The children usually start to speak more freely to an Albanian social worker, whereas with the Greek social workers they would continue to speak in Greek and it might even occur that they would deny their origin. When the children have a bad command of Greek, speaking Albanian is an easier alternative. In their mother language, the children can express themselves more precisely and accurately. This facilitates the communication and encourages the children to open up to the social workers. An Albanian social worker can understand even better the Greek the children speak, since (s)he is more familiar with the usual mistakes. For example, it is a very common mistake for Albanian children to use the word "Astronomia" (astronomy) when they refer to the Police (in Greek "Astinomia").

Besides the argument of the language, another advantage of mixed teams lies in combining the knowledge of the mentality and the cultural aspects specific to Albania along with the **knowledge of the Greek society and context**. The differences in mentality and cultural background are essential to complement each other in facilitating the contacts with the child. A simple example was provided by an Albanian street-worker who had worked in Greece: "...a girl approached us and said she was from Iraq, and that her name was Alketa: As an Albanian, I immediately knew that this was an Albanian name."

In addition, the Albanian social workers have actually lived in Albania and know the situation well. This knowledge assists them in verifying the information provided by the child concerning different issues (geographic location, social conditions, everyday events, procedures, etc). The Albanian social workers are better positioned to understand the real meaning of the various terms and concepts used by the child. (For instance, an Albanian child might have a broader interpretation of the term family and consider “the family” as comprising the whole home village).

On the other hand, the Greek street worker is more familiar with the Greek system. For example, in a discussion about attending school in Greece he knows the subjects taught in each class, the system of grades etc. Similarly, the Albanian street worker is able to discuss better with a child who went to school in Albania.

In terms of support for the child, the Albanian street worker plays a very important role, since the children can feel closer to him/her and trust him/her easier due to their common origin. The Albanian street-worker should underline the common national, cultural and social experiences and act as an **intermediary** between the child and the social framework of the country of destination. However, it should be noted that there are few cases of children, who open up easier to the Greek street worker and regard with scepticism and cautiousness to his/her Albanian colleague. Such behaviour is attributed to the fact that the children already placed their trust in an Albanian adult, who eventually trafficked them. The children are also sceptical about how much a foreigner (Albanian) can do to assist them in Greece, while they think that a Greek has much more access to the Greek authorities and thus is in a better position to assist them. In these cases, the role of the Greek social worker becomes of greater importance. In all the cases, the Greek street-worker has to show understanding and willingness to assist the child, mainly representing the supportive role of the organization and showing the child the opposite side of the practices of racism, discrimination and social exclusion which the child has undoubtedly experienced in the country of destination. Also in cases of unaccompanied children, it falls more on his shoulders to show to the child that an institutional framework exists and this can in fact defend and support the child.

**These two complementary roles of the social workers aim at creating a feeling of security, solidarity and understanding. This is the necessary framework to build a trusting relationship, a required basis and precondition for the intervention.**

The complementary nature of the street-workers is also very important in assessing the child’s reality and in deciding the best way of intervening. Discrepancies in the assessment of a specific case may very well be difficult, but TACT has sought to transform these into assets. Having mixed teams avoids taking biased perspectives in the assessment. The different backgrounds, different life stories, the experience of living in different contexts serve a comprehensiveness assessment and a follow-up intervention by the project. In this context it is also crucial that the initial information and recommendation coming from the mixed team are discussed within a larger team; including staff from the precise origin of the child back in Albania, staff from their professional background who are aware of the legal options available to the child, etc.

### **The Ideal Profile of a Mixed Team?**

During Tdh and ARSIS interventions, a number of differently composed mixed teams have implemented street-work in Greece. The main difference between these teams consisted of the profile of the Albanian street worker. In some cases the Albanian member of the street work in Greece had moved to Greece years before and is already well integrated in Greece. This person is not necessarily well aware of the changes occurring in Albania and has anti-trafficking experience only in the Greek context. There have also been cases of social workers from Albania, experienced in anti-trafficking activities in Albania, joining the Greek team for a short period of time. The different compositions of mixed teams have different strengths and weaknesses in addressing crucial issues, such as the relationship with the children, family, and authorities. Some basic conclusions sought to be summarised by these different experiences are the following:

- Any social worker, whether better familiar with the Albanian or the Greek context, feels more comfortable with a solution found for the child in the country contexts which (s)he knows better. Even Albanians who have been living for quite a while in Greece feel more comfortable in supporting a child's integration in Greece rather than the reintegration of the child back in Albania.

- Albanian social workers belonging to the team in Albania and engaged on short term missions of street work in Greece, understand the real story better, dilemmas and difficulties of the children and families due to their insight of the reality back in Albania. In some cases, the social worker already knew some of the children found begging in the streets of Greece. In other occasions, the child and the social worker have met each other again in Albania, since they both had returned there. These parallel movements have served the project in having a comprehensive picture of the story of the child. Moreover, they have facilitated the relation between the child and the project.

- When an Albanian member of the team does not speak Greek, (s)he can be of little support in the integration of the child in Greece. First, this person cannot communicate with all the other actors involved and secondly (s)he is hardly considered as a reference point by the authorities (e.g. Police), for whom it remains a foreigner with no understanding of the context in Greece.

- Engaging social workers from the staff in Albania on short term missions in Greece serves the relation of the trust with the child, but has also the potential for threatening the trust established. Very often this social worker is considered as the main point of reference by the child and when this person leaves, it creates a gap in the relation child-project. In a certain way, the child is asked to place his/her trust in another person. This costs time and it does not serve the stability of the relation with the child. A mixed team should last a very minimum of 6 months. Less than this it would be even more difficult to speak of a real trust relationship between the children and the project.

- Engaging social workers from the staff in Albania on short term missions in Greece meets many practical logistical obstacles (e.g. all the persons have to be equipped with a VISA). Once again this needs time and resources; consequently it can delay the process.

As a conclusion, it can be said that all the combinations have their strengths and weaknesses, but working as a trans-national team is crucial to ensure access to information and substantial protection wherever

the child needs it. A composition, which is not yet implemented in practise, but has already received the attention of the project is a street working team composed of a member from communities at risk, e.g. Roma and Jevgj/Egyptian.

