

CHAPTER 4: APPROACH TO FORCED BEGGING IN OTHER EUROPEAN COUNTRIES

For this focus, Myria spoke to the other national rapporteurs. It wanted to find out about the experiences in other European countries regarding the fight against forced begging. Myria asked them five questions relating to the following aspects:

- the status of begging in their country;
- the explicit inclusion (or not) of trafficking for the purpose of exploitation of begging within the context of trafficking;
- how cases of exploitation of begging in the country were dealt with, the results obtained and, if necessary, the profiles of the perpetrators and victims;
- examples of best practices and experiences concerning the approach to this form of exploitation;
- the existence of interesting articles or reports on forced begging.

Out of the 27 Member States questioned, 15 replied to the questions asked, which bears witness to a good collaboration between national rapporteurs. We should point out that Scotland answered for the United Kingdom and that Romania, which contributed to this report, did not explicitly reply to the questions asked¹⁰⁵.

The answers come from countries of origin as well as destination countries.

¹⁰⁵ It is included in the total number of countries that replied but since the answers were dealt with in the framework of the external contribution provided, they were not dealt with again here. On this subject, please refer to the end of this focus (See the following external contribution: *Experiences of exploitation for forced begging in Belgium and Romania*).

Myria is therefore presenting a summary of the answers received in this chapter. Special attention, although limited, will also be paid to minors, because they are the ones who appear to be particularly affected by this form of trafficking in several countries¹⁰⁶.

1. The status of begging

As is the case in Belgium, begging is not an offence in several countries. Nevertheless, it is banned in some cases, for instance, when it implicates children or in the case of aggressive begging. This is particularly the case in France¹⁰⁷, Spain¹⁰⁸, Sweden¹⁰⁹, Scotland¹¹⁰, and Hungary¹¹¹.

¹⁰⁶ A major study was conducted on this subject in several European countries, within the framework of the European Commission's ISEC project. On this subject, see: Report for the Study on Typology and Policy Responses to Child Begging in the EU, December 2012: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/report_for_the_study_on_typology_and_policy_responses_to_child_begging_in_the_eu_0.pdf. However, owing to the limited framework of this chapter, we were not dealing with it here.

¹⁰⁷ Article 312-12-1 of the Criminal Code (aggressive begging), Article 227-15 of the Criminal Code (minors, assimilation with the unlawful denial of care).

¹⁰⁸ Article 232 of the Criminal Code (it is an offence to use minors for the purpose of begging).

¹⁰⁹ Begging is legal as long as it does not disrupt public order or offend the public.

¹¹⁰ In Scotland, the police and public prosecutors have the power, through existing legislation, to deal with aggressive begging, e.g. through section 38 of the Criminal Justice and Licensing (Scotland) Act 2010. Scottish legislation also allows people who use children for begging to be prosecuted.

¹¹¹ It is forbidden to beg in the company of minors, or participate in active begging by approaching passers-by on a public thoroughfare (Article 185 of Act II of 2012 on infractions, infraction proceedings and the registration system of infractions).

Furthermore, local authorities often have the power to control begging in their area (in the Netherlands¹¹² or in the Czech Republic¹¹³ for instance, by using their police power in case of public disorder (France).

For instance, in Austria, there are no country-wide regulations concerning begging. Passive begging is therefore not illegal but every federal province ('Bundesländer') is authorised to control begging geographically or according to the type of begging. Moreover, the towns and municipalities also have this power. Consequently, in certain provinces, aggressive begging, organised begging or begging with children under the age of 14 is forbidden.

In Germany too, it is the local authorities who decide where begging is forbidden or restricted. For example, in Munich, passive begging is permitted but intrusive, aggressive, or organised begging is forbidden¹¹⁴.

In other EU countries, begging is forbidden. Hence, in Greece, Bulgaria, Lithuania, and Malta, begging is illegal. The Greek Criminal Code¹¹⁵ punishes anyone begging with a six-month prison sentence and a fine of up to

EUR 3,000¹¹⁶. In Bulgaria, both a person systematically practising begging¹¹⁷ and a person using someone they are responsible for to beg¹¹⁸, are punishable by law. In Malta, begging is also considered a criminal offence¹¹⁹ whereas in Lithuania, it is considered a violation of the administrative provisions.

Begging is an offence in Croatia. Parents and legal guardians can be held responsible if their child begs. As for forcing a child to beg, this is punishable under the Criminal Code¹²⁰.

