

Trafficking of Human Beings for Forced Criminality and Forced Begging in the OSCE region: Canada, Italy, Ireland, Portugal, Spain, Sweden and United Kingdom

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Research Report:

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Introduction

The present report summarizes the main findings of a research project of master's students of Human Rights and Multi-Level Governance from the University of Padua in partnership with the Organization for Security and Co-operation in Europe¹. The research was a follow-up activity for the students that participated as role players in the live simulation course "Combating Human Trafficking Along Mediterranean Migration Routes" that took place in Vicenza, Italy, from 27 Sept to 1 Oct 2021.

The topic of the present research is Trafficking of Human beings for forced criminality and forced begging in the OSCE region. The study comprised an analysis of the legislative framework (national and international), action plans and relevant case examples from across the OSCE member states. The OSCE Countries analyzed were Canada, Italy, Ireland, Portugal, Spain and the United Kingdom. The selection of the States was made taking advantage of the multilingual composition of the research group that had participants with mother tongue and/or were fluent in English, Italian, Spanish and Portuguese, which gave us a relevant vantage while researching in national websites and jurisprudential databases. In order to have comparable information concerning the six States, all the researched used the same Excel table sample, filling the criteria

¹ We thank Professor Dr Sara Pennicino for the supervision and support and the OSCE team for the trust in the name of Ms Katharina Thon.

pre-defined and discussed, the excel documents are attached here as Annexes 1 and 2².

The study was divided in two stages, the first one was dedicated to the analysis of State's good will of International and Supranational Level commitments, checking which international relevant documents States ratified, including also States behavior on the Universal Periodic Review as recommending or reviewed State. At the Council of Europe level, the implementation of the Convention on Action against Trafficking in Human Beings by the Parties was analyzed , as well as the study of GRETA reports. The findings concerning the good-will of States are in Chapter 1. During the second stage, each student looked in depth at the implementation of anti-trafficking legislation in their selected State, including relevant cases, which is detailed in Chapter 2.

² Annex: excel table of good-will of the States and national legislation.

CHAPTER 1

Anti-trafficking and the good-will of States at International and Supranational level³

This research analyzed the ratification status of international instruments relevant to the phenomenon of forced begging and forced criminality in the selected countries of focus. This research helped us to identify the key definitions of THB and how they were incorporated in the national laws, to later analyze the extent of implementations.

The following section is a summary of the findings of State parties: Canada, Italy, Ireland, Portugal, Spain, Sweden and United Kingdom.

- All State parties are members and signatories to these conventions: United Nations Convention against Transnational Organized Crime and the Protocols thereto (UNTOC) - Palermo Protocol (2003), ILO Forced Labour Convention, 1930 (No. 29), Convention on the Rights of the Child (1989). Canada is the only State who is not a member of the Council of Europe Convention on Action against Trafficking in Human Beings (2003).

³ Annex: excel table of good-will of the States and national legislation.

Portugal⁴, the United Kingdom⁵ and Sweden⁶ made reservations on Article 31 of the Council of Europe Convention on Action against Trafficking in Human Beings (2003). Article 31⁷ is to be applied based on jurisdiction.

- All State parties have several names that describe forced begging and forced criminality by act and by means.
- The UNTOC majorly focuses on transnational organized crime, smuggling of migrants, and trafficking of human beings.
- ILO Forced Labour Convention, 1930 (No. 29); Forced / compulsory Labour Article 1, Paragraph 2 and 3, Art. 3 to 24.
- Convention on the Rights of the Child (1989); focus on Art 11 (1), Illicit transfer and the non-return of Children abroad, Article 39 on exploitation, torture, all forms of cruel or inhuman, degrading treatment.
- Council of Europe Convention on Action against Trafficking in Human Beings (2003); focuses on forced labour and traces of slavery services, except Canada which is an observatory member.

⁴ The Portuguese Republic declares that, with regard to the provisions contained in Article 31, paragraph 1, sub-paragraphs d) and e), of the Convention, it reserves the right not to apply the provisions thereof established, considering that the Portuguese criminal law establishes more rigorous and encompassing jurisdiction rules than the ones established in the said provisions of Article 31. <https://www.coe.int/en/web/conventions/full-list?module=declarations-by-treaty&numSte=197&codeNature=0>

⁵ In accordance with Article 31, paragraph 2, of the Convention, the United Kingdom reserves the right not to apply Article 31, paragraph 1.d or 1.e, of the Convention. <https://www.coe.int/en/web/conventions/full-list?module=declarations-by-treaty&numSte=197&codeNature=0>

⁶ In accordance with Article 31, paragraphs 1.e and 2, of the Convention, Sweden declares that it reserves the right not to apply or to apply only in specific cases or conditions the jurisdiction rules solely on the basis that an offense established in accordance with this Convention is committed against a Swedish national.

⁷ Council of Europe Treaty Series - No. 197 Council of Europe Convention on Action against Trafficking in Human Beings

^{*} Warsaw, 16.V.2005 <https://rm.coe.int/168008371d>

CHAPTER 2

National legislation and relevant cases in Canada, Italy, Ireland, Portugal, Sweden, Spain and United Kingdom

1. CANADA⁸

NATIONAL LEGISLATION

Under the Immigration and Refugee Protection Act, Human trafficking has been a federal immigration offense in the Immigration and Refugee Protection Act (“IRPA”). Section 118 of IRPA states that it is against the law to recruit or bring someone to Canada by taking them against their will, tricking them (use fraud or deception), or using threats or force. It is also against the law to keep someone in Canada against their will or control their movements by using those methods.

Canada’s Criminal Code, Section 279.01 defines human trafficking as follows: *“Every person who recruits, transports, transfers, receives, holds, conceals or harbors a person or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offense.”* and to imprisonment for life if they

⁸ Researcher: Moriam Afolabi Abiola-Rufai, contact: Lolamaf@gmail.com

kidnap, commit an aggravated assault or aggravated sexual assault against, or cause death to, the victim during the commission of the offense; or (b) to imprisonment for a term of not more than fourteen years in any other case.

Other offenses related to human trafficking in Canada's criminal law are:

Section 279.011 (Trafficking of a person under the age of eighteen years) liable to imprisonment for life and to a minimum punishment of imprisonment for a term of six years if they kidnap, commit an aggravated assault or aggravated sexual assault against, or cause death to, the victim during the commission of the offense; or (b) to imprisonment for a term of not more than fourteen years and to a minimum punishment of imprisonment for a term of five years, in any other case.

Section 279.02 (Knowingly getting money or other benefits from human trafficking) , that person is guilty of an indictable offense and liable to imprisonment for a term of not more than ten years, and Section 279.03 (Taking or destroying travel or personal identification documents of a person being trafficked) the person is guilty of an indictable offense and liable to imprisonment for a term of not more than five years, whether or not the document is of Canadian origin or is authentic. There is no

specific mention of the term forced begging. The term 'Palm-handling" is used. It is illegal at the provincial, territorial and municipal levels. Ontario passed the safe streets act in 1999.

RELEVANT CASES

CASE A

The Domotor case also known as the Hamilton Case is regarded as the largest human trafficking operation to date in Canada. The timeline is approximately from 2010- 2012 which includes a period

of investigation, arrest to prosecution with the Code name Project OPAPA.⁹

It occurred within the district of Hamilton, Ontario, Canada under the case *Law R vs Domotor*.2011 ONSC 626., [2011]NO 6357 (QC). The sentencing decisions can be found in *R v Domotor* [2012] QJ NO 3630(Ont SCJ).¹⁰

The Domotor family (all Hungarians except one) trafficked nineteen other Hungarians, mainly Roma people, with the promise to work in the family construction company. They however were made to work without pay, forced to lie, commit welfare fraud, steal postal cheques, their social support money confiscated by traffickers, forced to handover their identity cards. They were charged for welfare fraud, theft charges, human trafficking, conspiracy, and criminal organization.

2. ITALY¹¹

NATIONAL LEGISLATION

Italy has adopted different legislative instruments to combat human trafficking, including forced begging and forced criminality. Trafficking in human beings is punishable in the Italian legal system by the entry into force of **Law no. 228 of 2003** which rewrote the articles of the penal code concerning slavery: article 600 (enslavement), article 601 (human trafficking) and 602 (purchase and sale of slaves).¹² The penalty consists of an imprisonment from

⁹ Domotor Case- PACT- Ottawa case. <https://www.pact-ottawa.org/domotor-case.html>

¹⁰ A handbook for criminal justice practitioners on trafficking in persons. <https://www.justice.gc.ca/eng/rp-pr/cj-jp/tp/hcjpotp-gtpupjp/a2.html>

¹¹ Lara Viscardini, contact: lara.viscardini@gmail.com

¹² Legge n. 228 del 2003, 'La tratta di esseri umani: quadro normativo', https://temi.camera.it/leg18/post/pl18_la_tratta_di_esseri_umani_quadro_normativo_e_statistiche.html

8 to 20 years. It is increased by one third to half if the exploitation is perpetrated to the detriment of children or materializes as prostitution or organ harvesting.¹³ Articles 600, 601 and 602 explicitly mention the exploitation of forced begging ('accattonaggio') and illegal activities ('attività illecite'). More specifically, article **600 octies** of the Penal Code addresses children's forced begging. In 2010, the Parliament approved **Law no. 108**, with which it ratified the Council of Europe Convention on the fight against trafficking in human beings of 2005 (the so-called Warsaw Convention), consequently adapting the internal law.¹⁴ The legislative **Decree no. 24 of 2014** implemented the Directive 2011/36 / EU, relating to the prevention and repression of trafficking in human beings and the protection of victims. The decree expanded the definition of the punishable conduct in the context of THB. Besides, it brought attention to the issue of compensation and assistance of the victims. The directive also provides that a residence permit for humanitarian reasons can be granted to the trafficking victims independently of their collaboration with the justice system.¹⁵ In addition, the decree envisaged the adoption of a national anti-trafficking action plan.¹⁶ **Article 18** of the Consolidation Act on immigration legislation represents a further element of protection for victims of trafficking. The article is denominated as 'Residence Permit for Social Protection Reasons'. This kind of permit is an exception to the general principle contained in the Immigration Regulation.

which grants the stay on the territory only in the presence of a regular entry.¹⁷ Article 18 does not expressly refer to forced begging and forced criminal activities, but it implicitly takes them into consideration since it partially relies on articles 600 and 601 of the

¹³ Codice penale Edizione Agosto 2017 – aggiornata alla riforma penale (legge numero 103/2017), p. 229.

