

# LANZAROTE COMMITTEE

Committee of the Parties  
to the Council of Europe  
Convention on the protection  
of children against sexual exploitation  
and sexual abuse

Special report

Adopted by  
the Lanzarote Committee  
on 3 March 2017

**Protecting children  
affected by the  
refugee crisis  
from sexual  
exploitation  
and sexual abuse**



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



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and Sexual Abuse  
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# Executive Summary

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■ This Special Report is the outcome of an urgent monitoring round launched by the Lanzarote Committee to focus on how Parties to the Lanzarote Convention are protecting children affected by the refugee crisis from sexual exploitation and sexual abuse. It covers the situation in the 41 States which were Parties to the Convention at the time the urgent submission for a report was called for by the Lanzarote Committee.

■ The Special Report draws on replies from the Parties to the Lanzarote Convention and other stakeholders to a focused questionnaire. This questionnaire sought to elicit answers that would allow the mapping of the Parties' responses to the increased risks of sexual violence that confronts children affected by the refugee crisis. Information was sought on four broad topics: 1) Data; 2) Prevention; 3) Protection; and 4) Co-operation.

■ A number of the systemic challenges that have been brought into sharp focus by the increased numbers of people arriving in Europe looking for international protection are raised by the Report. These challenges can have particularly worrying consequences for children affected by the refugee crisis, exposing them to a risk of sexual exploitation and sexual abuse. They are particularly pertinent for both those children who arrive in Europe unaccompanied, and those who go missing after arrival, with their heightened vulnerability posing an increased risk of them falling victim to sexual violence. The Lanzarote Committee commends Parties who have put in place procedures to address such challenges.

■ The Special Report regrets that it remains the case that data collection is sporadic and non-comprehensive across Parties. It is probable that the number of instances of sexual exploitation and abuse is significantly underreported. There are no specific data collection mechanisms or focal points tasked with collecting data on child sexual exploitation and abuse within the context of the refugee crisis. Reasons explaining the difficulties in capturing such data cut across a number of sectors such as limited capacity, insufficient training, abuse not reported due to linguistic or trust issues, or practical difficulties in establishing the number of migrant children on the territory. It is clear that more accurate data would help all relevant actors and stakeholders frame, adjust, and evaluate policies in this field.

■ The uneven distribution across the continent of children affected by the refugee crisis is stark, with some Parties reporting very few or no such children on their territories, whereas other Parties are receiving thousands of such children. Therefore some Parties' child support services are bearing a disproportionately large burden, while others have not tested the implementation of their child protection approaches in this context.

■ Reception centres need to provide adequate protection for children, with prolonged stays in inappropriate conditions increasing a child's risk of exposure to sexual exploitation or sexual abuse. Parties have taken steps to improve the available facilities and lodging solutions for children, and work in this sphere must continue to ensure that children can be helped and assisted in a non-traumatising environment. It is reiterated that unaccompanied children should be separated from adults in reception centres, and that robust complaint mechanisms to report abuse must be effective.

■ Parties have indicated that a number of children go missing from reception facilities. This is of concern, and steps to identify the children that are at particular risk of going missing and to develop specific protocols to support those children to avoid their disappearance are needed to confront this. A number of Parties are implementing methods to avoid that children go missing through increased co-operation between relevant authorities to record and trace disappearances. These efforts could be further fortified by transnational development of common strategies and procedures.

■ The Committee notes that numerous challenges need to be met to ensure effective preventive measures are taken to target the specific needs of children affected by the refugee crisis. Culture and language differences can pose problems for Parties when screening children for signs of sexual exploitation and abuse, and for transmitting relevant information and advice. Appropriate arrangements should be made to ensure that children receive information on their rights, on care facilities and on procedures available to them in a language they understand, that is culturally and gender appropriate. Equally, all personnel (professional or voluntary) that come into contact with children should be adequately trained, and screened in order to give the best possible protection to children affected by the refugee crisis.