### **b. Transnational Cross-Checking of Information**

The social workers use a variety of sources in order to gather and cross-check information on the situation of each child. The first source of information is the child. Both in Greece and in Albania the social workers approach the children and acquire the first information from them. Basic task is to develop a relationship of trust with them, so that the social workers become for the children a reliable party, on whom the children can confide their problems and reach out for help. This approach is compatible with the concept of the intervention analysed above, which regards the child as an “actor”: the story as it is presented by the child is the first and very important source of information and the social workers’ intervention responds and seeks to adopt to the child’s needs, as they are defined by the child.

However it often occurs that the information from the children needs to be cross-checked and verified. People’s capacity to remember differs and it is generally recognised that dramatic events are difficult to be recalled. This seems to be even more the case with children. The difficulties in relying entirely on the information provided by children are analysed by various psychologists also outside the trafficking context. A recent publication of IOM, focuses in particular on the restrictions faced while interviewing children, victims of trafficking<sup>53</sup>. Some of the conclusions drawn in this publication and confirmed by TACT practices are:

- From the age of four, children are capable of giving factual descriptions of their perceptions, but are unable to interpret them and cannot link conclusions;
- Until the age of seven or eight, children have difficulties with the concept of time, i.e. hours, days, weeks and months. Most of the children approached by the project social workers in Greece have difficulties to indicate precisely when they had left home and how long it had taken them to reach Greece;
- Children do not always know the meaning of the words they use. Only by the age of 10 the child has in principle reached the language development level of an adult. However, various factors can influence this development, such as limited vocabulary, no abstraction skills, etc. In general children confuse things because they use words based on what they know at a certain point in time (e.g. a child that has known his stepmother as his mother will most probably say that she is his/her real mother). This makes it particularly difficult for children to accurately describe complex events, they have the tendency to focus on irrelevant details and not mention the main aspects. Moreover, children often know more than they spontaneously communicate, because of their limited capacities to use memory strategies;

What has been noticed also by the project staff is that children have often the desire to attract attention and sympathy and this might make them to over-dramatise the story. In particular when a child is approached in a group with other children, it becomes very difficult for the child to refrain from over-stating the story.

<sup>53</sup>Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking, 2006, IOM and Austrian Federal Ministry of the Interior (FM.I), p.136.

**Thus complementary sources of information are needed to gather or verify and cross-check information about the situation of the children.**



Extracted from an ARSIS film on street activities in Athens, Greece

A lot of information can be cross-checked during street-work, even simply by observing. During street-work a lot of information can also be gathered by other children in street situation: they are often the first to inform the social workers on the “new comers” and the story behind them. When the children trust the social workers, they feel comfortable in sharing with them also the stories heard from others in the street or even home. However, it should be taken into consideration that, as explained above, once again there are restriction in the accuracy of the information coming from this source.

A lot of information can also be gathered or verified through talking to the family or the neighbours. These sources are used in Albania during implementation of community work and in Greece when the child is accompanied. Even in these cases the parents are not always willing to talk to the social workers and to be honest with them. Being better aware and differently involved than the children, the parents understand quickly what stands behind “the general questions” of the social workers. Often they tell what suits their own interest. This is the case, for example in Albania, when parents claim that the child cannot go to school, only because of poverty and they expect from the social workers to support them financially; or that the child has visited relatives in another town, in order to hide the child’s movement to Greece.

The cooperation between Tdh and ARSIS is a good and trustworthy alternative to gather and verify information about children. Cooperation is sought with other NGOs as well, so that information and contact is provided also from areas not covered by TACT intervention. The respective offices are contacted when a child is located in Greece and provides his/her town of origin. The involved social workers exchange any information they have, with specific emphasis on determining with certainty the whereabouts of the parents (verify that the child is accompanied or not) and on finding out if the child has been reported missing in his/her town. They consult each other on the risk assessment and on handling the case. Communication and exchange of information continues on a regular basis according to the needs of each case.

Accordingly, information is exchanged when a child is located in Albania and reports that (s)he has been trafficked in Greece. Names of persons and places in Greece are transmitted to ARSIS in Greece. ARSIS verifies this information, either itself or by cooperating with Greek law enforcement officials. Thus, transnational cross-checking may help to ascertain the context of the child’s stay in Greece. If the

information gathered both in Albania and Greece results in a suspicion of trafficking, the information is then shared with law enforcement officials in both countries<sup>54</sup>.

Additional information can be gathered by looking at the official documents of the child and family (e.g. birth or family certificates). This is particularly the case when the children do not remember dates or names<sup>55</sup> or if they don't understand and cannot explain complicated family relations, common e.g. in the Roma and Jevgj/Egyptian communities. However, very often the children and their families are not in possession of such documents. In these cases, TACT addresses the public authorities (school, Police, state registry, institutions, etc). Unfortunately, access to this information is not that easy and it is even more difficult when the authorities of the other country need to be addressed. Usually the local NGO requests the information from the authorities, but the access, according to the case, is conditional on the good cooperation with the authorities or on an authorisation from the child or family. If neither is the case, the information remains classified and inaccessible for the social workers. Cooperation and coordination with the authorities, especially with the Police, is necessary to achieve results in cases of trafficking. However, it depends a lot on the willingness of the child to reveal to the street workers or to the Police information about his/her situation. If false data or no information at all is given, then not only the cooperation with the authorities does not give result, but it can also be put into question (i.e. the project is considered as an unreliable source of information from the police).

A major problem remains however the fact that in some cases the children and even their parents have never been in possession of any legal identification document, for the simple reason that they have never registered their birth to the authorities of the Albanian State. While the number of parents who have not registered at all their birth is limited (most of the adult persons identified as unregistered belong to the Roma minority), the number of unregistered Albanian children is unfortunately increasing. The Albanian State should pay more attention to this issue and take urgent measures to address it comprehensively.

It becomes thus clear that none of the sources is in itself sufficient. A combination is preferred so that the shortcomings of each source are overcome by other sources. The most important tool is however gaining the trust of the child and the family. Only when they participate actively, the project can really assist in the protection of the children and/or their (re)integration. .

