International/European database on missing minors

Prof. Dr. Gert Vermeulen

EU Experts Group on Trafficking in Human Beings
4th meeting – Brussels, 23rd/24th February 2004

IRCP research background

› 1998 (96/STOP/003)
  > systematic gathering/administration data on
    > missing minors
    > minor victims of THB or sexual exploitation of children
› 2001 (2000/STOP/116)
  > feasibility further elaboration/implementation 96/STOP/003
  > report circulated to members EU Experts Group THB
› conclusions both projects supported by/discussed with
  > law enforcement specialists of various MS
  > NGO’s
  > international organisations
    > EU (Council/Commission, Europol), CoE, Interpol
International/European database missing persons

Purpose/scope

- trace/find missing persons
- worrying disappearances of minors and adults, which may include
  - runaways (minors, mentally ill, ...)
  - criminal abduction (by 3rd person)
  - parental abduction (minors)
  - missing unaccompanied migrant children
  - lost, injured, otherwise missing persons
- could be victims of THB
- ease/take away worries (e.g. message home)
- allow family mediation (parental abduction)
- facilitate LE investigation/prosecution
  - through forensic investigation
  - links with databases unidentified corpses, child porn images, DNA sexual offenders
Data to be stored

- identity missing persons
  - name(s), nationality, age, place of birth, gender, ...
- additional identification items
  - photographs (basic + age progressed)
  - DNA, dental records, x-ray-pictures, ...
  - medical data (medication needed, ...)
- possible location
- circumstances disappearance
- action requested
  - communication residence
  - deliver message
  - temporary custody in view of transfer/return
  - ...

Organisation/management database

- criteria for inclusion data
  - ‘worrying’ disappearance
  - international definition required
  - no immediate notification (48h buffer)
    - vast majority missing minors/persons recovered
- access
  - for operational purposes (limited)
    - law enforcement authorities member parties
    - Europol (analysis trafficking/child pornography)
    - indirectly: NGO’s qualifying for cooperation with LE
      - Childoscope
  - for epidemiological exploitation (open)
    - EU monitoring centre THB/sexual exploitation minors
    - LE, policy-making, NGO’s, research
Data protection

- vital to respect European data protection acquis
  - CoE Convention No 108 and R (87) 15
  - EC Directives (95)46 ...
- right to information, correction, deletion
  - term for deletion (Q4): SIC 3 years too short?
- purpose limitation principle
  - no use of data stored for other purposes than foreseen
  - no risk of discrimination women working in prostitution (Q 6)
- no sensitive data but in the interest data subject
- confidentiality? (Q7)
  - including right (minor/+16 year) data subject to
    - run away - not be returned home
    - e.g. leave anonymous 'message home' to notifying NGO

Option: SIS

- advantages
  - art. 97 SIC: notification data missing persons with aim of
    - for adults: communicating place of residence
    - for minors: taking into temporary custody
      - quid minors above age of (sexual) consent?
  - SIRPIT: transmission photographs and fingerprints?
- disadvantages
  - no search tool (only hit/no hit)
  - access restricted to border/police/custom checks
  - no transfer Schengen data to national LE databases allowed
  - no transfer data to private organisations allowed
  - no links with other databases possible (corpses; child porn, ...)
  - geographical scope too narrow
  - data (items) included insufficient
  - SIRPIT: no storage DNA data, relying on Sirene network
Option: Interpol

› advantages
  › CIS – EAS – ASF – ...
  › world-wide geographical area of distribution
  › possibility to include all relevant data (items)
  › possible links with
    › database child pornographic material
      › reference database (Interpol)
      › analysis database (Europol, via bilateral agreement)
    › database of unidentified corpses (Interpol)
› disadvantage
  › weak legal basis for data collection/protection
  › = main problem to overcome
› solution
  › strength Interpol + appropriate data protection

Proposed solution/strategy

› database located at Interpol
  › large area of distribution
  › links with other databases
› Interpol mandated through CoE Convention
  › principles of data protection legislation
  › advantage: accession by non-Member States
  › stepping stones (for sufficient political support)
    › common position EU MS
    › inter-institutional request European Commission
› national level
  › national central body (within LE) for administering data on missing persons and exchanging data with international database
  › access for NGO’s via national body
  › protocol (based on international standard protocol?)
  › comparable data registration