■ Specific recommendations by the Lanzarote Committee on steps to improve or reinforce the protection of children affected by the refugee crisis against sexual exploitation and sexual abuse in the areas covered by this report are found in each chapter. All chapters also highlight a number of promising practices. Co-operation between all relevant stakeholders, including civil society, is essential to ensure that effective measures against child sexual abuse are enacted.



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# Introduction

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■ The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (“Lanzarote Convention”) provides that a specific monitoring mechanism be set up to ensure an effective implementation of its provisions by Parties (Article 1§2), namely the Committee of the Parties to the Lanzarote Convention (the “Lanzarote Committee” or “the Committee”).

■ When the Lanzarote Committee “receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may request the urgent submission of a special report concerning measures taken to prevent possible serious or persistent cases of sexual exploitation and sexual abuse against children in any Party or Parties to the Convention”. This is stipulated in [Rule 28](#) of the Lanzarote Committee’s Rules of Procedure which refers to special reports and urgent situations. The current report was prepared in this context.

## The urgent situation at stake

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■ In March 2016 the Council of Europe’s Secretary General called for a series of [priority actions to protect children affected by the refugee crisis](#).<sup>1</sup>

■ In this context and in light of the high number of children affected by the refugee crisis who have arrived and continue to arrive in Europe and being aware that many may be or become victims of sexual exploitation and sexual abuse, the Lanzarote Committee decided, at its [15th meeting](#) (14-17 June 2016), on the need to make urgent requests for information on the basis of the aforementioned Rule 28 (Special reports and urgent situations) of its Rules of Procedure. It requested all Parties to the Lanzarote Convention<sup>2</sup> to reply to a few focused questions (see Appendix I) to map the ways in which the risks of sexual exploitation and sexual abuse of children arising in the context of the refugee crisis are being dealt with by Parties. The Lanzarote Committee also agreed that in view of the urgency of the situation, Parties to the Lanzarote Convention were asked to submit their replies to the focused questionnaire to the Secretariat of the Lanzarote Committee ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) no later than 15 September 2016.

■ The current report assesses the replies received, in particular in order to examine whether and to what extent Parties apply their existing overall protection framework and measures against sexual exploitation and sexual abuse to children affected by the refugee crisis. It also takes stock of the introduction of specific measures to address the situation of these children and analyses them. The report highlights both the major challenges identified as well as promising practices to tackle such challenges. Where appropriate it puts forward recommendations as to specific steps that might be taken to warrant an effective protection of children affected by the refugee crisis from sexual exploitation and sexual abuse and suggests priority areas for targeted cooperation, bilateral and multilateral, to fully guarantee the protection of the human dignity, the safety, and the physical and psychological integrity of these children.

■ It should be highlighted that Parties were asked to answer the questions from a gender perspective, i.e. specifying, where relevant, whether and how measures take into account gender-specific requirements.

## Preliminary remarks

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■ The Committee appreciates that all the information submitted by the Parties and other stakeholders was made public and underlines that the replies to the questionnaire were its main source of information to prepare this report.<sup>3,4</sup> In this respect the Committee highlights that information was received on the situation in Council of Europe member States which are not yet Parties to the Lanzarote Convention (sent by State authorities of

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1. See document SG/Inf(2016)9 final of 4 March 2016.

2. The following 41 States were parties to the Lanzarote Convention at the time of the launching of this urgent monitoring round: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, The Netherlands, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, “The former Yugoslav Republic of Macedonia”, Turkey and Ukraine

3. All replies to the questionnaires are online at [www.coe.int/lanzarote](http://www.coe.int/lanzarote) under “Monitoring” – “Urgent monitoring round: Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse” – “State replies” – “Replies from other stakeholders” and “Replies per question”.

4. A table with the dates of submission of the replies to the questionnaire appears in Appendix II.

Armenia, Estonia<sup>5</sup> and Norway and by other stakeholders such as UNHCR Armenia). The Committee appreciates and welcomes these contributions which have provided it with a broader picture of the situation.