2. Forced begging as a distinctive form of human trafficking

In the majority of countries that answered, forced begging is, as is the case in Belgium, just one of the purposes specific to human trafficking, separate to that related to labour exploitation. This is the case in France¹²¹, the Netherlands, Austria¹²², Greece¹²³, Bulgaria¹²⁴, Lithuania, and Malta.

¹¹² Hence, while begging has been decriminalised since 2000, it is the municipalities that decide whether or not to set up local bans.

¹¹³ Begging is not a criminal offence, but it can be forbidden by municipalities in certain places.

¹¹⁴ M. CISSEK-EVANS, "Begging and the exploitation of criminal activities", in KOK, *Human Trafficking in Germany, an overview from a practical standpoint*, 2015, p. 119.

¹¹⁵ Article 407.

¹¹⁶ Likewise, anyone who encourages or fails to discourage other people they are responsible for from begging or who provides minors or mentally or physically disabled persons to others for the purpose of eliciting pity among the public with a view to making a financial gain, is also punishable. (Article 409 of the Criminal Code).

¹¹⁷ Article 329 of the Criminal Code (Chapter 10: crimes disrupting public order or the peace).

¹¹⁸ Article 189 of the Criminal Code (Chapter 4, section two: crimes against children).

¹¹⁹ As a result, three Bulgarian nationals were summoned to court for begging. They were conditionally released after having pleaded guilty, stating that they did not know begging was prohibited in Malta.

¹²⁰ Article 177. This offence features among the behaviours relating to negligence and abuses of children's rights.

¹²¹ Article 225-4-1 of the Criminal Code. Like Belgium, the French Criminal Code provides for a separate charge for the exploitation of begging (article 225-12-5 Criminal Code).

¹²² §104a of the Criminal Code.

¹²³ Article 323A of the Criminal Code.

Germany should also soon define it as a particular form of human trafficking.

In other countries, however, forced begging - whether explicitly mentioned or not - is considered a form of forced labour. This is the case in Spain¹²⁵, Sweden¹²⁶, the Czech Republic, and Croatia¹²⁷.

As for Hungary, it makes no reference to specific purposes of exploitation in its definition of trafficking, since the key factor is the attempt to gain from abusing a victim's vulnerable situation, whether the benefit is financial or not¹²⁸. This definition is completed by other provisions, such as those on forced labour¹²⁹. Forced begging can therefore fall under the definition of trafficking within this framework.

Scotland recently adopted new anti-trafficking legislation, regardless of the purpose of the exploitation. However, begging is not specifically mentioned among the forms of exploitation¹³⁰.

As is the case in Belgium, begging is not an offence in several countries. Nevertheless, it is banned in some cases, for instance, when it implicates children or in the case of aggressive begging.

3. Experiences of cases of trafficking for the purpose of forced begging

The majority of countries that responded have already had to deal with cases of trafficking for the purpose of exploitation of begging, albeit a limited number.

For instance, in Spain in 2014, there were four cases of presumed trafficking for the purpose of exploitation of begging. One of them was taken to court but resulted in an acquittal. The people concerned in these cases were of Roma origin above all.

In Sweden, since 2009, the Swedish courts have tried five cases of trafficking with regard to forced begging, three of which led

to convictions.

The Swedish government also believes that some 4,700 people, mainly from Romania and Bulgaria, have arrived in Sweden within the framework of the free movement of persons, in order to beg, and that their number has significantly increased in the past five years.

In February 2016, two Bulgarian brothers were convicted of trafficking, after having exploited several poor and disabled persons who were promised work in Sweden. Their victims included a retired 69-year-old, a young illiterate person in a wheelchair, and a 62-year-old blind man. These victims were given nothing for the long days they spent begging. Two other people, a Macedonian who housed the victims and a Bulgarian woman who helped with the logistics were also convicted, although they received lighter sentences¹³¹.

In the Netherlands, there have not been any cases of forced begging; however, court

¹²⁴ Article 159a of the Criminal Code.

¹²⁵ In Spain, begging features explicitly among the purposes of trafficking but is listed among the forms of forced labour (Article 177bis of the Criminal Code).

¹²⁶ The term begging is not mentioned but can fall under the definition of trafficking as forced labour or as a situation involving distress for the victim (Chapter 4§1 of the Criminal Code).

¹²⁷ Begging is not explicitly mentioned in Article 106 of the Criminal Code, which defines human trafficking.

¹²⁸ Act C of 2012 on the Criminal Code.

¹²⁹ Section 193 on forced labour.

¹³⁰ Human Trafficking and Exploitation (Scotland) Act 2015.