¹⁴ Ibidem 4

¹⁵ Ibidem 4

¹⁶ Council of Europe: Group of Experts on Action against Trafficking in Human Beings, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Italy*, 22 September 2014, GRE-TA(2014)18, p. 5

¹⁷ Carlo Vettori, 2014, La protezione delle vittime. In particolare: lo speciale permesso di soggiorno rilasciato ai sensi dell'articolo 18 del D.lgs. 286/98 (T.U. sull'immigrazione), <http://www.adir.unifi.it/rivista/2014/vettori/cap4.htm>

Penal Code (Clause 3 bis).¹⁸ From 2016 to 2018, the Italian Government adopted the **National Action Plan against Trafficking and Serious Exploitation of Human Beings** (NAP). This plan established multi-year intervention strategies for the prevention and fight against the phenomenon of trafficking and serious exploitation of human beings, as well as actions aimed at raising awareness, social prevention, emergency and social integration of the victims. It was thought for victims of sexual exploitation, bondage, forced labour, forced begging and in all forms of severe exploitation, even in hybrid form, emerging and constantly evolving on the national territory.¹⁹

RELEVANT CASES

Italian case law on forced begging and forced criminality appears to be more developed than other countries' jurisprudence on the phenomena. At the same time, the situation is not completely clear since there is often hesitation and resistance in recognising highly suspicious cases as human trafficking. The following cases are illustrative of the general context and of the main trends.

CASE A

In the first case, K.T.M. was accused of the crimes of enslavement and human trafficking, committed to the detriment of seven Bulgarian citizens, suffering from severe physical and mental impairments, purchased in the country of origin and taken to Bari, where they were reduced to the condition of objects of property, subjected to corporal punishment and forced to beg. The seven Bulgarian citizens were initially recognised by the Court of First Instance as victims of THB. After that, a reversal of the judgment happened due to the fact that the offended persons did not testify during the trial of the

¹⁸ Testo Unico sull'Immigrazione, 25 July 1998, p. 20, <https://www.altalex.com/documents/codici-altalex/2014/04/09/testo-unico-sull-immigrazione>

¹⁹ Piano nazionale d'azione contro la tratta e il grave sfruttamento 2016-2018, <https://www.osservatoriointerventitratta.it/wp-content/uploads/2018/01/piano-nazionale-di-azione-contro-la-tratta-e-il-grave-sfruttamento-2016-2018.pdf>

appeal. Nevertheless, the Court of Cassation canceled the decision of “overturning” and confirmed the sentence previously pronounced in the first instance. Art. 601 was applied. In this case (and not only), victims’ consequent treatment, reimbursement etc. are not mentioned. This is in breach with art.13 of law 228/2003, which establishes the creation of a special program of assistance for THB victims. Moreover, it appears that possible difficulties in prosecuting traffickers might emerge when those exploited do not testify.²⁰

CASE B

The second case concerns seven men who were sentenced to an imprisonment of 8/7 years because they were accused of being associated with each other for the purpose of forcing some minors to commit criminal activities (i.e. theft) and to beg by using physical violence or threat of it. The minors were identified until the as victims of exploitation and enslavement but not of human trafficking.²¹ A significant legal gap is represented by the missing mention of art. 601 despite the presence of clear indicators of THB (transfer of the minors from Romania to Italy, tortures and physical violence as coercive methods to punish the young boys, the presence of an “uncle” who accompanied them to Italy etc.)

3. IRELAND²²

NATIONAL LEGISLATION

Ireland adopted the **Child Trafficking and Pornography Act** in 1998, which covers child trafficking, child sex abuse and child

²⁰ Corte di cassazione penale, sez. V, 2 ottobre 2018 n. 43596, <https://www.foro-plus.it/home.php>

²¹ Corte di cassazione penale, sez. V, 16 giugno 2011 n. 24390, <https://www.foro-plus.it/home.php>

²² Researcher: Lucrezia Colombo, contact: lucrezia.colomba@gmail.com

pornography. Later in 2008, the **Criminal Law (Human Trafficking) Act** was adopted and now it constitutes the main human trafficking Act which defines the crime of human trafficking and its penalties, with the exception of child sex trafficking. The Act criminalises the trafficking of adults, child trafficking for purposes other than sexual exploitation, prostituting a trafficked person, and the payment for sex with a trafficked person. It creates offenses of trafficking in adults for the purposes of sexual or labour exploitation or the removal of their organs. The 2008 Act also amended the Child Trafficking and Pornography Act 1998 and added trafficking in children for the purposes of labour exploitation and the removal of organs to the offense of sexual exploitation.

The 2008 Act also raised the penalty for human trafficking from 14 years to life imprisonment and amended the definition of the age of a child from 17 to 18. It also makes it an offense to sell or offer for sale or to purchase or offer to purchase any person for any purpose.²³ In 2013, Ireland adopted the **Criminal Law (Human Trafficking) (Amendment) Act**. The 2013 amending Act modified the definition of Labour Exploitation to bring it into line with ILO definitions of forced labour and provided for an extended definition of human trafficking in Irish criminal law to include trafficking for forced begging and forced participation in criminal acts for profit in line with the EU Human Trafficking Directive, giving effect to the EU Directive 2011/36/EU. The Act also provided for an aggravating factor for offenses committed by public officials and for evidence by persons under 18 by video recording.²⁴ Another instrument that was adopted concerning trafficking in human beings is the **Criminal Law (Sexual offences) Act 2017**, which criminalizes the purchase of sexual services and the soliciting or purchasing of sex from a trafficked person. It amends Section 5 of the

²³ Trafficking in human beings in Ireland, Annual Report 2020, Department of Justice, <https://www.blueblindfold.ie/wp-content/uploads/2021/10/Human-Trafficking-Annual-Report-2020.pdf>

²⁴ Ibidem

Act of 2008 with the insertion of the following subsection: “(2A) A person who pays, gives, offers or promises to pay or give a person (including the trafficked person) money or any other form of remuneration or consideration for the purposes of the prostitution of a trafficked person shall be guilty of an offense.”²⁵

In the Criminal Law (Human Trafficking) Act 2008 there is mentioning of forced labour and the Criminal Law (Human Trafficking) (Amendment) Act 2013 substitutes the following definition for the definition of “labour exploitation”: “ ‘labour exploitation’ means, in relation to a person (including a child)— (a) subjecting the person to forced labour (including forcing him or her to beg), (b) forcing the person to render services to another person, or (c) enslavement of the person or subjecting him or her to servitude or a similar condition or state;”²⁶

The first National Action Plan to Prevent and Combat Trafficking of Human Beings was published in June 2009. One of the aims was to ensure the protection of the human rights of the victims of trafficking. The National Action Plan provided a blueprint for Ireland’s efforts to tackle trafficking in human beings and to support and protect victims. The Plan detailed the process by which victims of trafficking could be identified and it set out a comprehensive framework of support for victims through which their rights to residence permission, suitable accommodation, legal advice, medical and psychological care, language and vocational training and security could be secured. The goals of this Second National Action Plan (2016) were to prevent trafficking in human beings, identify, assist, protect and support victims of trafficking in human beings, ensure an effective criminal justice response, ensure that Ireland’s response to human trafficking complies with the requirements of a

²⁵ Criminal Law (Human Trafficking) Act 2008, <https://www.irishstatutebook.ie/eli/2008/act/8/enacted/en/html>

²⁶ Criminal Law (Human Trafficking) (Amendment) Act 2013, <https://www.irishstatutebook.ie/eli/2013/act/24/enacted/en/index.html>

human rights-based approach and is gender-sensitive, and ensure effective co-ordination between key actors.²⁷

Regarding forced begging and criminal activities, there is a lack of official information regarding trafficking in this particular area in Ireland. However, NGO and media reports identify cases of forced labour in cannabis cultivation involving Vietnamese and Chinese nationals. Data compiled by the news wire found that Asian immigrants, mainly Chinese and Vietnamese nationals who claimed exploitation or maltreatment, make up 75 % of those going to prison for large-scale cannabis cultivation in Ireland. In the first half of 2014 alone, the Migrant Rights Centre Ireland identified 23 cases of potential victims trafficked for forced labour in cannabis cultivation. This suggests that Ireland's National Police Force appears to be unable to identify those who have been trafficked despite having a dedicated human trafficking unit. For the purpose of this research, only a few cases have been found to be analyzed.