■ The Committee wishes to pay tribute to those representatives of civil society and other stakeholders which submitted replies to the questionnaire and in so doing enriched the Committee's sources of information (in particular the European Network of Ombudspersons for Children (ENOC), "Hope For Children" CRC Policy Center, ENOC Bosnia and Herzegovina, ECPAT France, The Defender of Rights (*Défenseurs des droits*) in France, the Dutch Police Union, and SICAR.cat Programme of Spain).

■ Finally, it should be underlined that this report also takes into consideration several other sources of information which bring a fuller picture of the situation at stake, in particular reports of the Special Representative on Migration and Refugees of the Secretary General of the Council of Europe<sup>6</sup> and reports adopted in the context of the United Nations and European Union. A full list of these contributions appears in Appendix III.

## Structure of the report

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■ This report has 4 main chapters:

- ▶ Children concerned by this report
- ▶ Prevention and protection
- ▶ Co-operation
- ▶ Data collection and co-ordination

■ Each chapter:

- ▶ provides a comparative overview of the situation in the 41 Parties monitored, whilst country-specific summaries of the information are appended to the report in the form of tables;<sup>7</sup>
- ▶ highlights promising practices identified by the Committee to effectively implement the Convention;
- ▶ identifies shortcomings and recommends steps that Parties should take to improve or reinforce the protection of children affected by the refugee crisis against sexual exploitation and sexual abuse, in particular common challenges shared by all Parties.

■ Finally, in its recommendations to Parties, the Lanzarote Committee uses the verbs to "urge", "consider" and "invite" to mark different levels of urgency as follows, as in its regular implementation reports :

- ▶ "Urge": when the Lanzarote Committee assesses that legislation or policies are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of a key obligation of the Convention is lacking;
- ▶ "Consider": when the Lanzarote Committee agrees that further improvements are necessary in law or in practice to fully comply with the Convention;
- ▶ "Invite": when the Lanzarote Committee believes Parties are on the right track but it wishes to point at one or several promising practices to reinforce the protection of children affected by the refugee crisis against sexual exploitation and sexual abuse.

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5. At the time the urgent monitoring round was launched, Estonia was not yet a Party to the Lanzarote Convention and, as such, was under no obligation to reply to the questionnaire.

6. [Report of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees to Greece and "the former Yugoslav Republic of Macedonia", 7-11 March 2016, Information Documents SG/Inf\(2016\)18 and Report of the fact-finding mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, 30 May-4 June 2016, Information Documents SG/Inf\(2016\)29.](#)

7. See Appendix IV.

# I Children concerned by this report

■ This part of the report intends to clarify the scope of the report and the meaning of the formula “children affected by the refugee crisis”.

■ The report below should be read bearing in mind that according to Article 3 of the Lanzarote Convention:

- ▶ “child” shall mean any person under the age of 18 years;
- ▶ “sexual exploitation and sexual abuse of children” shall include the behaviour as referred to in Articles 18 to 23 of the Convention;<sup>8</sup>
- ▶ “victim” shall mean any child subject to sexual exploitation or sexual abuse.

## I.1 Provision of protection and assistance measures for children exposed to sexual exploitation and sexual abuse pending verification of their age

■ In the specific context of the refugee crisis, it is worth highlighting that Article 11§2 of the Lanzarote Convention provides that when the age of a victim of sexual exploitation and sexual abuse is uncertain and there are reasons to believe he/she is a child, the protection and assistance measures provided for children shall be accorded to him or her pending verification of his or her age.

### Article 11§2 – Principles

(...)

