



Criminal protection of unaccompanied children victims of crime. The multiagency approach of Catania

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Definition of Human trafficking

(Art. 4 Council of Europe Convention on Action against THB- Warsaw 16.05.2005)

"Trafficking in human beings" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

Definition of Human trafficking

*THB: 1) “action”, being recruitment, transportation, transfer, harbouring or receipt of persons;
2) a ‘means’ by which that action is achieved (threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, and the giving or receiving of payments or benefits to achieve consent of a person having control over another person);
3) a “purpose” of exploitation*

United Nations Convention against Transnational Organized Crime

*Art. 3 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,
supplementing the United Nations Convention against Transnational Organized Crime
(Palermo 2000)*

2011 EU Trafficking Directive, Art. 11

“ Member State shall take the necessary measures to establish appropriate mechanism aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations”



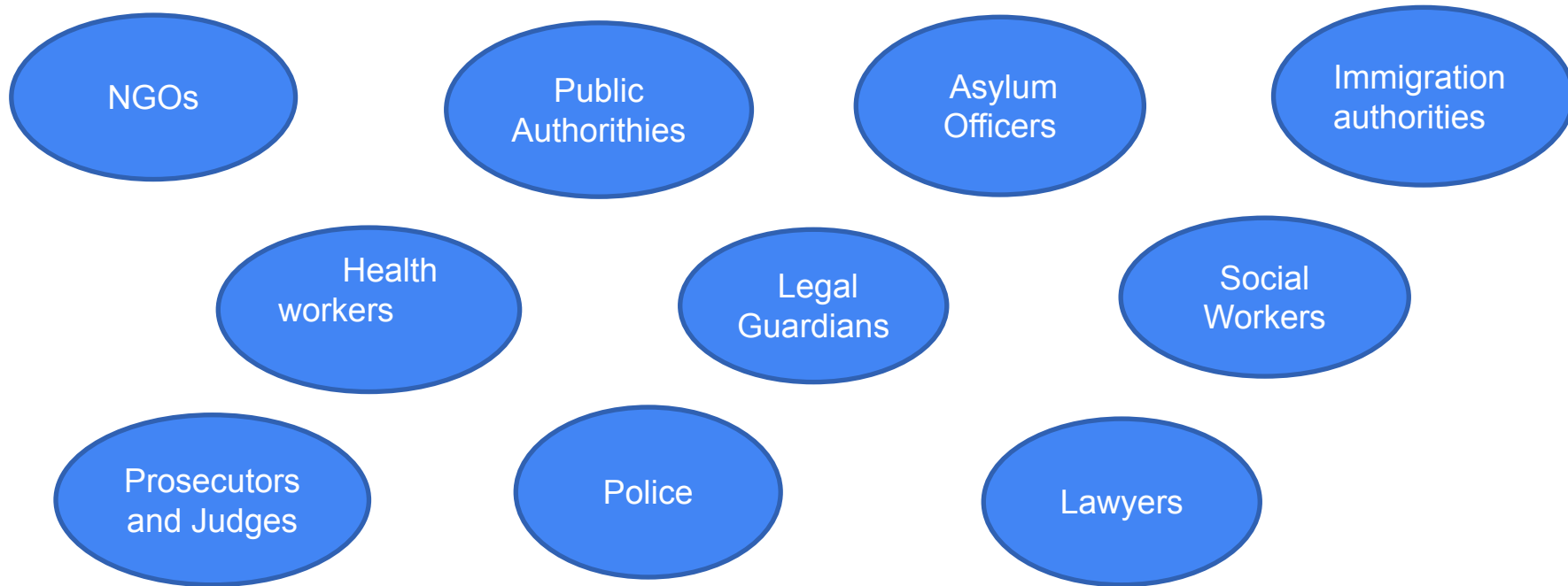
Identification of victims

MULTIDISCIPLINARY APPROACH

Proper identification requires the setting up of a national referral Mechanism wich ensures coordination and cooperation between the various actors in identifying trafficked persons, and in providing the assistance and protections measures they are entitled to

(GRETA, 2° General report)

Multidisciplinary approach actors



CATANIA- CT COUNTING TRAFFICKING

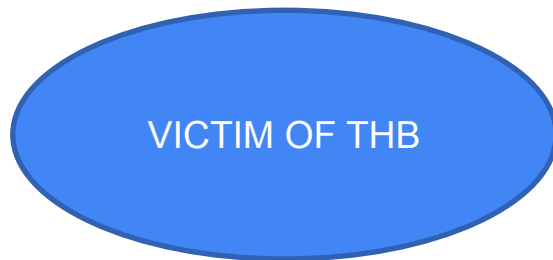
Public Prosecutor Juvenile Court

Juvenile Court

DDA

Legal guardians

Police



Asylum Authorities

IOM

NGOs

TIMELY IDENTIFICATION IS ESSENTIAL!

Re-trafficking

Abuse of traffickers

Sexual Abuse

Unwanted pregnancy

*Complications of early
motherhood*



*Trauma effects on mental
health*

Re-victimization

Denial of fundamental rights

Rape, corporal punishment

Indicators of THB

Difficulty family situation Age Lack of education Lack of information

Abduction Forced marriage Threats Isolation Dependency on exploiters

False information about successful migration Debt bondage Low or no salary

Hazardous work Confiscation of documents Forced to lie to the Authorities

ASSISTANCE

Secure and appropriate accomodation

Urgent medical treatment

Counselling and information

Translation and interpretation

Legal Advice and assistance



Identification of victims

Art. 10 CoE Convention

When the age of the victim is uncertain and there are reasons to believe that the victim is a child, they shall be presumed to be a child and shall be accorded special protection measures pending verification of their age

Identification of victims

*As soon as an unaccompanied child is identified as a victim, each Party shall:
Provide for the representation of the child by a legal guardian*

ITALIAN STRATEGIES OF PROTECTION

L. 184/1983

Art. 18 D. lgs 286/1998

Legge Zampa

International Protection

ASSISTANCE TO CHILD VICTIMS

Ensure the best interest of the child in all actions and decisions

Trained Legal Guardian

Respect of individual needs

Age assesment

Criminal Proceeding Issues

- *Cooperation during investigations*
- *Inquiry phase- Deposition as witness before the Judicial Authority : “Incidente Probatorio”*
- *Civil Party for civil damages*
- *No punishment of victims of THB (art. 26 CoE Convention)*

ASSISTANCE

*ASSISTANCE IS NOT CONDITIONAL ON THE VICTIM'S COOPERATION WITH THE
AUTHORITIES*

IN THE INVESTIGATION OR CRIMINAL PROCEEDINGS

The issue of Consent

*THB : Irrelevance of consent
once means are established*

*TRAFFICKING IN CHILDREN:
Irrelevant.
No need to establish means*



If you want to go fast, go alone. If you want to go far...GO
TOGETHER...

THANK YOU!

Points for reflection

When can we consider the path of risk of exploitation concluded?

How does Child Justice System affects prevention ?