¹³¹ The Local, *Sweden jails Bulgarian for begging rings*, 13 February 2016: <http://www.thelocal.se/20160213/swedish-court-jails-bulgarian-for-human-trafficking>;

decisions concerning Romanians being forced to sell newspapers in the street resulted in convictions of trafficking¹³². A major study regarding the exploitation of child begging was also coordinated by the NGO ECPAT¹³³ and Défense des Enfants, but no evidence was found¹³⁴.

In Austria, in 2015, within the framework of investigations aimed at identifying possible trafficking victims, the police identified approximately 1,500 Romanian nationals begging in Austria (especially door-to-door)¹³⁵. In Vienna, approximately 100 Romanian and 260 Bulgarian nationals were identified as being active in begging. They were there for several months (poverty begging) and used classic forms of begging (with a bowl, selling newspapers, etc.).

In 2014, 2015, and 2016¹³⁶, two cases concerning acts of trafficking for the purpose of exploitation of begging were tried in Vienna. One concerned three Romanian perpetrators (September 2014) including one man and two women, the victim being a man. The other case concerned Bulgarian perpetrators (three men and four male victims). Other investigations are still in progress.

¹³² <http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHARL:2014:10096>.

¹³³ ECPAT is the acronym for End Child Prostitution, Child Pornography and Trafficking of Children for sexual purposes. Its mission is to combat any form of commercial sexual exploitation of children.

¹³⁴ DE WITTE and PEHLIVAN, *Vulnerability of Bulgarian and Romanian children to trafficking in the Netherlands and in Brussels*, Mario project, Budapest, December 2014: <https://www.kis.nl/publicatie/vulnerability-bulgarian-and-romanian-children-trafficking-netherlands-and-brussels>.

¹³⁵ However, it is not possible to say whether these people are completely dependent on begging to survive, or whether begging is used to commit offences or if they are exploited within the framework of begging.

¹³⁶ Figures from the justice's criminal investigation department.

The Austrian press widely publicised the case of September 2014, in which the three perpetrators were convicted for trafficking with the purpose of forced begging. They had brought a severely disabled man over from Romania: he had lost both legs and an arm in a serious accident. He was forced to beg, was constantly under surveillance and kept locked away, in dreadful conditions. The case was brought to light when the police discovered him sleeping in a car boot.

The press also mentioned the existence of an extensive begging network in Vienna. The gang had been under observation for several months. In total, 80 victims were identified, especially elderly people, some of whom had a disability, who had come directly from Romania. The victims had to earn EUR 80 a day, and if they did not, they were abused and subjected to violence. They lived in appalling conditions and also had to beg for hours during the coldest days of winter. The investigation led to the arrest of 16 gang members, both in Austria and Romania. The trial took place in Romania.

The German press¹³⁷ also reported on a case of forced begging concerning a Romanian national of Roma origin. It would appear that this type of exploitation even takes place in full view of the local authorities. This man was lured to Hamburg by a fellow citizen, with the promise of being able to work in Germany. In Hamburg, he had to beg to pay off his debts, which constantly increased because of the interest. This man was a victim of a network composed of one person and several members of his family who served as drivers and supervisors. He recruited the victims in his village. The victims were put under pressure because their leader (the exploiter) came from the same village and because they had to pay

¹³⁷ Der Spiegel, *Der Boss der Bettler*, 13/2014, pp. 53-56: <http://www.spiegel.de/spiegel/print/d-126149122.html>

him back debts they had incurred. The victims handed over their daily earnings to the leader at the end of the day. This allowed him to earn EUR 800 to 900 a day. If the victims did not do their work properly, the supervisors would use violence. The victims were afraid of their bosses.

The victims lived in a winter shelter set up by the city of Hamburg, in the municipalities on the outskirts of the city. Every day, the victims were taken to the centre by bus, paid for by the authorities. The authorities were therefore well aware of what was happening. Begging is not punished by law in Germany, unlike Romania. On the other hand, organised begging, which could be considered as human trafficking, is punishable.

Most of the time, the perpetrators are expelled and prosecuted in their country of origin. The public prosecutor's office in Hamburg has not intervened in a single case of forced begging for the past six years.

In Greece, the exploitation of forced begging is the second most significant form of trafficking. The majority of the victims are minors of Roma origin from Greece, Bulgaria,¹³⁸ and Romania. In the majority of cases, the trafficking takes place in a home environment¹³⁹. Sometimes, begging is

¹³⁸ Also see on this subject, K. DIMITROVA and Y. ALEXANDROVA, *Countering new forms of Roma children trafficking: participatory approach (CONFRONT)*, *Child trafficking among vulnerable groups, country report Bulgaria*, 2015, pp. 32-33.