2 *Each Party shall take the necessary legislative or other measures to ensure that when the age of the victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance measures provided for children shall be accorded to him or her pending verification of his or her age.*

### Explanatory Report

88. *The point of paragraph 2 is that, while children need special protection measures, it is sometimes difficult to determine whether someone is over or under 18. Paragraph 2 consequently requires Parties to presume that a victim is a child if there are reasons for believing that to be so and if there is uncertainty about their age. Until their age is verified, they must be given the special protection measures for children.*

■ The issue of age verification is of crucial importance in order to identify and delimit who are the recipients of the rights enshrined in the Convention, in particular in the context of protection (e.g. to ensure that children are separated from adults in asylum facilities, see Section II.2.3). Indeed, on the one hand, it is important that children should not be denied protection, and, on the other hand, it is equally important to avoid that adults claim to be children in order to benefit from the protection afforded to children, such as dedicated accommodation, with the additional risk that children housed in these facilities be sexually abused by these adults. In a large majority of cases, when a person claims to be a child, Parties accept this. In the remaining situations, Parties start the procedure of age verification.

■ The Lanzarote Convention is very clear on the fact that in case of doubt about the age of a person, Parties are asked to grant him or her the same type of protection and assistance as those provided for children pending age verification. The principle of the benefit of the doubt should therefore apply to these persons until it is proven that they are not children.

■ In **Hungary**, persons who are subject to age verification procedures are treated as adults until the end of the age verification procedure and, in particular, risk detention and would remain unprotected, with no assistance measures. Hungary, therefore, does not apply the principle of the benefit of the doubt during the age verification procedure<sup>9</sup>, which is a major concern for the Lanzarote Committee. On the contrary, once the age verification procedure is over and if doubts about the age of the person remain, Hungary applies the

8. These are the substantive criminal law provisions in Chapter VI of the Lanzarote Convention which cover sexual abuse (Article 18), offences concerning child prostitution (Article 19), child pornography (Article 20), participation of a child in pornographic performances (Article 21), corruption of children (Article 22) and solicitation of children for sexual purposes (Article 23).

9. The European Union Agency for Fundamental Rights (FRA), [Key migration issues: one year on from initial reporting](#), October 2016, p.4 and p.8. Also UNHCR, [Progress Report mid- 2016, Beyond Detention, A Global Strategy to support Governments to end the detention of asylum-seekers and refugees 2014-2019](#), pp. 43-46.

principle of the benefit of the doubt and the person is regarded as a minor. In addition, following legislative changes in Hungary in 2016, detainees claiming to be underage have to bear the costs of their age verification.

■ The Lanzarote Committee is not in a position to monitor age verification practices<sup>10</sup> of its Parties as this would go beyond its mandate. It nevertheless takes note of the decision taken by the Committee of Ministers of the Council of Europe on 18 May 2016 encouraging the Secretary General of the Council of Europe to propose priority actions to protect unaccompanied and other children affected by the migrant and refugee crisis, in particular concerning standards on age assessment<sup>11</sup>.

#### **Recommendations on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ urges **Hungary** to take the necessary legislative or other measures to ensure that the principle of the benefit of the doubt is adequately applied and adequate protection and assistance measures are provided in line with the Lanzarote Convention to individuals pending verification of their age when there are reasons to believe that they are children (R1);
- ▶ invites Parties to actively participate in the work undertaken within the Council of Europe for the development of standards on age verification and to ensure that those are built, where appropriate, taking into account the requirements of Article 11§2 of the Lanzarote Convention and the findings of this monitoring cycle in order to protect children exposed to sexual exploitation and sexual abuse (R2).

■ The Lanzarote Committee is aware that some children affected by the refugee crisis prefer to be identified or registered as adults for a variety of reasons. Some do not want to be treated as children, in order to be able to live on their own and not in foster care families or other forms of alternative care. Others receive misleading information on possible returns to their country of origin. They may also be convinced by smugglers that being considered as adults is the best option for them. Some children who have declared that they were adults do not want to retract this declaration and say that they are children because they fear prosecution for giving false statements. Others, who get close to the age of majority, prefer to run away from care because they are persuaded that the rules protecting them as children will soon no longer apply and that, in some cases, they might risk being sent back to their country of origin<sup>12</sup>. These situations might exacerbate the risk of children falling into the hands of traffickers or other criminals, and make it much more difficult for the authorities to protect them from falling victim to sexual exploitation and sexual abuse.