**A strong point of the project is therefore the fact that a wide range of sources is used to cross-check the information regarding the children. These sources comprise on one hand the children themselves and their immediate social network (friends, family, teachers), and on the other hand the legal and institutional framework that surrounds them. Moreover, the project is implemented across the border. In this context TACT also acts as a bridge between Albania and Greece, so that transnational cross-checking of information occurs and operates on a quick, efficient, and child friendly way, serving the best interest of the child.**

<sup>54</sup>Ibid, p. 194.

<sup>55</sup>There have been cases of children, identified in Greece as victims of trafficking in a very young age and after a long absence from home, the children could not remember the names of their families or even correctly their own first name.

## 5.2. “Assisted Voluntary Return” versus “Safe Return”

### a. The Child Rights Approach

TACT Project recognises the right of young people to free movement. In cases of Albanian children found unaccompanied or trafficked in Greece, the project considers the reunification of the child with the family as a right of the child and his/her parents, but not as an obligation to be imposed on the child. On some occasions, the return back to Albania might be even dangerous for the well-being and development of the child. A careful assessment, including a risk assessment should be conducted for every unaccompanied child and the decision should be taken on a case per case basis. Being ‘a social actor’, the child has the right to express his/her view throughout this assessment. The State and private actors should however assist the child in making the choice as well as realising it in practice. These two conditions – voluntary and assisted – are further developed in a number of criteria by the project, which in order to be met, require organisational coordination in Greece and Albania as well trans-national cooperation between both countries. These criteria, developed in the line of the CRC and seeking to guarantee that the return of the child is pursuant to the child’s best interest, are:

1. prepared with the child;
2. voluntary;
3. safe;
4. prepared with the family;
5. legal;
6. adopted to the vulnerability of the child.

#### *Prepared with the child and voluntary*

According to article 12 of the UN CRC, the child’s views and wishes should be taken into account. To enable the child to decide and express his/her wishes, the child should be assisted by a trained social worker. While the immediate needs of the child should be guaranteed (proper sheltering and feeding, medical assistance if needed, etc), the child should also receive information on his/her present situation, possibilities about the future, situation of the family back to Albania, be able to contact them if so wishing, etc. All these information should be provided in the language the child understands best and in accordance with his/her maturity level. The role of an experienced social worker from the country of origin of the child (Albania) ensures not only the communication of the child in the mother language, but serves also the reliability of the information: the child is confident that the social worker understands the reality in Albania.

#### *Safe and prepared with family*

The UN Committee on the Rights of the Child has stated that “in fulfilling obligations under the Convention, States shall not return a child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child.”<sup>56</sup>. This means that even when the child wishes to return, the State where the child is found should guarantee that an assessment is conducted on the safety of the child to return. The right of the child to life, development and protection from exploitation should as a

<sup>56</sup>Treatment of unaccompanied and separated children outside their country of origin, General Comment No. 6(2005), CRC/GC/2005/6.

minimum be guaranteed upon return of the child to the country of origin. The assessment should thus not only look at security elements, but also at the social and economical conditions. In order to achieve this, close collaboration is necessary with the country of origin. As a matter of fact, the assessment of the safety should be provided by the country of origin. This increases also the responsibility of this country in guaranteeing the de facto safety and development of the child upon return.

The UN CRC emphasizes also that the child should not be separated from his/her parents, unless this is necessary in view of the best interest of the child (article 9). In other words, when the assessment is conducted back in the country of origin, the first element to be considered is whether the rights of the child would be guaranteed if the child returned with the parents. This requires in first instance that the family of the child is traced. As elaborated above, when the parents are still in Albania, this is conducted by TACT team Albania, based on information coming from Greece.

Only when return to the biological family is considered as of a potential high risk for the child, other options, such as foster care, shelters, orphanages, etc are also considered. These alternatives exist in Albania, even though the standards they offer do not always serve the best interest of the child. Very often, assessing these options means comparing their standards to the standards offered by similar institutions in Greece, by taking always into account the will of the child.

#### *Adapted to the vulnerability of the child*

The concept of adapted to the vulnerability of the child serves as a necessary criterion to be respected not only in deciding for the future of the child, but also in the implementation of such decision. It is already pointed out that the information and assistance provided to the child should be in conformity with the needs, but also the level of maturity and development of the child. All institutions and authorities in contact with the child throughout the procedure should have received at least basic training on rights and psycho-social development of children. The premises should correspond to the needs of the children and guarantee inter alia their right to leisure activities. Special measures should be taken when the child is sick, in cases of under-aged pregnant girls, etc.

The concept of “assisted voluntary return” also means that while the necessary time should be taken to decide what possible solution serves the best interest of the child (looking at the above-mentioned criteria) once a decision is taken it should be implemented as soon as possible. The Palermo Protocol states that the return should occur without undue or unreasonable delays<sup>57</sup>. Unfortunately, in practice this is generally interpreted by States as meaning that return is the only option and urgent measures should be taken to implement return.

#### *Legal*

This last criterion is very crucial since it is precisely the legal framework which establishes the qualification of a person as a child, a victim of trafficking and consequent assistance and protection, including the decision-making procedure about the child’s future. The CRC provides a clear base for a decision according to the above-mentioned criteria. However, as it is very often the case with international law, its enforcement remains problematic at the national level. TACT project has advocated for a better implementation of

<sup>57</sup>Art. 8 (1), Palermo Protocol, supra n. 7.

international law, in particular the UN CRC both in Greece and Albania. It has also sought to improve national legislation and bring it in conformity with international law, since the authorities know better and implement directly the national law.

It should also be pointed out that since TACT operates in the context of transnational trafficking, the bilateral legal frame between Greece and Albania is very important. Both Albania (which nationality the child has) and Greece (where the child is located) are responsible to ensure the well-being and the best interest of the child throughout the procedure. This requires clear legal arrangements on how these States will collaborate to this aim. TACT in strong cooperation with local and international actors advocated for an agreement between Albania and Greece on the protection of child victims of trafficking. This agreement signed in 2006, will be presented briefly under chapter 6.

#### **b. Current Practices**

TACT project seeks to assist every unaccompanied Albanian child victim or at risk of trafficking in Greece. While the project advocates for a decision-making on the future of each of these children based on the careful assessment and the will of the child, the decision is taken by the Greek authorities according to opportunities offered by the national legislation.