RELEVANT CASES

CASE A

In 2013 the MRCI was contacted by a criminal law solicitor regarding a case of a Vietnamese national arrested for cannabis cultivation. He was a middle-aged man and he was offered a job in Europe as a gardener by a wealthy friend. He accepted the job as he believed it would allow him to pay off his debts. He was introduced to a group of men who arranged for him to be smuggled out of Asia. After a long and difficult journey, the victim arrived at a bleak industrial estate in rural Ireland and was taken to a barn. Inside the barn, the heat was stifling. He saw hundreds of plants being fed and watered by hoses under artificial lights. He was shown

²⁷ Trafficking in human beings in Ireland, Annual Report 2020, Department of Justice.

how to control the hoses, the heaters and lights and was told that it would be his job to look after the plants. The men locked him in and threatened him that he would be very sorry if anything happened to them. He only had an old mattress to sleep on and was brought food once a week. He had no idea what country he was in, but he knew that he was trapped in a cannabis factory. When the police eventually discovered the barn, they found him still locked inside. With the assistance of an interpreter, he told them he had been kept as a slave, forced to tend to the plants, and had been threatened with violence. He told them that he had never received any money. He was charged with possession of the cannabis plants. He faces a mandatory minimum sentence of ten years in prison. Although there were strong indicators present within this case, the police did not identify the individual as a victim of trafficking.²⁸

CASE B

A middle-aged man was brought to Ireland through the UK. In the UK, he worked in a few exploitative jobs and was paid below minimum wage for several years. Through an acquaintance, he was offered the opportunity to move to Ireland to work in a Chinese restaurant as a porter. But on arrival in Ireland, he was taken to a small house in a rural location. He was told to water the plants in the house. He was also told by the recruiter that if he tried to escape, his boss, who was Irish, would kill him. He escaped from the house and contacted the police. He was hospitalized for a

number of days suffering from exposure. He was then arrested and detained by the police on drug charges and later imprisoned.²⁹

However, it has been very complex to find information about the original cases, due to the lack of it or lack of references in the statistics that have been considered. Moreover, it seems even more

²⁸ Trafficking for Forced Labour in Cannabis Production: the Case of Ireland, Migrant Rights Centre Ireland, <https://www.mrci.ie/app/uploads/2014/10/Full-Report-Trafficking-for-Forced-Labour-in-Cannabis-Production.pdf>

²⁹ Ibidem.

complicated to find cases related to forced begging/criminal activities that have gone to court, while labour trafficking is more reported and documented.

4. PORTUGAL³⁰

NATIONAL LEGISLATION

The crime of Trafficking of Human Beings (THB) was inserted in the Portuguese Penal Code under article 160 for the first time in 2007. At that time, the description of the crime only included THB for the purposes of sexual exploitation or organ removal³¹. Later in 2013, article 160 was amended by the Law 60/2013³² as the transposition of the European Union Directive n. 2011/36/UE³³ (Prevention, fight against Trafficking of Human Beings and protection to the victims), including the modalities of THB for the purposes of forced criminality and forced begging in article 160 (1)³⁴. The penalties prescribed are of 3 to 10 years of prison and in case of THB

³⁰ Researcher: Maria Clara Batista Herkenhoff, contact: mclaraherkenhoff@gmail.com

³¹ República Portuguesa. Diário da República eletrônica. Available at: <https://dre.pt/dre/legislacao-consolidada/decreto-lei/1995-34437675>

³² República Portuguesa, Observatório do Tráfico de Seres Humanos.

³³ European Union. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32011L0036>

³⁴ “Art. 160. 1 - *Quem oferecer, entregar, recrutar, aliciar, aceitar, transportar, alojar ou acolher pessoa para fins de exploração, incluindo a exploração sexual, a exploração do trabalho, a mendicância, a escravidão, a extração de órgãos ou a exploração de outras atividades criminosas (...); é punido com pena de prisão de três a dez anos.* In: República Portuguesa, Código Penal Português. Available at: <https://dre.pt/dre/legislacao-consolidada/decreto-lei/1995-34437675>

of minors the penalty incises for 3 to 12 years of prison³⁵. The terms used in Portuguese are: “*tráfico de seres humanos*” for Trafficking of Human Beings; “*exploração de outras atividades criminosas*” for forced criminality and “*mendicidade*” for forced begging.

Observatory of Human Trafficking and available data

Together with the inclusion THB’s crime in 2007, Portugal established the Observatory of Human Trafficking (*Observatório do Tráfico de Seres Humanos*). In 2013, the Observatory launched a Booklet aiming to raise awareness on THB for the purpose of forced begging, explaining how generally situations of begging might be hiding a large scheme of exploitation and trafficking. The booklet has an educational purpose, designed to guide professionals and the public taking into account the recent legislative change at that time.³⁶

Furthermore, the Observatory has annual statistical reports since 2009³⁷ and the last one was published in 2020. The reports analyzed were the ones after 2013, when the legislative change including forced criminality and forced begging. Portugal is mainly a

³⁵ “Art. 160 (2) - A mesma pena é aplicada a quem, por qualquer meio, recrutar, aliciar, transportar, proceder ao alojamento ou acolhimento de menor, ou o entregar, oferecer ou aceitar, para fins de exploração, incluindo a exploração sexual, a exploração do trabalho, a mendicidade, a escravidão, a extração de órgãos, a adoção ou a exploração de outras atividades criminosas.

³ - No caso previsto no número anterior, se o agente utilizar qualquer dos meios previstos nas alíneas do n.º 1 ou actuar profissionalmente ou com intenção lucrativa, é punido com pena de prisão de três a doze anos.” In: República Portuguesa. Decreto-Lei n. 48/95: Código Penal Português. Available at: <https://dre.pt/dre/legislacao-consolidada/decreto-lei/1995-34437675>

³⁶ República Portuguesa, Observatório do Tráfico de Seres Humanos. Brochura Mendicidade Forçada. Available at: https://www.otsh.mai.gov.pt/wp-content/uploads/REC-Brochura_Mendicidade_Forçada.pdf

³⁷ República Portuguesa, Observatório do Tráfico de Seres Humanos. Recursos: Relatórios Estatísticos Anuais TSH. Available at: <https://www.otsh.mai.gov.pt/recursos/>

Country of Destiny³⁸, which was consistent in all the reports from 2014 to 2020. In 2014, in a universe of 182 cases identified as THB, there were 19 occurrences of presumed victims of forced begging (8 in investigation phase, 4 were non-confirmed), while for forced criminality were identified a total of 3 cases. There is also data of cases of simultaneous labour exploitation and forced criminality, there were 4 cases identified in total, and 3 of them were under investigation. The table, however, do not disclose if the cases were confirmed due to statistic secrecy³⁹. Also, there was a mention of the participation of the Multidisciplinary Team (EME) in 2 police operations with a group of suspected victims of THB for forced begging in the city of Porto⁴⁰.

In the 2020 Report, it is not possible to access the number of cases of forced begging and forced criminality because they are now protected under statistical secrecy⁴¹. There is only the number of cases when THB for the purposes of criminal activities occurs together with labour exploitation, in which 4 cases were identified in total, and 3 of them were in the investigation phase. In total, there were 219 cases identified in 2020. The reports, however, will not detail if the cases are or were in the investigation phase or later were confirmed, nor make any reference or disclosure information about the cases due to justice secrecy.

The most recent Protocol for treatment of child victims of THB (2020) highlights Portugal as mainly a transit country concerning THB. The main types of trafficking that victimize minors are, in

³⁸ This considers the typology of Country of Origin, Transit and Destiny of the victims of THB.

³⁹ República de Portugal, Ministério da Administração Intrena. Observatório do Tráfico de Seres Humanos. Relatório “TRÁFICO DE SERES HUMANOS 2014”, page 12.

⁴⁰ Ibidem.

⁴¹ República de Portugal, Ministério da Administração Intrena. Observatório do Tráfico de Seres Humanos. Relatório “TRÁFICO DE SERES HUMANOS 2020” https://www.otsh.mai.gov.pt/wp-content/uploads/Observatorio-Trafico-Seres-Humanos_Relatorio-Anual-Estatistico-Trafico-de-Seres-Humanos-2020.pdf, p. 54

that order: sexual exploitation, labour exploitation, illegal adoption and forced begging. It follows this by explaining that most children were trafficked alone or in a family context, together with siblings for example and in other cases they integrated groups which included adult victims of the same country of origin or mixed nationality groups. The document also highlights the fact that the Portuguese anti-trafficking policies and strategies, in general, follow the correlated policies at European Union level.⁴²

RELEVANT CASES

First, the research for relevant cases was conducted using the Portuguese key works for THB for the purposes of forced criminality and forced begging in the official Judicial database and news. The objective it was to identify some of the cases previously reported in the Observatory documents and GRETA reports⁴³. The first results, however, were mostly of cases of sexual exploitation or forced labour. Also, the searches with the key work begging (“*mendicidade*”) found some cases that, however, were not correlated with THB, since Portugal has a crime in article 296 of its Penal Code of using minors for begging⁴⁴.

⁴² Observatório do Tráfico de Seres Humanos. Protocolo para a definição de procedimentos de atuação destinado à prevenção, deteção e proteção de crianças (presumíveis) vítimas de tráfico de seres humanos - Sistema de Referenciação Nacional, 2021. Available at: https://www.otsh.mai.gov.pt/wp-content/uploads/Sistema-de-referenciacao-nacional-de-criancas-presumiveis-vitimas-de-trafico-de-seres-humanos_versao-2021.pdf

⁴³ In the 3rd monitoring round, Portugal replied GRETA’s questionnaire mentioned a case of THB for the purpose of forced begging of a group of Romanian children. In: Council of Europe. GRETA. Government’s Reply to GRETA’s 3rd Questionnaire (Portugal), received 3 February 2020. Available at: <https://rm.coe.int/greta-2018-26-prt-rep/16809e4100>. Page. 40.