#### **Recommendation on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ invites Parties to inform all children, in a child friendly manner, of their rights as children, including the types of alternative care offered to them, in order to prevent children from being declared as adults and to protect them from the inherent risks of being considered as adults (R3).

## **1.2 Children “affected by the refugee crisis”**

■ The children “affected by the refugee crisis” in this report cover migrant and asylum seeking children (as per the 1951 Convention Relating to the Status of Refugees). This also covers children who have been granted refugee status, and those children who have had (or their parents have had) an application for international protection rejected.

■ The formula “children affected by the refugee crisis” does not cover those children who were already residing in the country before the refugee crisis, be they nationals or foreigners. The Lanzarote Committee acknowledges that, in some circumstances, children already in the country may be indirectly affected by the refugee crisis in a variety of ways (for example as a victim of sexual abuse by a person who came to the country because of the refugee crisis; or because of the impact on them of strengthened national immigration policies,

10. In this context, information may be found in the following: European Asylum Support Office (EASO), [Age assessment practice in Europe](#), December 2013, 89 pages (an update is underway).

11. [Decision “Responding to the refugee crisis”](#), adopted at the 126th Session of the Committee of Ministers, Sofia, 18 May 2016, Item 2c, and [Follow-up](#), 25 May 2016.

12. UK House of Lords, European Union Committee, 2nd Report of Session 2016-17, [Children in crisis: unaccompanied migrant children in the EU](#), §193.

such as facilitated repatriation to country of origin, or reduction in social aid, coming as a consequence of the refugee crisis). This report does not cover these situations, despite their importance.

### 1.3 Accompanied / unaccompanied children<sup>13</sup>

■ The definitions of accompanied/unaccompanied children given by the Parties are based on legislation or practice, or both, and coincide roughly with those given in international standards and by international bodies such as the United Nations High Commissioner for Refugees (UNHCR) and the European Union.

#### **Unaccompanied children - Definitions**

“Unaccompanied children (or unaccompanied minors) are children who have been separated from both parents and relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.” (UNHCR Guidelines on Formal Determination of the Best Interests of the Child)

- ▶ “(i) ‘minor’ means a third-country national or a stateless person below the age of 18 years;
- ▶ (j) ‘unaccompanied minor’ means a minor who arrives on the territory of the member States unaccompanied by an adult responsible for him or her, whether by law or by the practice of the member State concerned, and for as long as he or she is not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after he or she has entered the territory of Member States;”

(Article 2 – Definitions – of the Regulation (EU) No 604/2013) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the member State responsible for examining an application for international protection lodged in one of the member States by a third-country national or a stateless person (recast, also called the “Dublin regulation”).

■ Parties apply differing interpretations of the notion of the adult who accompanies the child. Some repeat the above-mentioned provision of the Dublin regulation without specifying how this notion is interpreted in practice (**Bulgaria, Hungary, Republic of Moldova, Portugal, Spain**). Others include only those adults who have parental care or custody/guardianship (**Belgium, Croatia, Latvia, Lithuania, Montenegro**). Others also include “other adults who can replace the parents” (**Denmark**), “any persons entitled to bring them up” (**Germany**), “persons who are closely related to the child (parents, adult brother/sister, grandparents, uncles or aunts) and who are responsible for the child” (**Liechtenstein**), “his/her parents or other adult person to whose personal care he/she may had been entrusted” (**Slovak Republic**). Some Parties, such as **Switzerland**, have a flexible operative definition based on a case-by-case approach.

