

## WORKSHOP

### Case Scenario:

A child from Vietnam, was trafficked into the EU to be criminally exploited within a cannabis farm.

Law enforcement encountered this young person of foreign origin but without documentation such as a passport or ID working on the cannabis farm, with several other young persons.

Prosecuted and found guilty of crime related to cannabis cultivation. No consideration of how the farm was run and whether the person had been trafficked was contained in this original proceedings.

Young person had no guardian, had a lawyer.

Social services subsequently assessed the person to be 16 and he was sent to a young offender's institution to serve his sentence.

While in the institution, he was advised by an NGO to appeal.

In the proceeding before Criminal Appeal Court, young person's lawyer argues that the individual is a child; that the child was smuggled into the country; he were exploited to pay back debt and his involvement in cannabis farm arose out of this exploitation and consequently he should not have been prosecuted or punished.

Prosecutor's office concedes that, on evidence now available including evidence of Vietnamese debt bondage and cannabis farming activities, it is likely that other persons directed and controlled the young person's activity.

### TO BE EXPLORED IN WORKSHOP

*A. What legal issues arose in these proceedings that should have been addressed better in the original proceedings or should be addressed by the appeal? What sources of law are relevant to resolve the case? What child rights were involved in this situation?*

*B. What practical challenges arise for the justice system in situations of these kind? What actors are/should be Involved in addressing the child's situation? Exchange of perspectives between different professionals and different national systems.*