⁴⁴ “Artigo 296.º - Utilização de menor na mendicidade: Quem utilizar menor ou pessoa psiquicamente incapaz na mendicidade é punido com pena de prisão até três anos.” In: República Portuguesa. Decreto-Lei n. 48/95: Código Penal Português. Available at: <https://dre.pt/dre/legislacao-consolidada/decreto-lei/1995-34437675>

Concerning the searching tools, while the mostly reliable results would be from the jurisprudential database, in the research tool of <https://jurisprudencia.pt/> you only have access to cases that reached the second instance (“*Tribunal da Relação*”). At the same time, when researching in general internet search tools (Google) and news, you generally do not have follow-up information of police operations or official information about the cases as the proceedings number could lead to more details.

The search resulted in two relevant cases of THB for the purposes of forced criminality: Romanian nationals trafficked to theft in touristic zones in Portugal (CASE A) and Taiwanese were forced to deceive Chinese nationals through a fake call center in Cascais (CASE B).

CASE A

Romanian nationals forced to commit thefts in touristic Zones in Portugal⁴⁵ **Modality of THB:** forced criminality (article 160 (1), Portuguese Penal Code)

Court: Tribunal da Relação de Lisboa (9th Criminal Section)

Number: 150/14.6JBLSB-A.L1-9

Date of the decision: 04/02/2016 (Facts of 2014-2016)

Status⁴⁶: investigation procedure n. 150/14.6JBLSB (at the date of the decision)

Description

The case was found in the jurisprudential database, and it is a decision of 4th February 2016 of the *Tribunal da Relação* (Second Instance) in Lisbon denying in unanimity an appeal against a pre-trial arrest decision. The author of the appeal was being investigated, together with a group of 5 people identified so far, of THB for the purpose of forced criminality, article 160 (1) of the Portuguese

⁴⁵ Judiciário de Portugal. Tribunal da Relação de Lisboa. Recurso Penal. Processo n. 150/14.6JBLSB-A.L1-9. Acórdão por unanimidade de 4/02/2022. Available at: <https://jurisprudencia.pt/acordao/68739/>

⁴⁶ At the date of the decision.

Penal Code. At the time of the decision, the case was still in the investigation phase (Investigation n.º 150/14.6JBLSB).

The relevant information was described by the decision appealed. In synthesis, the facts of the case date back to 2014, when a group of Romanian nationals recruited other Romanians to commit thefts in touristic zones across Europe, dislocating from various States in the EU, including Portugal, Spain and Italy, aiming to take advantage of the economic benefits from the illegal activities described. The ones recruited agreed in a first moment to commit the patrimonial crimes and to share the profits in the percentual previous stipulated with the recruiters. However, if one of the recruited showed the intention of leaving the group or the recruiters suspected to receive back from the thefts less money than the percentual agreed, they were violently beaten and received death threats against their families in Romania.

The case was discovered because 2 victims, having the intention of leaving the group, were seriously beaten and injured, and were taken to the local hospital and the cases were reported by the police. During the investigation, the same victims asked to give up on the investigation (declarations stating “free will to give up on the “complaints”). The traffickers intended to de-classificate the facts

to mere body injuries, claiming the facts were not correlated with THB. This claim was refused by the decision and the detentions were kept based also on the protection of victims.

Some additional remarks, the decision contains a very detailed report of the case and there is great attention given to the status of victims and the differentiation between recruiters (traffickers) and recruited (victims). However, since the decision concerns only the pre-trial detention, there is no information about development of the case, if the Public Prosecutor presented charges against the presumed traffickers or not.

Another search was made with the number of the investigation and information of the case, but there is no open access to in-

vestigation files. All the names of traffickers/victims were hidden, which indicates the case was kept under investigation secrecy.

CASE B

Fake call center and forced criminality of Taiwanese nationals⁴⁷

Modality of THB: forced criminality (article 160 (1), Portuguese Penal Code)

Court/Number: Unknown

Date: August 2019

Status: Police investigation (International Cooperation between Portugal and Taiwan)

Description

The case originated from a Taiwanese investigation and after a request of international cooperation, the operation of the Portuguese police discovered a group of 17 Taiwanese (11 men and 6 women) were kept captive in a house in Cascais. The victims were forced to run a clandestine call-center to deceive Chinese nationals. The 17 victims identified were offered work promises in Europe. When they arrived in Portugal, however, their phones and passports were taken away and the ones that refused to cope received threats against their families and friends.

After the operation, the victims returned to Taiwan, since the main goal was to dismantle that specific part of the THB scheme, which integrates a network that includes other European Countries (not mentioned in the news). It was not possible to find the case in the jurisprudential database, probably because the procedure of origin is from Taiwan. The Police approach appeared to be successful and this operation as it: *“was the first time in Europe that the police authorities managed to dismantle, in full action, an organized group of this type”* commented the Taiwanese Investigation Cabinet.

⁴⁷ “Sequestrados Em Cascais. Toda A História Do Esquema Que Burlou Milhares De Chineses”. 2019. DN. <https://www.dn.pt/pais/sequestrados-em-cascais-toda-a-historia-do-esquema-que-burlou-milhares-de-chineses-11244176.html>.

5. SPAIN⁴⁸

NATIONAL LEGISLATION

In Spain, human trafficking is a crime prosecuted and punished by the Penal Code. Forced begging is included among the forms of exploitation recognized at the national level, together with sexual and labour exploitation and organ trafficking. It was not until the Penal Reform of 2011 when particular reference to forced begging was made and added in Article 232 of the Organic Law 10/1995⁴⁹:

“1. Those who use or lend minors or disabled persons in need of special protection for the practice of begging, even if this is concealed, shall be punished with imprisonment from six months to one year”.

2. If minors or disabled persons in need of special protection are trafficked for the purposes of the previous paragraph, or if violence or intimidation is used against them, or if they are supplied with substances harmful to their health, they shall be sentenced to imprisonment for a term of one to four years”.

An aggravated penalty of 6 to 12 years imprisonment shall be applied when the victim is put in serious danger, is a minor, or especially vulnerable due to illness or disability⁵⁰.

The lack of data on the true extent of trafficking in human beings seriously compromises the adoption of measures to combat it, especially with regard to its transnational dimension, and makes it difficult to realistically assess the impact of any intervention plan⁵¹. Official data on this form of trafficking have only recently started

⁴⁸ Researcher: Patricia Ferreiro Molina, contact: patriciaferreiroymolina@gmail.com

⁴⁹ <https://www.boe.es/eli/es/lo/1995/11/23/10/con>

⁵⁰ Organic Law 8/2021: <https://www.boe.es/buscar/doc.php?id=BOE-A-2021-9347>

⁵¹ Some intervention plans promoted by the Ministry of Equality to protect victims of human trafficking can be found here: <https://violenciagenero.igualdad.gob.es/otrasFormas/trata/normativaProtocolo/normativa/home.htm>

to be collected and made public, since 2016. These data indicate that there has been an increase from 1 identified victim (a girl) in that first year of collection, to the 12 identified in 2018, and that most of them are female (6 women and 1 girl). According to a report published in 2019 by Accem, an organization focused on migrants and refugees, Romania and Bulgaria are the only countries of origin of victims of this form of trafficking in the 3 years for which official data are available.

Trafficking for the purpose of begging is very difficult to detect due to common factors to other types of exploitation, such as fear, lack of self-identification, lack of knowledge of the protection system, lack of resources and political will. Moreover, the cultural values associated with this practice, as well as the scarcity of social support networks for the victims, make it impossible to empower the person and make him or her unwilling to ask for help. In addition, victims of this form of trafficking are often ethnic minorities who suffer discrimination in their country of origin, which further complicates the situation. It has been observed in recent years that begging mafias use “begging” dogs instead of babies to passively accompany their human owners. These are dogs that have been stolen or collected from kennels, and then drugged and exhibited on the streets. In some provinces, such as Valencia, it is also common to use cats to elicit the charity of passers-by.

Social organizations recall that the latest reform of the Penal Code included the international definition of trafficking in all its forms and dimensions, but neither the plans, nor the rest of the legal system, nor the resources allocated to other forms of trafficking are coherent with this definition or with international obligations.

In the Organic Law 8/2021, which aims to protect children and adolescents against violence, including as victims of human trafficking, there is a mention of forced begging. However, trafficking for the purpose of begging is rarely classified as human trafficking. The absence of self-identification as a victim makes it even more difficult to prosecute the crime.

The Spanish Network against Trafficking in Persons (*Red Española contra la Trata de Personas*, RECTP), also sees the creation of a coherent referral mechanism specifically for child victims of trafficking, for whom it is necessary to take into account special needs and the best interests of the child, and special training for child specialists, police officers and prosecutors working with minors⁵².

Regarding forced criminality, it was included in 2011 as one of the possible exploitation forms, although it remains quite invisible. The main victims of trafficking for the purpose of committing criminal activities are children. In Spain, the main nationalities of women and girls trafficked are Romanian and Bulgarian. Among the criminal activities, there have been cases of theft of clothes, pickpocketing, theft of catalytic converters, etc. These goods are often sent to the traffickers' countries of origin to be sold⁵³.

