



## **The lack of protection of young European migrants: Findings and recommendations of Mario II project**

For ten years, trafficking routes in Europe have evolved due to socio-economic changes among countries of Central and Eastern Europe. The move towards market economies, coupled with the free movement of goods and people, has pushed youth to migrate. In countries that once guaranteed work beyond education, adolescents are now facing unemployment and have limited social protection to ensure their survival. These young people are more vulnerable and at risk of becoming victims of trafficking. Upon their arrival in a new country within the European Union, they have however no guaranteed access to systems of protection.

The Mario II project therefore sets a goal to educate and inform the public of the difficulties faced by young European migrants. Launched in 2009, following the mobilization of several NGOs, the project seeks to improve the level of protection of child migrants from Central and Eastern Europe against all forms of abuse, exploitation and trafficking. The project aims to strengthen the safeguards at the national and regional level. A component of the project was to set up transnational research to better understand the phenomenon. This work was carried out in Greece, Italy, Belgium, the Netherlands, Kosovo and the Former Yugoslav Republic of Macedonia with young migrants from Bulgaria, Albania, Kosovo and Romania.

ECPAT Belgium, a project partner, has contributed by participating in transnational research on Belgian territory, particularly in the city of Brussels. Additionally, it ensured ongoing advocacy work towards the European institutions to assess the impact of current and future EU measures on the protection of migrant children.

Through this analysis, we will try to understand the situation of young migrants from Eastern Europe, the dangers they face, as well as the current Belgian and European protection systems and the recommendations expressed by the Mario II project in order to improve their conditions.

### **I Difficulties faced by young European migrants**

Young European migrants are often pushed to leave their homes because of poverty, discrimination (especially against ethnic groups), and the desire for better working conditions. European countries in economic transition typically have systems that need to recover and address corruption. Young people within these countries are easy prey for

traffickers. They are vulnerable to many types of exploitations: sexual exploitation, including forced prostitution, and economic exploitation (sectors of agriculture, construction, catering, forced begging, forced criminality, etc.) and the removal of organs. For example, the results of the Mario II project research concluded that begging children in Belgium are typically between ages zero and twelve. If no signs of economic exploitation are visible, the Federal Police do not exclude their existence. It was found that children between the ages of zero to eight years would be used to beg and then used to commit petty crimes such as theft.

Upon their arrival in new European countries, young migrants from the European Union are not assimilated as migrants from third countries or nationals. However, they face the same linguistic and social difficulties as children from third countries. The European status alone conveys the possibility of free movement and does not guarantee adequate support to meet the needs of these youth. "Migrant children in the European Union do not have the procedural safeguards to which children who are immigrants can claim" despite similar trajectories. They go unnoticed since they do not fall into the "good categories". Yet many young European migrants arrive each year in Western Europe, attracted by the promise of a better life. Traffickers have no trouble traveling with them within the European Union. During the implementation of the free movement, European legislation did not take into account this phenomenon, which can involve a significant amount of children. The prosecution of criminals has become much more difficult because networks are less visible and more mobile. According to the United Nations Office on Drugs and Crime, human trafficking is less risky than drug trafficking or weapons and brings more profits. This has caused exploitation to steadily increase.

## **II Protection systems at European level**

The European Union has not remained inactive and has taken significant steps in the fight against human trafficking by providing better protection to victims. Besides the Directive "trafficking" 2011/36/EU to prevent and fight trafficking in human beings and protecting victims, and Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims crime, the European Union adopted a Strategy in June 2012 to eradicate human trafficking (2012-2016). This strategy includes a number of priorities: to identify, protect and assist victims of trafficking; strengthen the prevention of trafficking in human beings; increase the prosecution of traffickers; strengthen coordination and cooperation among key actors and policy coherence; finally, increase knowledge about the new forms of human trafficking. The European Union has also set up an Agenda for the Rights of the Child (2011-2014) to promote, protect and fulfill children's rights in all relevant EU policies and actions. Finally, on 12 September 2013, the European Parliament adopted a resolution to better protect unaccompanied minors to respond appropriately to their arrival on European territory until a solution is found. All of these should be transposed into national legislation, including Belgium, to provide protection to all minors.

However, access for young European migrants remains difficult due to their lack of visibility. Some do not recognize themselves as victims of trafficking. Other young migrants do, but they escape the protection systems. Indeed, control strategies are operated by traffickers, which include exerting threats to families. Trafficked individuals are also afraid of retaliation because they do not always speak the language of the country in which they arrive. They are also afraid of immigration controls. Consequently, there continues to be a considerable lack of quantitative and qualitative data on the trafficking of young European migrants. This is in part due to a lack of harmonized data collection systems in Europe. Consequently, it is difficult to find reliable and comparable statistics.

### III The Belgian protection system

Belgium is not exempt from this phenomenon and has recently taken steps to tackle the issue, in particular the distinction between unaccompanied foreign minors (UFM) and European minors. Since May 2004, a Law on Guardianship was specifically designed for unaccompanied foreign minors, meaning minors less than 18 years, not accompanied by a person exercising parental authority, seeking asylum or who do not meet the conditions of access to the territory and residence in Belgium. This law makes special provisions to protect and support UFM on Belgian territory or at the border. In 2014, it was amended to include the care of European migrant minors who find themselves in vulnerable situations, and until then excluded from the system. Trafficking in human beings has been identified as a situation of vulnerability factors justifying special protection as an unstable social situation, a state of pregnancy, a state of physical or mental health impaired, or a begging state. Thus, European migrant minors now benefit from access to bridging classes and guardianship.

Besides the status of UFM, Belgium also has a "victim status of trafficking in human beings," in which unaccompanied foreign minors, European or non-European, can benefit from. They must first meet the following three conditions: break off all contact with suspected criminals; receive a mandatory accompaniment by specialized centers; cooperate with the judicial authorities by making a statement or by bringing an action against the criminals. However, in many cases the child victims do not wish to testify against their traffickers for fear of reprisals. It is therefore impossible for them to get the trafficking victim status. If the "human trafficking" procedure fails after two years, the victim automatically loses his/her "status of victim of trafficking in human beings." Many cases are closed due to the lack of sufficient evidence or identification of perpetrators, leaving young people in precarious situations.

#### IV Recommendations

For ten years, Western Europe has faced the arrival of European migrant minors but the legislative instruments of the European Union offer them insufficient protection. Indeed, most European protection systems target children from third countries or nationals. European migrant minors do not fall into these categories.

Belgium has been a pioneer in providing a special procedure for victims of human trafficking. However, the access conditions are not always easy to comply with for these young victims, and so they remain invisible for fear of reprisals. The amendment to the law on guardianship in Belgium, made available to European migrant minors, is considered a major breakthrough that could serve as an example to other members of the European Union. However, these advances suffer from lack of resources and care for every young person. For example, the number of accommodation places is insufficient.

That is why the Mario II project launched transnational research to encourage the European Union to develop a real strategy to enforce the rights of European migrant minors. A fundamental aspect of the project is the need to train and educate professionals in the detection of child victims of trafficking to improve care and avoid all forms of discrimination. Finally, the development of statistical tools harmonized at European level would enable better collaboration and understanding of the phenomenon of trafficking.

This analysis was written in April 2015 by Amélie Branchereau (trainee) and reviewed by ECPAT Belgium.

ECPAT Belgium is the Belgian member of ECPAT International (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes). The mission of ECPAT Belgium is to fight against sexual exploitation of children for commercial purposes: child prostitution, child pornography, trafficking of children for sexual purposes and child sex tourism.

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