¹³⁹ In this respect, a study showed that the growing involvement of parents and close relations in the extended family, rather than third parties, in the transportation of their children to Greece to beg there or sell small objects in the street, created ambivalence among the authorities. This ambivalence relates to the issue of knowing whether to consider these as acts of trafficking or whether a criminal law approach would be more appropriate. The fact that exploitation can take place within the family, even involving the parents, is very often not

associated with other forms of minor offences. In 2015, the Greek police investigated three cases of forced begging; nine victims were identified (including three minors); nine people were arrested and prosecuted for forced begging.

In Hungary, country of origin and transit for trafficking, this form of exploitation has a very high latency rate. Internal trafficking is a growing phenomenon. Sometimes, homeless people are used for forced begging. Seven criminal proceedings concerning cases of forced begging were however officially recorded under the term 'duress', with two investigations initiated in 2015.

In Croatia, according to the statistics, some cases of forced begging were listed as forced labour. One of these cases led to a conviction of five years in prison and the confiscation of HRK 600,000 (approximately EUR 80,000).

In Bulgaria, several cases of organised exploitation of begging were reported to the National Commission for Combating Trafficking in Human Beings. These cases were informally identified as cases of human trafficking. Most of the time, the acts involve adult male victims, who sometimes also have mental disabilities. In certain cases of sexual exploitation reported to the commission (these cases concern 70 % of cases), the victims were also exploited in other ways, including begging.

recognised or even investigated. The issue of knowing how the legal and social services can detect, assess and deal with intrafamily exploitation is extremely complex and is still a major challenge to be dealt with from the angle of the child's best interests. On this subject, see D. ANAGNOSTOU AND A. KANDYLA, *Countering new forms of Roma children trafficking: participatory approach (CONFRONT)*, *National report: Greece*, 2015, pp. 5, 9, 11-12, 31-32.

The Bulgarian National Agency for Child Protection dealt with 19 cases of trafficking for the purpose of begging in 2015, involving 12 boys and seven girls (all minors), recorded in Austria, Sweden, Greece, Spain and France¹⁴⁰. One local NGO also reported cases of internal trafficking for the purpose of begging.

4. Best practices and experiences

Investigations

Several respondents underlined the difficulty of combating trafficking for the purpose of forced begging. In the majority of cases, the perpetrators and the victims move around, making it very difficult to monitor and prosecute the phenomenon. This particularly concerns minors (Greece). Greece also emphasised that it was difficult to establish the existence of exploitation when members of the family are involved, especially where minors are concerned. Consequently, these types of cases are dealt with as cases of negligence. Austria emphasised that children exploited by their parents would not testify.

The links between begging and forced criminal activities also sometimes make it difficult to identify beggars as victims (Spain). Furthermore, the victims often do not see themselves as victims (Austria).

The importance of advisers and specialists conducting the investigations, and even the operational involvement of liaison officers from the victims' country of origin, have also been reported as best practices (Austria).

It is difficult to combat trafficking for the purpose of forced begging. In the majority of cases, the perpetrators and the victims move around, making it very difficult to monitor and prosecute the phenomenon.

As regards investigations, Sweden underlined that in cases that have resulted in convictions, the victims suffered from physical or mental disabilities. In this type of investigation, the same methods and techniques used to combat trafficking for the purpose of sexual exploitation should be employed (collecting information on the perpetrators, physical surveillance and camera surveillance, and phone tapping). When information has already been collected on the case, it is also easier for the victims to make statements. It is important for the police to learn to work behind the scenes.

In Croatia, the police are often present in the streets, which helped to identify the victims of trafficking for the purpose of forced begging. Furthermore, the ombudsman for minors took measures concerning child beggars. This included the publication of an information brochure.

Prevention, awareness-raising, and training

Many respondents emphasised the importance of improving awareness-raising and training at all levels.

The reason for this is to prevent beggars from being treated as criminals in countries where begging is illegal, such as Malta, if the police and the law are not sufficiently aware of this form of exploitation.

Campaigns incorporating forced begging have been conducted by organisations in Greece, thus increasing the public's awareness and the reporting of

¹⁴⁰ Concerning the profile of previously identified minors, see: K. DIMITROVA and Y. ALEXANDROVA, *op. cit.*, p. 65.

relevant cases to the authorities¹⁴¹. In particular, there have been campaigns targeting the prevention of child trafficking. One NGO works on the ground in Athens, Thessaloniki, and Patras, with an emphasis on unaccompanied minors and trafficking victims¹⁴².