It is very difficult for a case of trafficking for criminal activity to be detected unless it occurs simultaneously with sex trafficking, and even then, it is difficult to detect or be reported by the victim. It is in the course of the investigation of trafficking for the purpose of sexual exploitation that it is often revealed. Otherwise, the victim ends up being penalized for her criminal conduct without any evidence of having been forced to commit the offense.

RELEVANT CASES

The research for relevant cases initiated when the research group created a common folder where main GRETA reports and some relevant cases of the country of interest were shared. In a second step, we looked for specific cases found in newspaper ar-

⁵² More information about the work of RECTP: "Aportaciones para la elaboración del Nuevo Plan contra La Trata". Proyecto Esperanza:

^h<https://www.proyectoesperanza.org/archivo/aportaciones-de-la-rectp-para-la-elaboracion-del-nuevo-plan-contra-la-trata/>

⁵³ "La Otra Cara De La Trata. Informe Diagnóstico Sobre Otras Formas De Trata Que Afectan A Las Mujeres". 2019.

Accem. <https://www.accem.es/publicacion-la-otra-cara-de-la-trata/>.

ticles. Although there seemed to be plenty of information in such articles, the cases were nowhere to be found in the official Spanish Judicial database. The author proceeded with more detailed research in such database⁵⁴ using keywords related to forced begging and forced criminality but only one valid case for the research was found.

The rest of the results were mainly about sexual exploitation cases and to some extent labour exploitation. The reasons for only finding one result might have been 1) limitation in searching tools unknown by the author; 2) lack of availability coming from the Spanish authorities due to the author's insufficient grounds to ask for judicial information; 3) lack of definition of forced criminality and forced begging in the practice and 4) insufficient national awareness and resources to combat these offenses. Despite having information of existence of such crimes in the news, it has been challenging to find a follow-up of the cases at a more legal level to have more information about the case itself and what happened after to the victim (whether they got a compensation, whether the criminals have been prosecuted, etc).

CASE A

An elderly man of Romanian origin was tricked by two compatriots in 2016 to travel to Barcelona and seek a better life. The elderly man had no resources and the couple who brought him to Spain knew of his vulnerable situation. When they arrived in Barcelona, the exploiters took the victim's passport and forced him to beg on the streets of the city for 6 months. During this time, malnutrition, lack of mobility and lack of care led to a severe infection in one of the victim's legs. The couple, in order to go unnoticed by the police, took the old man back to Romania to amputate his leg. Once he recovered from the operation, he returned to Barcelona

⁵⁴ "Consejo General Del Poder Judicial: Buscador De Contenidos". 2022. *Poderjudicial.Es*. <https://www.poderjudicial.es/search/indexAN.jsp>.

to continue begging. The couple sold him for 400 euros to a third person who continued the abuse of the 73-year-old and continued to exploit him by begging on the streets of Barcelona. The victim's situation got so bad that he asked for help from people passing by, until the authorities took matters into their own hands. In 2018, the accused were arrested and the elderly man immediately received medical care.

The prosecution is asking for a compensation of 225,000 for the victim for the physical damage suffered. It is a pioneering trial because it is the first trial for forced begging to be held in the country. Some of the charges against the three exploiters are: Control, full appropriation of the profits obtained from begging, inadequate and insufficient rest, exhausting working hours in the open, deficient food and no social or health support. The Barcelona Court of Appeal (n.5) will soon hold the trial, but as of the end of this investigation, no news has been obtained on the case.

6. SWEDEN⁵⁵

NATIONAL LEGISLATION

Sweden is a member of the Council of the Baltic Sea States (CBSS) which established an Expert Group for Cooperation on Children at Risk (EGCC), a group of representatives from the ministries responsible for child policy in the CBSS Member States, they are responsible for handling unaccompanied and trafficked children. Sweden is mainly a country of destination in terms of trafficking in human beings, mainly for the purposes of sexual exploitation, forced labour, forced criminality, and forced begging⁵⁶.

⁵⁵ Researcher: Ebunoluwa Omolola Ayeni, contact: ebunoluwaayeni7@gmail.com

⁵⁶ "Together Against Trafficking in Human Beings" 2022. European Commission. https://ec.europa.eu/home-affairs/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings_en

Sweden makes efforts on investigating trafficking cases, particularly suspected cases among asylum seekers and the migrant community. Forced begging and forced criminality are crimes of trafficking according to the Swedish Penal Code, although it is mostly child victims from states such as Romania and Bulgaria in most cases⁵⁷. Trafficking in human beings is a crime against the person and is dealt with in Chapter 4 of the Swedish Penal Code on crimes against liberty and peace. It established that a person who, in cases other than those referred to in Section 1, by unlawful coercion, deception⁵⁸.

A summary of the law states that “a person who commits an act referred to in the first paragraph against a person who has not attained eighteen years of age is guilty of trafficking in human beings, even if none of the improper means described in that paragraph was used. This also applies if the person who commits such an act did not have intent but was negligent regarding the circumstance that the other person had not attained eighteen years of age.

If an offense referred to in the first or second paragraph is less serious, the sentence is imprisonment for at least six months and at most four years”⁵⁹.

In cases where the victim is under 18, the perpetrator will be convicted of trafficking in human beings even if no improper means have been used in order to carry out the crime. Common to the circumstances mentioned in the provision is that they, in various ways, intend to control the victim’s free and true will, regardless of the intended exploitation. Forced begging and forced criminality are often among children and most victims are forced migrants in Sweden.

⁵⁷ “Sweden - United States Department Of State”. 2022. *United States Department Of State*. <https://www.state.gov/reports/2020-trafficking-in-persons-report/sweden/>.

⁵⁸ Ibidem.

⁵⁹ Ibidem.

RELEVANT CASES

CASE A

Case of Anna

Anna is a Romanian girl who has been under exploitation through forced begging by her parents since age 12. When the social workers in Sweden found her, there were traces of trafficking in the investigations but the prosecution process was not administered in accordance with the child's rights. The Court claimed that even though trafficking is involved, the lives of the parents or the family, in general, were not improved or better than where they hailed from and therefore it's an act of survival, the case was dismissed and the victim, Anna who was not cooperating in the safe house was returned back to Romania⁶⁰.

CASE B

Case of Cristina

Similarly, in the previous case, she is 15 years old from Bulgaria. Her father belongs to an organized crime network group. Cristina was handed to one of the members of the group and traveled through proxy agreements. She was made to steal handbags from the supermarkets and arrested severally for this crime which her uncle came to bail her from. The uncle was sentenced to 4 years imprisonment on the account of Human trafficking and her father faced the law in Bulgaria. She was protected for a while and after some years was detected to have been re-trafficked in France.⁶¹

The gap in the implementation of policy:

⁶⁰ Michaela H.M., et. al; (2013). Council of the Baltic Sea States Child Centre, Expert Group for Cooperation on Children at Risk Children Trafficked for Exploitation in Begging and Criminality: A challenge for law enforcement and child protection. A CBSS Project in Lithuania, Poland, Norway and Sweden Project Management. <https://www.gov.pl/attachment/c2cca77a-0f33-41c5-ab49-ffa65f565425>

⁶¹ Ibidem.

Lack of cooperation from the victim with social workers;

Laws in Sweden are more likely binding on Swedish citizens rather than migrants (The court would rather transfer cases to the courts in the national of the victim and offender in most scenes)⁶².

7. UNITED KINGDOM⁶³

NATIONAL LEGISLATION

In 2020 in the UK, criminal exploitation, including forced shoplifting and forced begging, increased by 42%, with 25% of potential victims under the age of 18. Many cases referred to drugs-related activity involving county lines gangs, where young people are exploited to transport narcotics and money. Although it is challenging to reach victims, cases of sexual exploitation rose from 219 to 273 and cases of criminal exploitation increased from 179 to 254⁶⁴.

In England and Wales, the **Modern Slavery Act 2015**⁶⁵ is in force. The Act makes provision about slavery, servitude and forced or compulsory labour and about human trafficking, including provision for the protection of victims and for an Independent Anti-slavery Commissioner. There is no mention of forced begging specifically in the legislation however under section 3 of the Act (Exploitation) a person is exploited only if one or more of the following subsections apply in relation to the person: Slavery, servitude and forced or compulsory labour.

⁶² Ibidem.

⁶³ Researcher: Lauren Purkiss, contact: lenpurkiss@gmail.com

⁶⁴ Lockdown brings alarming rise in modern slavery: <https://www.theguardian.com/uk-news/2021/apr/04/lockdown-brings-alarming-rise-in-modern-slavery>

⁶⁵ The Modern Slavery Act 2015 <https://www.legislation.gov.uk/ukpga/2015/30/section/1/enacted>

In Scotland, the **Human Trafficking and Exploitation (Scotland) Act 2015**⁶⁶ is in force. It is an Act of the Scottish Parliament to make provision about human trafficking and slavery, servitude and forced or compulsory labour, including provision about offences and sentencing, provision for victim support and provision to reduce activity related to offenses. There is no mention of forced begging and like England and Wales under section 3 of the Act (Exploitation), a person is exploited only if one or more of the following subsections apply in relation to the person: Slavery, servitude and forced or compulsory labour.