The legal framework on victims of trafficking has improved recently in Greece also as a result of relevant EU directives and other international instruments including the very recent agreement with Albania. For children identified as victims of trafficking, the Greek authorities are under clear obligations under national law to guarantee their assistance and well-being and decide on their future by considering the option of remaining in Greece or the assisted voluntary return procedure. On the other hand, when a child is not identified as a victim of trafficking, but as an unaccompanied child, illegally staying in Greece, the deportation of the child is possible under the Greek legislation and the authorities proceed with it. In these cases, even the space for NGO assistance and intervention is very much limited. Thus, because of the legal framework, TACT role differs when the child is identified as a victim from the cases when such identification does not occur.

##### *The trafficked child*

A child is identified as a victim by the Prosecutor, but already during the Police investigation, which precedes the identification, specialised NGOs active in anti-trafficking field may be contacted in order to provide support to the child and assist in the investigation. Since the new anti-trafficking law entered into force in 2002 social workers of ARSIS have assisted and supported psychologically six Albanian children during this procedure. The children develop a different relationship with the social workers, since in the eyes of the child they are very much different from the policemen, to whom the child is told not to trust. As already mentioned, the child communicates and feels more at ease with a social worker from Albania.

**The presence of social workers is necessary during the Police investigation. They are better specialised in the psycho-social development of the children. Moreover, different from the Police's, the role of the social worker concerns only the best interest of the child.**

The presence of social workers throughout the procedure helps the Police as well. The social workers follow closely the child and are always available for him/her. Social workers from Albania have proven to be very useful as translators, not only because of their knowledge of the language, but also in the way they approach the child and enable him/her to express. **Creating the necessary conditions by responding to the age, vulnerability and needs of the child, re-assures the child who might then feel more comfortable in sharing information about the perpetrators with the police and prosecutor.**



A problem faced while seeking to support and protect child victims in Greece is finding an appropriate shelter. The existing shelters for children in Greece host – almost exclusively – children who are orphans or whose parents are unable to undertake their parental duties. In most of these shelters there are no available places for hosting new children, the staff is not trained or experienced to deal with a trafficked child, who needs special support, and no security measures exist in their everyday operation. For all these reasons the directors are very

reluctant and negative towards hosting a victim of trafficking. On the other hand the existing shelters for victims of trafficking in Greece are specialised in providing services to women victims of sexual exploitation and they too are reluctant and negative to provide sheltering to a young child, who has different needs. Moreover, the Police and the Prosecutor in charge of the case will normally require that the child resides within their jurisdiction, in case they need him/her further for the investigation. This means that they would prefer to place the child in a shelter within their area of jurisdiction and this limits the alternatives even more.

**All these factors make the search for a shelter a very difficult problem. In the experience of ARSIS so far the solutions have been found basically thanks to the cooperation and the good will of different NGOs.**

Once the shelter is found, the support and the assistance to the children is either provided by the staff of the shelter or ARSIS is requested to support them, in cases of limited and inexperienced staff in the shelter. The legislation provides for access to medical care, psychological support, translation and legal services and ARSIS assists the children to claim and make use of these rights. Also, security for the child should be provided and the Police should allocate personnel for this. It is noteworthy that in cases that this was difficult the policemen have provided their services through their role as members of the International Police Association.

**The placement in the shelter has a temporary character. A permanent solution for the child has to be taken and according to the Greek legislation it lies with the Prosecutor. This decision is taken based on a report of the Juvenile Justice Officer. The report should evaluate the situation of the child, his/her wishes and assess the family and the opportunities available to the child in the event of return to the home country.**

Because of the lack of cooperation between the authorities of the two countries, often the report has been prepared by TACT project. In Greece the social workers of ARSIS, who have been in constant contact with the child, who have care for its everyday needs and wishes and have established a relationship of trust with him/her, facilitate the communication between the child and the Juvenile Justice Officer. The will of the child should be taken into account and the child needs support to express it. The child is supported in contacting the parents and understanding alternatives.

Given that until present Albania lacked a State authority to be approached for a comprehensive assessment of the situation<sup>58</sup> most of assessments regarding the situation in Albania have been prepared by the NGOs. In Greece in view of TACT project, ARSIS has been asked to provide through Tdh the necessary information from Albania. The family reports have been conducted by Tdh (or its partners), which according to the possibilities has sought to involve also State authorities. The assessment of the family is done through home visits and involves social and economic assessment. When assessing the family of the child, it should be kept in mind that in most of the cases there has been an involvement of the parents in the trafficking of the child. However, this does not mean per se that it would not be safe if the child returns to them. TACT social workers approach the parents, aiming on one side to understand their level of involvement and the reasons behind it; and on the other side, making the parents understand the real situation of the child and its consequences. In many cases, the parents are deceived by the trafficker through false promises for a better future for the child and the family. When the trafficker does not keep the promise to the family, some of the parents understand that the child is exploited and regret having entrusted their child to the trafficker. However, at this stage, they can hardly change the situation. Often, parents do not even have recent news about their child and his/her location. Against this background, when contacted by the social workers, parents look forward to the return of the child and the child, does not face risks by the parents upon return<sup>59</sup>.

There are also cases when the social worker, after looking at the family situation and discussing with the parents of the child is not convinced that the child faces no security risks upon return in the family environment. The level of potential risks varies. In cases when the level is low, law enforcement involvement might still guarantee the safe reintegration of the child in the biological family. The child returns to the family under the supervision of law enforcement, which is prepared to intervene if imminent threats are faced by the child<sup>60</sup>. Financially empowering the family is very important in this context, since often the argument of the family is that child labor is the only option they have. As already elaborated in here, the project addresses this issue through in kind assistance to the family, assistance in accessing social assistance scheme by other actors (mainly State) and development of micro credit projects. The child and family are socially followed up by the project in the so-called "reintegration phase".

<sup>58</sup>Such authority is however established after the signature of the bilateral agreement. See for more below under Chapter 6.

<sup>59</sup>Daniel Stocklin & Vincent Tournequillert, *supra* n. 1.

<sup>60</sup>Mirela Shuteriqi, "Assistance in countries of origin in preparation of and upon return", in Resource Book, *supra* n. 53.

In order to have a complete assessment, TACT social workers discuss also with local authorities: State Social Services is approached and asked about the economic conditions of the family, documents are consulted and required in the Civil Status Office and the option of return of the child is discussed with the Anti-trafficking Police from the perspective of safety. Despite the large extend of involvement of State authorities in the assessment of the situation in Albania, until recently such assessments remained signed only by NGOs.