Emphasis was placed on the importance of reinforcing efforts to increase awareness among the various stakeholders, including the media, around child begging, in order to prevent stereotypes concerning Roma communities¹⁴³.

In Austria, round tables were organised in certain towns, for the purpose of analysing the problem of migrant beggars and begging families. These round tables included political representatives from the municipalities, local authorities, NGO and social services suppliers, academics, and Roma organisations¹⁴⁴.

Several projects relate more specifically to child trafficking. For instance, France organises prevention actions in the countries of origin. In 2013, the Regional Technical Adviser led a prevention project concerning the trafficking of Roma children in Bulgaria, in partnership with the 'Children's rights' attaché for Romania, Bulgaria and Moldavia. One project in particular focused on the prevention of child begging in Romania and raising awareness about families selling children.

¹⁴¹ Educating and training not only the competent authorities but also teachers and students are equally part of the Greek anti-trafficking policy.

¹⁴² On this subject, see D. ANAGNOSTOU AND A. KANDYLA, *op. cit.*, p. 41.

¹⁴³ H. SAX, A. WINKLER, *Countering new forms of Roma child trafficking: participatory approach (CONFRONT)*, National Report: Austria, 2014, p. 17.

¹⁴⁴ See for instance Salzburg and Linz: Center for the study of Democracy, *Countering new forms of Roma children trafficking, participatory approach: Compendium of good practices*, CONFRONT, 2015, pp. 7-8.

Multidisciplinary approach

The importance of a multidisciplinary approach (Spain) was also emphasised, including the multidisciplinary training of public prosecutors, investigators, and police officers (Bulgaria¹⁴⁵) and cooperation with civil society (Spain, Czech Republic¹⁴⁶), as well as ground work (Czech Republic). Austria emphasised the importance of establishing information networks (security police, well-being of children and young people, interpreters, NGO, informers).

Social response to begging

In Sweden, there are some 5,000 beggars, 1,000 of which come from Bulgaria, the majority being of Roma origin. For this reason, the authorities must distinguish between those who beg out of necessity and organised groups who wish to profit from other people begging, thus making themselves guilty of human trafficking. An action program for the period 2016-2017 as well as a letter of intent to cooperate with the social policy sector, aiming to improve the living conditions of vulnerable groups, were signed between the Bulgarian Minister of Employment and the Swedish Minister for Children, the Elderly, and Gender Equality¹⁴⁷.

¹⁴⁵ Within this framework, all aspects of trafficking are dealt with, including concrete cases such as forced begging. A report previously revealed various shortcomings at all levels regarding the recognition of indicators of child trafficking for the purpose of begging. In particular, specific attention should be paid to the differentiation between begging as a survival strategy and the exploitation of families and children by third parties. On this subject, see K. DIMITROVA and Y. ALEXANDROVA, *op. cit.*, p. 69.

¹⁴⁶ The Czech Republic also underlined the importance of the collaboration between NGO specialised in supporting victims of trafficking and those specialised in helping the homeless.

¹⁴⁷ Nivinite.com, *Bulgaria agrees joint action to curb organised begging in Sweden*, 5 February 2016, <http://www.novinite.com/articles/172976/Bulgaria+Agrees+Joint+Action+to+Curb+Organised+Begging+in+Sweden>.

Measures concerning children

There are some measures that specifically concern children. For example, the Czech Republic developed detailed instructions to be implemented by the authorities regarding forced child begging. A guidebook was thus developed that detailed the procedures to be followed by all the authorities when they came into contact with a child (especially a migrant) who is begging. They must assume that the child is a victim of trafficking, unless proved otherwise¹⁴⁸.

Reception and support structure for migrant children living in poverty were set up in Austria¹⁴⁹. For example, the Caritas day-care centre in Linz also aims to teach children basic reading, writing, and mathematical skills. Parents drop off their children in the morning before going to beg and leave their contact details in case of an emergency.

A specialised crisis centre that receives unaccompanied minors was also established in the municipality of Vienna more than 10 years ago. Some of the children that came to the centre were child beggars from Romania and Bulgaria.

¹⁴⁸ See in particular on this subject, RACE, *Trafficking for forced criminal activities and begging in Europe, Exploratory study and good practices examples*, 2013, p. 52.

¹⁴⁹ For the details of the good practices implemented, see: Center for the Study of Democracy, *Countering new forms of Roma children trafficking, participatory approach (CONFRONT): Compendium of good practices*, 2015, pp. 7-13. Other good practices concerning the other participating countries also feature in it.