In Northern Ireland the **Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015**⁶⁷ is in force and it is an Act to make provision about human trafficking, slavery and other forms of exploitation, including measures to prevent and combat such exploitation and to provide support for victims of such exploitation, and for connected purposes. Northern Ireland is the only country in the UK to mention forced begging under section 3

(Exploitation), paragraph 5b of the Act, when it mentions that exploitation is when: *“The person is subjected to force, threats, abduction, coercion, fraud or deception designed to induce him or her—(b) to provide another person with benefits of any kind[...] and for the purposes of this subsection “benefits” includes the proceeds of forced begging or of criminal activities”*.

Regarding other efforts to combat human trafficking, the UK Government publishes an annual report on modern slavery⁶⁸ and in Scotland, the Trafficking and Exploitation Strategy 2017⁶⁹ is

⁶⁶ Human Trafficking and Exploitation (Scotland) Act 2015

^h<https://www.legislation.gov.uk/asp/2015/12/contents/enacted>

⁶⁷ Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 <https://www.legislation.gov.uk/nia/2015/2/contents>

⁶⁸ 2021- UK Annual Report on Modern Slavery

^h<https://www.gov.uk/government/publications/2021-uk-annual-report-on-modern-slavery/2021-uk-annual-report-on-modern-slavery-accessible-version>

⁶⁹ The Trafficking and Exploitation Strategy

currently being applied with progress reports being published annually. In Northern Ireland there the Modern Slavery and Human Trafficking Strategy 21-22 has been actioned which will be concluded at the end of this year⁷⁰. The last anti-trafficking strategy that was published by the UK Government was in 2011.⁷¹

RELEVANT CASES

CASE A

At the **Supreme Court (National Court in England, Wales, Northern Ireland)**, the appellant, a female trafficking victim from Vietnam age 33 who was forced into prostitution and working on cannabis farm made an Asylum claim in 2019 that was denied and went to appeal. The appeal in 2021 was based on new evidence assessed as a victim of trafficking and sexual exploitation although these claims were dismissed, due to incomplete stories and evidence with the majority of case based on the asylum claim being denied. The appellant challenged the Home Office by a judicial review claim and she was eventually granted leave to remain as a confirmed victim of trafficking (MSL). The Judge was satisfied that the grant of MSL would be beneficial to the Claimant's mental health which was being undermined by her insecure immigration status. Regarding the legal gaps, the Home Office failed to initially recognise that an individual is a victim of trafficking and modern slavery, and they did not ever consider granting the individual

²⁰¹⁷ <https://www.gov.scot/policies/human-trafficking/trafficking-and-exploitation-strategy/>

⁷⁰ The Modern Slavery and Human Trafficking Strategy 21-22

<https://www.justice-ni.gov.uk/publications/modern-slavery-and-human-trafficking-strategy-northern-ireland-21-22>

⁷¹ Human Trafficking: The Government's Strategy https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97845/human-trafficking-strategy.pdf

leave to remain until after the asylum claim had been considered. This process can take a substantial length of time, often many years. This further contributes to the stress and anxiety faced by individuals in these situations. The Claimant had been frozen in the asylum system for more than 2 years. It must be pointed out that the MSL Policy is contrary to Article 4, European Convention on Human Rights (“ECHR”)⁷².

CASE B

In the **High Court of Justiciary (National Court in Scotland)**, on 21 January 2019, a male victim pled guilty to charges: being concerned together with others in the supplying of cannabis and producing cannabis. He told the social worker he was force-able removed from China and trafficked to UK. The Home Office had rejected the appellant’s claims of human trafficking. He then appealed for the court to take his personal circumstances into account as a trafficking victim and reduce the 3-year sentence His appeal was refused as the judge stated his original sentence seemed to be lenient for the crime.

The sheriff working on the case accepted that she did not factor in the appellant’s account to the author of the Criminal Justice Social Work Reports that, as a victim of human trafficking, he had been forced to look after cannabis plants by “the gang”, whilst determining the appropriate sentence. The appellant was able to escape from his traffickers to the extent of having made an application for asylum on 2 September 2010. Initially having been placed in detention, he was released on 7 September 2010 and provided with accommodation, but he absconded the following day. His asylum claim was refused for non-compliance on 15 September 2010, and he therefore became liable to removal from the United Kingdom. The Home Office had rejected the appellant’s claims of

⁷² THE QUEEN (On the application of KTT) Claimant - and – SECRETARY OF STATE FOR THE HOME DEPARTMENT Defendant- 2021, <https://www.bailii.org/ew/cases/EWHC/Admin/2021/2722.pdf>

human trafficking /slavery, servitude and forced or compulsory labour. He was deemed to have entered the UK illegally and was to be deported to Vietnam. Regarding legal gaps, the sheriff failed to attach sufficient weight to the personal circumstances of the appellant. In particular, the sheriff failed to take into account that the appellant had been trafficked for the purpose of committing the offenses to which he pled guilty. The court put the blame on the defence agent, not

on the sheriff for the charges being too harsh and said the defendant should have taken the steps to prove the appellant was a victim of human trafficking.⁷³

CASE C

At the **European Court of Human Rights (ECtHR)** in 2021, two Vietnamese minors were charged with possession of drugs after being trafficked to work on a cannabis farm. They appealed the charges on the basis of being victims of trafficking, receiving bad legal advice, lack of investigation of THB and not being treated in the correct way as minors. Compensation was awarded as the ECHR held unanimously, that there was a violation of Article 4 of the Convention and Article 6 § 1 of the Convention by the UK.

The gaps in the UK legal system include that the first applicant was not assisted by an appropriate adult even though he was a minor during a conference. Also, after letter from the UK Borders Agency (UKBA), he was granted a forty-five day “reflection period” and his case was adjourned on the basis that this was in his best interests. Regarding applicant 2, after an interview with social worker from the National Society for the Prevention of Cruelty to Children National Child Trafficking Advice and Information Line they thought he was a victim of trafficking. The psychologist concluded that he was suffering psychological distress as a result of

⁷³ HAI VAN LE also known as TRUNG DUNG LE against HER MAJESTY’S ADVOCATE: <https://www.scotcourts.gov.uk/docs/default-source/default-document-library/2019hcjac44.pdf?sfvrsn=0>

multiple traumatic experiences however after the interview with special casework lawyer who underlined the inconsistencies in the accounts he had given, the fact that he had a mobile phone and could have summoned help, the fact that he was allowed to see his cousin and was not held on the factory against his will, the absence of physical injury to him or any of the other “gardeners”, the fact that he had a sum of money on him when he was recovered, and the possibility that he could have escaped from the cannabis factory, she remained firmly of the view that he was not a victim of trafficking and the public interest would require a prosecution. The inconsistencies in a THB victim’s story is common and this was failed to be noted⁷⁴.

Conclusions

As the main aim of the study was to analyze eventual implementation gaps concerning anti trafficking legislation, we encountered some difficulties when trying to research into the reality behind legislative measures and State’s action plans. While information concerning the legislation, crimes and penalties of THB were easily reachable, it was very difficult to find the cases behind the numbers listed in State reports and GRETA’s documents, due to a lack of references in the statistics that have been considered. In addition, jurisprudential databases were accessible only for cases that reached the second instance or higher courts, which may give a distorted view of what is actually happening on the ground, for example, how victims are being identified or treated during police operations and investigation phase.

As a strong point of our methodology, to have the knowledge of the languages of the selected States and specific terms to refer to forced criminality and forced begging (eg. begging: *mendicidade*,

⁷⁴ ECtHR -V.C.L. AND A.N. v. THE UNITED KINGDOM 2021

^h[https://hudoc.echr.coe.int/fre#%22fulltext%22:%22V.C.L.%20AND%20A.N.%20v.%20THE%20UNITED%20KINGDOM%](https://hudoc.echr.coe.int/fre#%22fulltext%22:%22V.C.L.%20AND%20A.N.%20v.%20THE%20UNITED%20KINGDOM%20)

palm handing, mendicidad, etc) was essential to gather information, since the most relevant reports and cases had no translation to English. This being said, we pass to our conclusions that are conditioned by the difficulties mentioned above.

First, it should be noted that all of the States ratified the relevant international documents related to THB. Perhaps, because of that, all of them also adopted anti-trafficking legislation concerning THB for forced criminality. England, Scotland and Wales are the only countries that do not specifically mention forced begging in their THB legislation. In Canada, forced begging is referred to as 'palm handling'. Concerning the Universal Periodic Review, the modalities of forced criminality and forced begging are starting to be mentioned in some reports and State's recommendations, but there is still a lack of recognition in the practice.

The structure of the crime of THB is relatively similar in European Union member states, which can be entitled to the harmonization of anti-trafficking practices and victims' treatment due to directive n. 2011/36/EU. Thus, the EU can be identified as a driving force to uniform criminal legislation and to implement collective policy and combating strategies. These efforts are essential since THB is nor rarely characterized by a transnational criminality. Concerning Ireland, it was very complex to find information about the original cases, due to the lack of it or lack of references in the statistics that have been considered. Moreover, it seems even more complicated to find cases related to forced begging/criminal activities that have gone to court, while labour trafficking is way more reported and documented.

Despite the difficulty to find relevant case law in Portugal, the decision concerning THB in the case of Romanian nationals demonstrated a victim-centred approach from the judiciary. The decision described the crime of THB in its complexity, including the psychological and physical violence suffered by the victims and was able to identify a group of pickpockets as victims of THB. In addition, the Observatory of Trafficking of Human Beings, estab-

lished in 2007, is not only a relevant initiative for the formation and education of professionals but also a source of data to develop an anti-trafficking policy. Besides, Portugal follows the common trends, as most of the cases identified were cases of sexual exploitation.