Presenting a recommendation regarding the future of the child is a very serious task. Difficult questions have to be answered based on careful assessments: is it better for the child to remain in Greece or return to Albania? Can the child be protected when (s)he comes back? How would the parents treat the child even if they agree with the child's return?

Therefore, both Tdh and ARSIS have shown the greatest responsibility and professionalism while preparing the family and child assessment report and the consequent recommendation to the authorities. The transnational element plays a key role. Assessing a child's possibilities always confronts people with their own values, cultural and social norms and background. It is through somewhat different lenses that the members of a team may do their own assessment of a specific situation. The differences in assessment are of course stronger, when people with quite different national histories and cultural backgrounds work together as it is the case with Albanian and Greek teams implementing anti child-trafficking activities. Thus, receiving the assessment from both teams, which know the social context they investigate and have formed their opinions through working in the field, provides good guarantees of objectivity. An extra guarantee is provided by the fact that both organisations have a focus on child rights issues, thus the recommendation are based on the rights and best interest of the child. **However, while acknowledging the role NGOs and civil society should play in the process of deciding about the future of the child, TACT project has strongly advocated for a stronger cooperation between both State institutions: the decision process is a common responsibility and so is its proper implementation.**

#### *The unaccompanied Albanian child*

The anti-trafficking legislation entered into force in Greece in 2002. Before that, according to the Greek legislation, child victims of trafficking had no specific legal right to benefit from specialised assistance and protection. The only practice followed by the Greek authorities consisted in placing the children into institutions. Some Albanian children rescued in Greece from a trafficking situation before the entry into force of the new legislation continue to live in institutions in Greece. Their future status of stay in Greece becomes unclear as they reach the age of 18 years old.

Today, while the legal framework regarding victims of trafficking has improved, the protection offered by the Greek legislation to foreign unaccompanied children continues to remain problematic. As mentioned above, the Greek legislation does not forbid the deportation of children. Only specific groups of children are protected from deportation and the unaccompanied minors are not included in these categories<sup>61</sup>. Thus a number of children can be found in the detention centres in Greece, arrested by the Police for Aliens, for lacking a valid VISA or a residence permit. Usually the Police for Aliens arrest on these grounds only children over 14 years old. However, there have been cases of foreign children even younger, who

<sup>61</sup>See above under Chapter 2.2.c.

were arrested for delinquency under the competencies of another Police Directorate and, since they were not residing in the country legally, a deportation order was also issued. In many cases the detained children are in fact unaccompanied, whereas others reside in Greece illegally with their parents, but when arrested they claim to be unaccompanied to protect the rest of the family from arrest and deportation. There are also cases of children who reside in Greece with other members of their families (brothers, aunts, uncles etc). However, the eventual legal status of these relatives cannot protect the children from deportation<sup>62</sup>.

The conditions of the detention of children are very difficult and they are in most of the cases not in conformity with the special needs and the vulnerability of the child<sup>63</sup>. In most places the detention centres are overcrowded, hygiene conditions are problematic and children receive the same treatment as the adults, although they are usually in a separate cell together with other children. When a child claims to be unaccompanied, the Police usually submit a request to INTERPOL concerning the whereabouts of the child's family. However, in practice this procedure is not followed, it has doubtful success and is very time-consuming.

There have been different practices in the deportation procedure of illegal Albanians from Greece to their country and the situation has evolved during the years. It has been reported that the Greek Police (especially in border areas) would arrest illegal aliens (including children) and directly return them to the border without any investigation or concerns on their documentation<sup>64</sup>. However, lately more formalised procedures have been followed. The present procedure is reflected in a Regulation by the Greek Police Headquarters concerning the implementation of the migration law 3386/2005: unaccompanied children who are deported should be delivered to the authorities of their country and a document should be signed in acknowledgement of their arrival.

**The practices of detention and deportation expose all unaccompanied children to dangers, regardless of whether they had already been trafficked before or not. In this framework Tdh and ARSIS have sought to intervene in the best interest of the child. Interviews are held by ARSIS in detention centres in Greece to determine if a child is a victim of trafficking.**

When ARSIS is notified, it visits the child in the detention centre. However, until present this is possible only in Thessaloniki. The information used to come from "informal" sources (e.g. the child or friends) and thus it was not systematic. Recently, a good practice has been initiated in Thessaloniki in cooperation with the Police Directorate for Aliens. A member of ARSIS staff visits the detention centres and interviews the detained children about the conditions they entered the country, about their living conditions in Greece, about the whereabouts of their families, about their legal status and about their needs in the detention

<sup>62</sup>As mentioned above (Chapter 2.2.c), according to Greek legislation, foreign children without a title of stay in Greece cannot be deported when their parents or the person exercising the parental care has a legal residence permit in Greece. Parental care is a legal term and is awarded to a person not informally, but through legal procedure.

<sup>63</sup>For details see Special Report of the Greek Ombudsman (in Greek), Administrative detention and deportation of alien children, October 2005, at: <http://www.synigoros.gr/reports/SR-detention-expulsionOctober-2005.pdf>.

<sup>64</sup>E.g. U.S. Department of State, Country Report on Human Rights Practices, Greece, 2004.

centre. Albanian unaccompanied children are considered often by the project as children at risk of being trafficked, in need of protection and support. ARSIS seeks to provide legal, material and psychosocial support to these children while in detention.

**The project stands against deportation of children. When however the State authorities proceed with deportation, TACT seeks to assist the deported child(ren). Whenever the project is notified on deportation of an unaccompanied child from Greece, it seeks to inform the parents on the return of the child, makes an assessment (looking also on whether this child might have been trafficked) and provides some first-hand assistance to the child and the parents. The procedure followed by the authorities is not in the line of a decision based on a careful assessment and the will of the child, but at least the project seeks to guarantee that the return is safe and as child friendly as possible. The successes remain however limited.**

### c. Accompaniment of the Child by the NGO during Return

The same as in Greece, in Albania too, the steps followed during the return of an unaccompanied child have evolved during these years. Despite the fact that today a common procedure is followed in such cases in all the border points of Albania, differences have been experienced in the length of the procedure and the will of the police to collaborate with the NGO. As already stated, this very often depends on the level of personal relation between the persons in charge: when such relations are present, the collaboration serving the best interest of the child is easier.