#### **Example of a flexible definition**

Children who arrive in **Switzerland** with their parents are considered as “accompanied” children (the concept of parents includes not only the biological mother and father, but also adoptive parents). According to the practice of the Secretariat of State for Migration (SEM) (it should be noted that this practice has not been invalidated by the Federal Administrative Court), a child who arrives in Switzerland with a close adult relative must only be considered accompanied if the relative lived in the same household as the child in the country of origin and on condition that the adult took charge of and was responsible for the child. Under certain circumstances, a foreign child who joins a close relative in Switzerland, or who arrives at the same time as a close relative without, however, having lived in the same household, can be considered as accompanied. This necessitates that the close relative should accept responsibility for and supervision of the child during their stay in Switzerland, that this solution should be best suited to the interests of the child and that the relative in question has officially been appointed as legal representative by the competent authority. As a general rule, children arriving in Switzerland with other persons unrelated to them are considered as unaccompanied. (See: Asylum and Return Handbook (*Manuel Asile et retour*), and Directive of 1 January 2008 on the asylum procedure of the Federal Department of Justice and Police, State Secretariat for Migration (*Directive du 1er janvier 2008 relative à la procédure d’asile du Département fédéral de justice et police, Secrétariat d’Etat aux migrations*, in particular ch. 1.3.1).

13. The formula “separated children” is also of use in cases when children are accompanied by other adult, but not by their primary caregiver. See The European Union Agency for Fundamental Rights (FRA), *Separated, asylum-seeking children in European Union Member States and Separated Children in Europe Programme*.

■ In some Parties, authorities do not systematically take measures to verify family links<sup>14</sup> or to verify who the adult who accompanies the child is. According to the information collected by the European Union Agency for Fundamental Rights (FRA) “Identifying and protecting separated children – children who are accompanied by adults who are not their parents or primary caregivers – is a challenge in many Member States”.<sup>15</sup> It may indeed be the case that the adult who accompanies the child is, in fact, a trafficker or a smuggler posing as a family member.

#### **Recommendation on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ invites Parties to systematically verify family links of the children affected by the refugee crisis with the adults who accompany them, and particularly to verify who these adults are, in order to protect these children against possible sexual abuse or sexual exploitation and in order to determine whether they are accompanied or not and in the latter case to provide them with the necessary protection from sexual exploitation and sexual abuse (R4).

### **I.4 Number of children affected by the refugee crisis**

■ It is essential to have reliable data on the number of children affected by the refugee crisis and on the number of those children that have been sexually abused and/or exploited, at any time of their journey. Indeed, this helps Parties to develop a solid mechanism for helping and supporting the child victims, to establish appropriate preventive and reporting mechanisms, to assess the level of risk for children and to frame, adjust and evaluate policies and measures in this field.

■ Children affected by the refugee crisis may be either seeking asylum or not. Data on the former usually exists whereas data on the latter is often lacking.

#### **I.4.1 Number of asylum-seeking children**

■ Most Parties have been able to provide some data on the number of asylum-seeking children for the period between 1 July 2015 and 30 June 2016. This is explained by the fact that persons seeking asylum must register and that, accordingly, data is available.

■ There is no aggregated data available at Council of Europe level. Eurostat, nevertheless, provides information concerning the EU-28. In this context, there were 1,442,245 first-time non-EU asylum applicants (adults and children) in the period July 2015 to June 2016. When considering only those of the members of the European Union which are Parties to the Lanzarote Convention<sup>16</sup>, this figure decreases to 1,313,185.<sup>17</sup> According to the European Network of Ombudspersons for Children (ENOC),<sup>18</sup> in 2015, at least 337,000 children were registered as asylum seekers in the EU member States, 88,300 of which were unaccompanied. Evidence suggests that most unaccompanied children in the EU are 16-17 year-old boys.<sup>19</sup> The increased proportion of children applying for asylum who are unaccompanied is a rising concern since unaccompanied children are particularly vulnerable and exposed to a higher risk of sexual exploitation and sexual abuse compared to accompanied migrant children.