In the UK, the facts of trafficking seem to be ignored and only picked up after great efforts to push for the status of being a victim of trafficking. Also, there is an avoidance of giving MSL status to victims and a lack of information about what happened to the perpetrators. In general, there are a lot of news articles on THB cases but it was difficult to find the original case information. After speaking informally to a judge from the Edinburgh Sheriff Court, he agreed with the fact that there is a lack of perpetrators getting charged and a lack of follow-up on what happened to the victims both during and after potential THB trials.

We can highlight the positive fact that national websites concerning THB are well organized and can be easily accessed as an educational resource. However, in all the countries analyzed the two modalities of THB that are the basis of our research appear to have secondary importance compared to other types of THB exploitation. The main attention given to THB is for the purpose of sexual exploitation and forced labour.

The difficulty to find relevant cases of forced criminality and forced begging may indicate that the new legislations are not fully implemented, and professionals might struggle to identify those modalities in their practice. It may also indicate a lack of training for the professionals who work in the field of THB and a lack of recognition in these types of THB. In addition, the nature of THB for forced criminality and its correlation with a practice of a criminal offense very probably hide the practice of THB. THB investigations are complex and often involve dismantling a criminal organization that the police and criminal systems might oversee when looking at the many layers of a migrant that comes before them because of committing a criminal offense. It is essential that

the police and judiciary in the OSCE States receive the support and training required to deal with complex THB cases and to ensure that the victims' needs are prioritized throughout and after the judicial process.

ANNEX: Good-will of the States and National Legislation

- International Documents: ratification status
- Universal Periodic Review
- GRETA Reports
- National Legislation

	Good will of the State	UNIVERSAL PERIODIC REVIEW			
Key words: Trafficking of human beings, child trafficking, exploitation, forced begging, smuggling...					
OSCE participating States (57)	Number of cycles	Recommendations accepted/noted	UNIVERSAL PERIODIC REVIEW		Other comments/observations
Key words: Trafficking of human beings, child trafficking, exploitation, forced begging, smuggling...					
OSCE participating States (57)	Number of cycles	Recommendations accepted/noted	UNIVERSAL PERIODIC REVIEW		Other comments/observations
CANADA	3 CYCLES- 2009, 2013, 2018.	1st Cycle- 2 recommendations on THB, 2nd Cycle: 7 recommendations on THB, 3rd Cycle: 4 recommendations all supported	1st Cycle: SP reported on Human trafficking prevention and promotion which included enactment of specific offences, Paragraph 94-96a-f, A/HRC/WG.6/4/CAN/1, 2nd Cycle: SP reported on Legislative measures on the amendment of Criminal code to increase offender accountability and support victims; protect vulnerable foreign nationals against abuse and exploitation. Paragraph 48 and Paragraph 53- 55 on Measures specific to human trafficking especially new measures to Canada's National Action Plan against Human Trafficking. A/HRC/WG.6/4/CAN/1, 3RD Cycle: No report from SP on THB, A/HRC/WG.6/3/CAN/1		
IRELAND	3 CYCLES- 2011-2016-2021	1st Cycle: 8 recommendations on ratification of the optional protocol of Ilen CRC, supported. 2nd Cycle: 17 recommendations on THB, supported.	Most recommendations on optional protocol of CRC and speeding up the process of a National Plan.		

		UNIVERSAL PERIODIC REVIEW		
	Good will of the State			
		Number of cycles	Recommendations accepted/noted	Other comments/observations
<p>Key words: Trafficking of human beings, child trafficking, exploitation, forced begging, smuggling...</p> <p>OSCE participating States (97)</p>				
ITALY	3 CYCLES: 2010-2014-2019	<p>1st CYCLE: 9 recommendations related to THB, all supported</p> <p>2nd CYCLE: 8 recommendations related to THB, all supported</p> <p>3rd CYCLE: 19 recommendations related to THB, all supported</p>	<p>-Most recommendations are general and vague</p> <p>-2nd CYCLE: explicit reference to forced begging by Australia. Expand efforts to combat human trafficking and account for other forms of trafficking, such as labour exploitation and forced begging.</p> <p>3rd CYCLE: explicit reference to forced begging by Switzerland. Intensify efforts to fight against trafficking in human beings, particularly exploitation for labour and begging forces.</p> <p>-Encouragement for the implementation of the existing national action plan</p> <p>-Particular focus on women and children victim of THB</p>	
PORTUGAL	3 CYCLES: 2019 - 2014 - 2009	<p>Revised State: 34 recommendations received related to THB (key word: trafficking); 32 supported/ 2 noted. Recommendations noted: -Adopt specific legal provisions to criminalize child trafficking for sexual purposes and sexual exploitation in the context of travel and tourism from Portugal to other countries.</p> <p>-Take legal measures to strengthen the definition of child pornography in line with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, both cycle 3 from Iran.</p> <p>As recommending state Portugal made 2 recommendations (key word: trafficking): -1. Enact a definition of organized crime consistent with the United Nations Convention against Transnational Organized Crime (1st cycle, 2009, to Mexico, noted); 2. Continue to fight against human trafficking and to protect its victims, in particular by providing support and assistance to women and girls trafficked for the purposes of prostitution and forced labour (Barbados, 2nd cycle, 2018, noted)</p>	<p>- Most of recommendations about children trafficking and sexual exploitation, focus on the assistance to victims. None of the recommendations mentioned forced begging (just forced labour) or forced criminality. Trafficking total (34), among them Rights of the Child (12), (5)Jun-seekers relatives (5), Women's rights (5), Labour rights (3)</p>	

Key words: <i>Trafficking of human beings, child trafficking, exploitation, forced begging, smuggling...</i>	Good will of the State	UNIVERSAL PERIODIC REVIEW	
OSCE participating States (57)	Number of cycles	Recommendations accepted/noted	Other comments/observations
SPAIN	3 CYCLES - 2010, 2015, 2020	<p>14 (10 supported, 4 noted) recommendations received in the 1st Cycle regarding THB, none related to forced begging/criminality;</p> <p>9 (8 supported, 1 noted) recommendations received in the 2nd Cycle regarding THB, none related to forced begging/criminality;</p> <p>21 (all supported) recommendations received in the 3rd Cycle regarding THB, none related to forced begging/criminality;</p> <p>Total of recommendations: 44</p> <p>https://upr-info-database.unwztl.org/</p>	<p>Several recommendations for the implementation of a national plan regarding labour exploitation, general focus in all the cycles on strengthening efforts regarding identification and protection of victims.</p>
UNITED KINGDOM	3 CYCLES - 2008, 2012, 2017	<p>0 recommendations received in the 1st cycle related to THB</p> <p>6/5 supported / 1 noted) recommendations received in the 2nd cycle related to THB)</p> <p>10 (supported/recommendations received in the 3rd cycle related to THB</p> <p>https://upr-info-database.unwztl.org/en/library/?q=</p>	<p>Prohibit under the law the sale of weapons to the countries where children have been or are used in military actions- noted in first cycle</p> <p>focus on implementing a strategy for women and children in 3rd cycle received recommendations</p>
SWEDEN	2 CYCLES - 2016, 2021,	NIL	NIL

Key words: Trafficking of human beings, child trafficking, exploitation, forced begging, smuggling, compulsory labour	Good will of the State	GRETA
<p>OSCE participating States (37)</p> <p>Canada</p>	<p>Monitoring cycle: New observer status on 3rd April 2017</p> <p>3 OSCE ES: 2013-2017-2021</p>	<p>Any mentions of local legislation on THB? (T14 and the last cycle)</p> <p>Yes, Criminal Law (Human Trafficking) Act 2008, National Action Plan, Criminal Law (Human Trafficking) Amendment Act 2013, e Criminal Law (Sexual Offences) Act 2017</p>
<p>IRELAND</p>	<p>2 ROUNDS: 2014, 2017</p>	<p>Any mentions of THB for forced criminality and forced begging</p> <p>Yes, forced begging is mentioned in the first cycle concerning the anti-trafficking legislation that has been amended in 2013 to include a definition of forced labour and two new terms of exploitation (for forced begging and criminal offences). In the second cycle there are references to forced begging when mentioning victims of trafficking and when referring to the Criminal Law (Human Trafficking) Amendment Act 2013.</p>
<p>ITALY</p>	<p>2 ROUNDS: 2014, 2017</p>	<p>Any mentions of THB for forced criminality and forced begging</p> <p>1st CYCLE (urgent procedure): - The only reference to forced begging is used to specify one of the possible indicators for the identification of victims of THB, "being involved in activities such as prostitution and begging" - No reference concerning forced criminality</p> <p>2nd CYCLE: - The majority of the assisted victims were subjected to sexual exploitation (87% persons, or 57.5%), but there were also cases of labour exploitation (9%), forced criminality (3%), forced marriage (1) as well as multiple exploitation (22). - A research report concerning the phenomenon of trafficking for the purpose of forced begging was published as part of the project "STOP FOR-BEG" (Against emerging forms of trafficking in Italy: expelled immigrants in the international phenomenon of forced begging) carried out by the Region of Veneto and the University of Padua in 2015/2016 - Only one NGO, On the Road, specialises in detecting and assisting victims of THB for the purpose of forced begging. - GRETA's urgent recommendations concern the strengthening of Italian authorities' efforts to prevent trafficking in children for different types of exploitation by raising public awareness about the risks and different manifestations of child trafficking (including early-child and forced marriage, exploitation of children in agriculture, domestic work, child prostitution, child pornography, child labour, child sex trafficking, child marriage, and exploitation of children in the sex industry). - Forced begging and forcing a person to perform unlawful activities were indicated as forms of exploitation under Article 6(1) of the CC in 2017.</p>