Before the Anti-trafficking Police commenced its activity in Albania (2001), Tdh was notified either beforehand by ARSIS or by the Border Police, when the child was at the border point. On some occasions the Albanian Border Police was asked by the Greek counterparts to sign a document stating that they received the child, but this was not always the case. A second document was however always signed and this was between the Albanian Police and Tdh. According to this document, Tdh was responsible for accompanying the child back home. The transportation of the child was conducted by Tdh staff in a Tdh vehicle. When the return of the child had occurred in the lines of "assisted voluntary return", Tdh staff had already visited the family and discussed with them on the return of the child. Other arrangements with local institutions were also prepared (i.e. reintegration into school).

When notified only upon the child's arrival at the border, Tdh would still seek to at least conduct a brief assessment of the family beforehand. However, in such conditions, due to time restraints, it has not always been possible to discuss with the family prior to the return of the child. In some cases, Tdh staff was able to meet and discuss with the parents only when the child was back home. At the family, another document was signed regarding the responsibility on the child, this time between Tdh and the parent (s). The parents acknowledged to have received the child and guaranteed to care for him/her within the family sphere. There are questions as with regard to the legal binding force of this document. Rather than providing legal obligations for the parents, it made them feel that this was the case. It also served as a document recording Tdh actions. It should be pointed out that working under this framework involved a substantial level of responsibility for Tdh, a responsibility which should have rested on the Albanian State.

This situation improved gradually with the establishment of Anti-trafficking Police in Albania, which became a crucial party in the relations child-Tdh-family. The Anti-trafficking inspector proceeds to a basic interview of the unaccompanied child returning from abroad<sup>65</sup>. Tdh or another NGO seeks to be present during this interview to assist the child psychosocially and from the legal point of view. When the parents are present, they sign directly to the Anti-trafficking Police. Tdh may or may not accompany the family (child and the parents) back home depending on the need of the family, the risk evaluation conducted by Tdh and the situation of the child. When the parents are not present at the interview's location, the child is accompanied both by Anti-trafficking police and Tdh. Both parties and the parents sign.

The involvement of Anti-trafficking Police has certainly served the best interest of the child. The parents feel that the State is looking after their child and this makes them more responsible towards the child. Of course, from a human rights perspective, the involvement of the State Social Services instead of the Police would have been more desirable. However, as discussed also above, while previously the legal framework was not foreseeing their involvement, today the capacity of State Social Services is still limited. Moreover, the Anti-trafficking Police has not taken official repressive measures towards the parents, unless there have been evidence of intentional behaviour of the parents.

A problem faced however today is that the transportation of the child, which used to be done by a Tdh vehicle, occurs instead, with a police vehicle. It is argued that this is another sign of the police's willingness to take responsibilities in fighting trafficking. This is however detrimental to the protection of the victims and witnesses. One can easily imagine that bringing back a trafficked child to his/her community in a police car with flashing lights is not the best way to guarantee discrete protection to the former victim.

<sup>65</sup>It is unclear whether such an interview should take place regardless of the age of the child. However, from the field experience it results that only children under 15 years old are interviewed.

## THE BILATERAL AGREEMENT

As already emphasized in this publication, both organizations continue to urge for an increasing involvement of the two respective States in preventing child trafficking between Albania and Greece and protecting the trafficked children. The cooperation between both States, the joint actions as well as the actions of specific agencies in each of the States have to be based on their regulatory framework. This implies not only changes in the national legislation, but it also requires a broad and detailed agreement between Albania and Greece.

The idea behind the agreement was to establish an institutionalized framework of cooperation between the two States and their competent agencies. By placing concrete responsibilities on specific agencies, formalizing a procedure of direct communication and cooperation and setting specific standards, the quality of the services provided to the children is of course better ensured. The agreement makes mandatory the implementation of a standard procedure in all areas of both countries and the level and forms of protection offered to the children are clearly elaborated as an institutional responsibility, so their implementation does not depend on the will of the persons representing the institution.

BKTF Coalition in Albania and ARSIS with other actors in Greece have advocated for an agreement between both countries from the first stages of their child anti-trafficking interventions. When the Albanian Government took such an initiative by establishing a working group in 2004, Tdh in Albania had the opportunity to contribute to the draft through BKTF participation to the working group. ARSIS in Greece engaged in advocacy towards the Greek authorities and submitted comments on the draft to the Greek government.

On the 27th of February 2006, while this publication was being drafted, the “Agreement between the Government of the Hellenic Republic and the Council of Ministers of the Republic of Albania for the protection and assistance of children victims of trafficking” was signed in Tirana by the Albanian Vice-Minister of Interior (covering also the position of the National Anti-trafficking Coordinator) and the Greek Vice-Minister of Foreign Affairs. Its signing constitutes a step forth in child anti-trafficking efforts. Different from the other anti-trafficking agreements, the main focus of this agreement is to guarantee the rights of the child victim. Many human rights and child rights instruments<sup>66</sup> have been reflected in this agreement, which deals with a large number of issues, commencing by the identification of a child victim of trafficking up to his/her (re)integration.



Greek Deputy Foreign Minister, Evripiades Stylianides, and Albanian Deputy Minister of Interior, Iva Zajmi, sign the first bilateral anti-trafficking agreement between the two countries

<sup>66</sup>The Agreement was strongly based on the UNICEF Guidelines for protection of the rights of children victims of trafficking in South-eastern Europe and the Separated Children in Europe Programme, Statement of Good Practices.

In every stage, the drafters have sought to prescribe concrete actions for the Parties in accordance with the needs of the child. Specific attention is paid to the best interest of the child in every decision taken. In this respect, Parties are obliged to take into account also the will of the child, in accordance with his/her age and maturity.

**A very important step towards the cooperation between authorities and the proper implementation of the Agreement is the establishment of a national Responsible Authority both in Greece and Albania.** The Agreement stipulates as the main responsibility of this structure the duty to coordinate with the various authorities within the country and its foreign counterpart aiming at ensuring the referral and delivery of services needed by the child. The Agreement lays down only the main features of this structure leaving it to the Parties to further elaborate its duties and composition in each country.