■ The range in the numbers of asylum-seeking children for the period under review (1 July 2015 to 30 June 2016) differs widely from one Party to another. For instance, **Andorra** and **Bosnia and Herzegovina** have no asylum-seeking persons (adults and children) on their territories. Some Parties have only a few asylum-seeking children on their territories (10 in **Montenegro** and in **Ukraine**; 18 in the **Republic of Moldova**; 25 in **Albania**; 34 in **Liechtenstein**; 73 in **Lithuania**, 97 in **Latvia**; 112 in **Croatia**; 116 in **Portugal**; 118 in **Iceland**; 215 in **Romania**; 231 in the **Russian Federation** (in 2015 only); 236 in **Georgia**; 250 in **Slovenia**; 400 in the **Czech Republic**; 704 in **Cyprus**; 766 in **Luxembourg**). Other Parties welcome much larger

14. See The European Union Agency for Fundamental Rights (FRA), *Thematic Focus: Children*, March 2016.

15. See The European Union Agency for Fundamental Rights (FRA), *Key migration issues: one year on from initial reporting*, October 2016, p.4 and *Thematic Focus: Separated Children*, December 2016, p. 4.

16. The 3 members of the European Union which are not Parties to the Lanzarote Convention are: Estonia, Ireland and the United Kingdom.

17. Eurostat, *Asylum quarterly report*; data extracted on 21 September 2016.

18. European Network of Ombudspersons for Children (ENOC), Taskforce Children on the move, *Safety and fundamental rights at stake for children on the move*, 2016.

19. Eurostat, *Asylum quarterly report*, data extracted on 21 September 2016.

numbers of asylum-seeking children (5,837 in **Spain**; 7,038 in **Denmark**; 7,193 in **Poland**; 11,127 in **Italy** (in 2015 only); 13,140 in **Belgium**; 15,337 in **Switzerland**; 18,330 in **the Netherlands**; 36,729 in **Hungary**; 41,910 in **Austria**; 65,350 in **Sweden**; 137,479 for the whole 2015 and 134,615 from January to June 2016 in **Germany**. **Turkey** does not specify the number of asylum-seeking children on its territory – even if it provides data on the number of Syrian children (see §34). **France** indicates that 15,454 children applied for asylum in 2015 (14,612 in 2016, provisional data). **Serbia** says that the number of asylum-seeking children is unknown to the authorities.

■ The Lanzarote Committee underlines the difficulties in trying to compare situations which are barely comparable because of the important differences in the number of asylum-seeking children on the Parties' territories. On the one hand, many of the Parties not affected by the refugee crisis seem not to have taken any specific measures; on the other hand, those heavily impacted have difficulties in coping with the situation.

#### **I.4.2 Number of other children affected by the refugee crisis**

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■ Most Parties do not provide data (neither exact data nor estimates) on children affected by the refugee crisis who were not asylum-seeking.<sup>20</sup> The lack of data on the number of migrant children who are not seeking asylum may be explained by the fact that these children are, for the most part, not registered upon their entry to the territory, mainly because many enter irregularly. These children therefore remain outside the radar of the authorities, at least until the moment they are subject to some form of control (for example identity checks) in which case these children can be registered.

■ Studies show that a very large proportion of unaccompanied children (in some situations nearly half) are not seeking asylum<sup>21</sup>, mostly because they are still on their way to their final destination. The proportion is likely to be very different for accompanied children whose family may be more willing to accept to establish and seek asylum.