Key words: Trafficking of human beings, child trafficking, forced labour, slavery, smuggling, compulsory labour	Good will of the States		GRETA
<p>OECD participating States (17)</p>	<p>Monitoring cycle: How many?</p>	<p>Any mentions of local legislation on THB? (1st and the last cycle)</p>	<p>Any mention of THB for forced criminality and forced begging</p>
<p>PORTUGAL</p>	<p>3 Rounds – 2 Announcements (2013, 2017, 21, 2020) – 1 report (2017) Government's Reply to GRETA's (Feb. 2020)</p>	<p>"13. According to GRETA's recommendations and with a view to improving Portugal's 2017 OSEU of the European Parliament and of the Council of 4 April 2011 on preventing and combating trafficking in human beings and protecting its victims, Article 160 (preventing in persons of Portugal) was amended in August 2013. As a result, the list of forms of exploitation containing THB by adding slavery, forced begging and the exploitation of other criminal activities. The amendments also added a list of aggravating circumstances. Further, a paragraph was added to bring consent to the offences set out in Article 160 does not exclude the seriousness of the act." (2nd round, GRETA Report)</p>	<p>1st round: GRETA noted positive news (Annex 4.3) – majority of migrant victims so trafficking for forced labour's victims. The mention in Recommendation 19 and found 113 mentions, especially under the mandate for preventing THB in addition to (6) mentions in the case of Portuguese nationals among the presumed victims (43%). The majority of the presumed victims were subjected to labour exploitation (48%), followed by sexual exploitation (23%), and forced begging (3%). (8) Nations critical mechanism was raised in 2014 to also cover THB for the various on forced begging and child begging and criminal activities. (9) Long term and Special Services (6) (2) participants in a training programme. (6) The NGO European Anti-Poverty Network (EAPN) participated in the project. The project was implemented in 2014 and 2015 and children welfare. 3rd round: GRETA's (7) Labour (4) Practices of Criminal Activities (1) Forced Begging and Practice of Criminal Activities (43) Forced Begging (6) Abuse (7) Practice of Criminal Activities (1) In addition, observation about a case of 7 (6) the 8 Portuguese children trafficked for the purpose of forced begging.</p>
<p>SPAIN</p>	<p>3 rounds: established in 2013, 2017 and 2021 (2nd evaluation round is not finished)</p>	<p>"14. Cycle: Various national Action Plans to Combat Trafficking in Human Beings for Sexual Exploitation (Spain) and Report of 11 October 2018), a national plan to combat THB for the benefit of the population was drafted with the participation of the trade unions, but was never adopted. The Human Rights Plan (first draft adopted in 2009) which refers to international cooperation, protocol for the Protection of Victims of Trafficking, Regional Plan for the Fight Against Trafficking in Human Beings (Spain) (2014), and the National THB for the Purpose of Sexual Exploitation in several regions.</p> <p>"2021 Cycle: The national procedural system is characteristic for unifying criminal and civil action through the criminal jurisdiction, lending a direct role for the victim who may take part in the party in the procedural right relationship in the same conditions as the public prosecutor and the accused. For instance, Law 42/2014 of 27 July and on the Strengthening of the Rights of Criminal Victims in general, Chapter 4, Article 60(2) of 4 states an official prosecution for children and adolescents against violence victims of certain criminal offences including the offence of trafficking of human beings].</p>	<p>Found criminality only in the 3rd Cycle (none) Found Begging: 1st Cycle (2 times), 2nd Cycle (1 time), 3rd Cycle (none)</p>

Key words: Trafficking of adults, exploitation, forced marriage, smuggling, compulsory labour	Good will of the State	GRETA
<p>UNITED KINGDOM</p> <p>319244 - 2012, 2016, 2020</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/430842/2016-2017-annual-report.pdf</p>	<p>Monitoring system: New</p> <p>Any evidence of forced legislation in 1987? (UK and the last cycle)</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/430842/2016-2017-annual-report.pdf</p> <p>There is no specific legislation in the UK concerning child trafficking. Assistance to child victims of trafficking is governed by general legislation on children welfare. British, Citizenship and Immigration Act 2009, in combat trafficking of children and adults and also provides for the UK to be a party of Convention on the Rights of the Child. The UK is a party to the 2007 Council of Europe Convention on Action against Trafficking in Human Beings. The UK provides assistance to those subjected, through or other form of coercion, in the European and World.</p> <p>ENGLAND AND WALES</p> <p>Section 47(1) of the Criminal Justice (International Trafficking) and related the offences of this bill for the purpose of sexual, labour or other exploitation to cover those committed by UK citizens abroad.</p> <p>LEGAL AID, SENSITISING AND PUNISHMENT OF OFFENDERS ACT 2013, includes provisions on legal aid for victims of trafficking.</p> <p>NORTHERN IRELAND</p> <p>The Criminal Justice (International Trafficking) Bill is in the process of amending primary legislation to comply with the Council of Europe Convention on Action against Trafficking in Human Beings. The Bill is currently in the process of being considered by the Northern Ireland Assembly.</p> <p>SCOTLAND</p> <p>Section 22 of the Criminal Justice (International Trafficking) Bill provides for the offences of this bill for the purpose of sexual, labour or other exploitation to cover those committed by UK citizens abroad.</p> <p>UK</p> <p>In March 2021, the UK Government introduced a review of the 2014 Modern Slavery Act 2015. The review was completed in May 2021. The review found that the Act is working well and that the Government will continue to support the Act. The review also found that the Act is working well and that the Government will continue to support the Act.</p> <p>UK</p> <p>In March 2021, the UK Government introduced a review of the 2014 Modern Slavery Act 2015. The review was completed in May 2021. The review found that the Act is working well and that the Government will continue to support the Act. 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The review also found that the Act is working well and that the Government will continue to support the Act.</p>	<p>Any evidence of TIRs for forced criminality and forced begging</p> <p>UK</p> <p>Section 71 of the Criminal Justice (International Trafficking) and related the offences of this bill for the purpose of sexual, labour or other exploitation to cover those committed by UK citizens abroad.</p> <p>ENGLAND AND WALES</p> <p>Section 47(1) of the Criminal Justice (International Trafficking) and related the offences of this bill for the purpose of sexual, labour or other exploitation to cover those committed by UK citizens abroad.</p> <p>NORTHERN IRELAND</p> <p>The Criminal Justice (International Trafficking) Bill is in the process of amending primary legislation to comply with the Council of Europe Convention on Action against Trafficking in Human Beings. 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ANNEX: Good-will of the States

Key words: Trafficking of human beings, forced labour, exploitation, forced begging, smuggling	Ratification of international documents (Year/No/Reservations)	Council of Europe Convention on Action against Trafficking in Human Beings (2005)	ILO Forced Labour Convention, 1930 (No. 29)	CRC Convention
OSCE participating States (27)	United Nations Convention against Transnational Crime and its Protocols - Palermo Protocol (2000)	Council of Europe Convention on Action against Trafficking in Human Beings (2005)	ILO Forced Labour Convention, 1930 (No. 29)	CRC Convention
If there is any mention of forced begging, forced criminality, working of the treaty	Majority focused on transnational organized crime, smuggling migrants, trafficking	Council of Europe Convention on Action against Trafficking in Human Beings (2005)	ILO Forced Labour Convention, 1930 (No. 29)	CRC Convention
CANADA	14 DEC. 2000 / 13 MAY 2002	NOT A MEMBER	13 June 2011	28/05/1990-13/12/1991
ITALY	12 DEC. 2000/ 2 AUG. 2006	09/09/2005-28/11/2010-01/03/2011	18 June 1994	28/05/1990-05/08/1991
PORTUGAL	12 DEC 2000/ 10 MAY 2004	16/05/2005-27/02/2008-01/06/2008 (Reservation Art. 31)	26 June 1996	28/01/1990-21/09/1990
SPAIN	13 DEC 2000/ 1 MAY 2002	09/07/2008-02/04/2009-01/08/2009	29 Aug. 1992	28/01/1990-06/12/1990
UK	14 DEC 2000/ 9 FEB. 2006	23/03/2007-17/12/2008-01/04/2009 (Reservation Art. 31)	03 June 1991	19/04/1990-16/12/1991
IRELAND	13 DEC 2000/ 17 JUN. 2010	13/04/2007-4/30/2010-11/12/2010	02 Mar 1991	30/09/1990- 28/09/1992
SWEDEN	12 DEC 2000/ 30 APRIL 2004	16/05/2005-13/08/2010-01/09/2010 (Reservation Art. 31)	22 Dec 1991	02/09/1990

Report 2022: **Trafficking of Human Beings for Forced Criminality and Forced Begging in the OSCE region** offers a rigorous comparative analysis of a phenomenon that remains too often hidden. Drawing on Canada, Italy, Ireland, Portugal, Spain, Sweden, and the United Kingdom, this volume examines how different legal systems define, recognize, and prosecute exploitation linked to forced criminality and forced begging. The result is a nuanced picture of a complex reality, where legislation alone is not enough: the real challenge lies in identifying victims, ensuring access to justice, and building institutions capable of recognizing forms of trafficking that are often mistaken for other offences. It is a valuable contribution to scholarship on human trafficking, criminal law, and victim protection in the OSCE area.