After the identification of a trafficked child, a number of actions will be undertaken in the country of destination aiming at withdrawing the child from exploitation and accommodating him/her in a safe and child-friendly environment. These protection and assistance measures were already provided for by the Greek anti-trafficking legislation and according to the Agreement, the National Authority undertakes the responsibility for their coordinated implementation.

Also in the context of the Agreement the States reiterate their respective international obligation and guarantee explicitly to exclude children victims from criminal responsibility for the offences committed while trafficked and not to detain them on such grounds. Such a guarantee is a crucial step forward, since even though in recent cases, the Greek Prosecutors have not pressed charges against the trafficked child, the Greek legislation does not contain any provision explicitly excluding children from criminal responsibility for acts committed while trafficked.

**An important measure for the protection of the child is the obligation of the Responsible Authority in the country of destination to appoint a provisional guardian for the child victim.** According to the text, an independent and trained guardian is placed in charge of undertaking the steps required by the needs of the child and guaranteeing his/her best interest throughout the process.

**The decision on the permanent solution for the child is taken by the Responsible Authorities of both countries after a close cooperation between them for assessing the specific situation of each child.** The Agreement stipulates clear obligations on what the Responsible Authorities should take into consideration, so that the best interest of the child is respected throughout decision-making process. Possible solutions are the assisted voluntary return, the integration of the child in the country of destination or the transfer of the child to a third country. While the right of the child to return to his/her family is recognised as paramount, this right is not seen as an obligation for the child. According to the Agreement, the return of the child should take place only when the child is willing to return and his/her wellbeing is guaranteed. Moreover, it should be well-organised between both countries' public and private services and through child sensitive measures. The abovementioned criteria concerning a proper Assisted Voluntary Return are integrated in the Agreement and have become clearly binding for both States.

The State where the permanent solution is implemented is directly responsible for the child's full (re)integration. In this respect, the text of the Agreement pays attention to a large number of rights such

as the right to family environment (either biological or foster/adoptive), education, etc. The Agreement provides for an exchange of information between the Responsible Authorities concerning the integration of the child. This obligation reflects the drafters' view that transnational action and responsibility constitutes the best protection to the child victims of trafficking<sup>67</sup>.

Besides the provisions on protection and assistance to the victims, the States commit to each other to take appropriate measures to enhance police cooperation, especially between Anti-trafficking units and Border Police. Exchange of information, trainings etc. shall be regulated by additional protocols and Agreements. Furthermore the commitment involves also measures for the prevention of the phenomenon and for the sensitization of all involved actors.

Recently the Albanian Government established the National Authority. The expectation is that this authority will formalize the referral procedure not only between Greece and Albania, but also within Albania between the various service-providers. It is also expected that through this structure the contribution of the other Albanian State structures (State Social Services, consular offices, etc) to prevention, protection and reintegration activities would be more substantial. However, the project is aware that this process will take time and require strong support by the existing anti-trafficking stakeholders.

In Greece, the institution appointed as Responsible Authority for the implementation of the Agreement is the National Centre for Social Solidarity and it exists since years by now within the Ministry of Health and Social Solidarity. Its mandate previous to the Agreement focused in general at providing social support to persons and social groups affected by serious problems, including emergency situations. In order to implement efficiently the new child anti-trafficking responsibilities, the personnel of the institution should receive specialized training in the field of anti-trafficking and child protection. It should also strongly collaborate with its Albanian counterpart.

By August 2006, the Greek Parliament has not yet ratified the agreement. However, this fact should not hinder the organization of joint trainings among the personnel of the two Responsible Authorities. It is necessary for them to exchange institutionally with each as well as with third parties, including civil society both in Albania and Greece.

<sup>67</sup>Mirela Shuteriqi, Transnational collaboration as a necessity in fighting child trafficking, in : Human Trafficking, ARSIS, Vol. no.2, May 2005, Greece

## CONCLUSIONS AND RECOMMENDATIONS

This publication sought to elaborate on the transnational cooperation in addressing the trafficking of Albanian children to Greece. Even though the main focus of the publication was on the collaboration between two NGOs, Terre des hommes and ARSIS, these two NGOs do not work isolated. Thus the publication paid extensive attention to the efforts of the other partners, including the primary partners, the State institutions.



As a result of the joined efforts of State institutions with civil society both in Albania and Greece, today, the trafficking of Albanian children to Greece has decreased substantially as compared to 1999-2000. However, it continues to exist as demonstrated also by those children, who are still exploited in the streets of Albania and Greece. While, a large number of these children are at present directly exploited by their own parents, others remain exploited by third parties, very often a very close relative of the family. Most of the children belong to the Roma or Jevgj/Egyptian

community, which members' suffer from low level of education, unemployment, lack of shelters and resources. It is because of such lacks, the wish for a better life and the perception that this better life would be possible in Greece that many families consider the option of migrating themselves or allowing a relative to take their child in migration. Even though legally migrating to Greece is in theory possible, the conditions and procedures foreseen in the legislation make it extremely difficult in practice. Thus, many are constrained to migrate illegally to Greece, to realize once there, that they are extremely vulnerable to exploitation. It is very difficult to find a job; when this occurs, very often the employer exploits and discriminates them because of their background. Thus, for some adults, the incomes earned by child labour become irresistible. **Very often, child labour is the easy solution, conveniently preferred by unstable parents or a lucrative business exploited by third parties. In other cases, child labour becomes the choice since it is better paid than the jobs of the parents.**

It is against this background that Tdh and ARSIS in the frame of TACT project have sought to prevent the exploitation and trafficking of the Albanian children and support the children exploited and trafficked to empower and free themselves from the exploitative situation. The model of intervention, based on the principle of the child as a social actor has given positive results. **According to this approach, every child should have the freedom (“room to move”) to take decisions about his/her future. The overall objective of the project is to reinforce the child’s role in making the right decision.** The same objective is pursued by TACT project towards the family of the child, since the situation and position of the family strongly influences the child.

**In achieving this, the establishment of a relation based on trust between the child and the family on one side and the project on the other is a must.** Only when such trust exists, the social workers succeed to understand the real motivation behind the actions of the child and the family. Then the

project can work on assisting the child to achieve the same aim, but in a safer way. The school attendance by the child is considered by the project, both in Albania and Greece, as a very important tool not only in preventing the children from being exposed to the risks of exploitation and trafficking, but also in their further empowerment and development.

The project also addresses the society/community of the child, aiming at increasing the opportunities offered to the child and his/her family within this society/community. This aspect includes a large range of activities, such as awareness raising, advocacy in improvement of legislation, policies and their implementation, assistance to communities and exchange with them on the role and position of the child, etc. The role of the project inhere remains however complementary, while the main responsibility lies within the State institutions. **The State's intervention and at large scale also that of TACT depends on the regulatory framework in force.** This is why the publication paid in depth attention not only to the legal and institutional framework at the national level (in Albania and Greece) but also at the bilateral level, between Albania and Greece.

**The overall conclusion is that there is still place for the improvement of the national legal framework both in Albania and Greece.** Both in Albania and Greece, in particular the legislation criminalizing the various forms of trafficking, including child trafficking, has been subject to recent amendments resulting in higher sentences. However, it is not always possible to demonstrate before a court of law that all the elements of the trafficking act have occurred. Moreover in Albania, there is no legal provision criminalizing child exploitation through forced labour and begging. The two above-mentioned factors brought together lead to impunity of traffickers in some cases.

While Albania should ensure that there is no impunity for exploiters/traffickers, it should also tackle successfully the trafficking root causes. This means fighting poverty and increasing employment opportunities, including youth opportunities. It also requires a better implementation of the legislation dealing with the protection of the rights of the child, so that the children do not fall trafficked in first instance or when such, the efforts to rescue them succeed. **The Albanian State institutions should address efficiently realities such as unregistered children, children forced to abandon school and domestic violence. In this direction, better efforts should be made to the proper implementation of the Family Code, by intervening in conformity with the child's best interest, also in the cases when the parents are directly behind the exploitation and abuse of the child.** More work should be done also with the communities, to enforce their role on child protection or, on some occasions, even change their perception and attitude towards the role of the child in family and community. Some groups, like the Roma and Jevgj/Egyptians would need positive discriminatory measures by the State, to enable them to access the rights recognised by the Albanian legislator. The coordination between all the actors and their responsibility regarding the protection of the rights of the child ought to be further enhanced, especially at the local level, where the child is also better assisted. TACT project is already assisting in this direction by contributing to the establishment of a child protection unit within the municipality.

In Greece, the authorities should also guarantee a better implementation of the relevant legislation. As already concluded, the Greek anti-trafficking legislation has improved in the last years and it currently guarantees a number of important rights to the trafficked children. However, some practical problems have been identified in the implementation of these provisions regarding mainly the coordination among the involved authorities. **The protection and assistance of trafficked children need to be a**

**priority in the agenda of the involved authorities.** In this direction, some procedures directly affecting the children ought to be accelerated. Moreover, additional resources, including human resources should be invested in protection and assistance. The practice of Athens, where a sub-unit in charge of child protection (different from the unit in charge of investigating cases of children alleged to be in conflict with the law) exists within the police, should be followed throughout the country. Training and sensitisation activities should be regularly organised for Police and other State actors in Greece.

**In addition, the well-being of the child should be at the heart of all measures undertaken by the Greek State, regardless of the nationality of the child, or the fact that the child has entered the country illegally. The identification of Albanian children trafficked to Greece will continue to remain problematic as long as the Greek legislation does not offer sufficient protection and assistance to all foreign unaccompanied children. Practices such as detention and deportation of Albanian children because of their illegal entry in Greece ought to be banned by law in Greece.** In parallel to advocating for such legislative amendments, civil society in Greece should continue urging from the authorities the improvement of the conditions of children in detention facilities and the procedures followed during their return to Albania.

The issue of return is considered also in depth in this publication. **Both Terre des hommes and ARSIS, while recognising the right of the child to return to his/her family in the country of origin, are against a mandatory policy of return. A careful assessment, including a risk assessment should be conducted and the decision should be taken on a case per case basis. As a social actor, the child is able to express his/her views throughout this process.** (S)he should however be assisted in making the choice and realising it in practice. This concept of assisted and voluntary return, possible after the assessment, should apply not only to trafficked children but to every unaccompanied foreign child in Greece.

By elaborating on the transnational cooperation between Terre des hommes and ARSIS, the publication sought to demonstrate that it is possible to intervene in the best interest of the child. **One of the conclusions is that however, there is a need for an increased role of both Albanian and Greek State institutions in addressing child trafficking not only by addressing their own country reality, but also by increasing the bilateral coordination and collaboration. The agreement between Albania and Greece on the protection of child victims of trafficking signed in February '06 serves this purpose.** The agreement formalises the cooperation between both States and prescribes joint intervention in protecting the trafficked child. It is based on previous human rights documents and it reflects the existing good practices implemented by TACT and other civil society actors. The proper implementation of the agreement will be of benefit to the children directly but also indirectly by enhancing the trust between State institutions across the border line. Even though the agreement applies mainly to children victims of trafficking, by covering under certain provisions also children at risk of trafficking, the expectation is that it will improve the attitude and national practices in cases of foreign children in general, regardless of whether trafficked or unaccompanied.

One important issue, remaining uncovered in the Agreement, but which is however one of the main conclusions and recommendations of this publication regards the need to better regulate the migration flows from Albania to Greece. **Limiting the possibilities to migrate has proven that it cannot stop people, including children from searching better opportunities. Instead, efforts should**

**be focussed on better exchanges of information on job opportunities across the border.** The continued fight against poverty in Albania and the improvement of the situation of Albanian migrant workers in Greece, including legalisation of their residence in Greece, would improve the situation of Albanian children living in Greece, while preventing others in Albania from being trafficked.



**Recent publications by Terre des hommes Mission in Albania about the fight against child trafficking:**

- *Child Trafficking in South-eastern Europe: The Development of Good Practices to Protect Albanian Children* - Daniel Stoecklin & Vincent Tournecuillert - November 2004

- *The trafficking of Albanian children in Greece* - Terre des hommes Foundation Lausanne - Pierre Phillipe, Vincent Tournecuillert - January 2003

**A database containing** hundreds of documents on child trafficking is available at [www.childtrafficking.com](http://www.childtrafficking.com)

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