■ Parties which are entrance points to Europe are in a position to more readily identify the children (accompanied or not; seeking asylum in their country or not) who arrive on their territory. **Turkey** indicates that there were 1,213,289 Syrian children as of 4 August 2016 on their territory. In **Italy**, a total of 152,842 migrants arrived by sea in 2015, out of which 16,362 were children, including 12,272 unaccompanied children; in 2016, 181,436 migrants arrived by sea, 16% of which were children<sup>22</sup>. In **Greece**, there were 173,450 arrivals by sea in 2016, with 37% children (890,000 in 2015, with 34% children).<sup>23</sup> Other Parties may face difficulties in identifying children when they cross their borders, in particular those which are Parties to the Schengen Agreement on free movement of persons. Many of these children want to avoid any kind of registration while still on their way to their final destination because they fear being prevented from reaching it.

■ The inability to establish an accurate overview of the number of migrant children on their territory is of major concern to Parties. It can be recalled that, as for the UN Convention for the Rights of the Child which applies to each child within the State's jurisdiction (Article 2), the Lanzarote Convention provisions apply to all children. No discrimination in the implementation of the provisions of the Convention is acceptable (Article 2 of the Convention – Non-discrimination principle), whatever the legal status of the child concerned on the territory of the Party. In this respect, the Lanzarote Committee recalls that: "The reference to 'or other status' could refer, for example, to children of refugee or immigrant populations or 'street children' whose legal status is unclear"<sup>24</sup>. All the children affected by the refugee crisis (be they asylum-seeking children or not) who are within the Parties' jurisdictions should therefore be equally protected against sexual exploitation and sexual abuse as any other child.

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20. "The former Yugoslav Republic of Macedonia" estimates that over 150,000 children transited through the country in the period from 1 July 2015 to 30 June 2016.

21. The European Council on Refugees and Exiles (ECRE) noted that, in 2013, 12,770 unaccompanied migrant children entered the EU without seeking international protection, compared with 12,725 seeking asylum (cited in UK House of Lords-2nd Report - [Children in crisis: unaccompanied migrant children in the EU](#), §14).

22. UNHCR, [Refugees / Migrants Response – Mediterranean](#), Italy.

23. UNHCR, [Refugees / Migrants Response – Mediterranean](#), Greece.

24. Explanatory report, §43.

### Recommendation on the steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee, in order to develop an efficient mechanism for helping and supporting the child victims of sexual exploitation and sexual abuse:

- ▶ invites Parties to:
  - ▶ collect data on the following three categories of children: asylum-seeking children; unaccompanied children; overall estimated number of children affected by the refugee crisis in transit;
  - ▶ share the practices of how to effectively collect data concerning children affected by the refugee crisis who are not seeking asylum in their country (R5).

#### I.4.3 Number of missing unaccompanied children

■ According to evidence submitted by the European Commission,<sup>25</sup> up to 60% of unaccompanied children affected by the refugee crisis have gone missing from reception facilities in some EU countries. This phenomenon is of particular importance to the Lanzarote Committee since these children are at a higher risk of falling victims of sexual abuse and/or sexual exploitation. Estimating how many unaccompanied migrant children go missing is a particularly difficult task but the scale of the phenomenon is alarming: 25% in **Sweden**; 80% in **Slovenia**<sup>26</sup>, 90 to 95% after spending 1 to 3 days in reception institutions in **Hungary** (data for February 2016)<sup>27</sup>, 5,222 missing children in the first 6 months of 2016 in **Italy** (out of 13,705 unaccompanied children)<sup>28</sup>. In **Germany**, the Federal Criminal Police (BKA) indicated that in July 2016, there were a total of 8,991 children who have gone missing after their initial registration (867 of them were under 13).<sup>29</sup> Having reliable data at European level is however a very difficult task, all the more so since many of the missing children may be counted twice or more as they may cross more than one border while continuing their route to their final destination.

■ The most important reason for disappearances reported by Parties is the fact that the final destination of these unaccompanied children is another country where they intend to meet parents, extended family members or friends. Other reasons include the fear of negative asylum application outcomes and thus the fear of return as well as the lack of willingness to go through age verification procedures with a view to determining their age.

■ The phenomenon of missing unaccompanied children is not sufficiently documented in the Parties. It is crucial for them to identify the children that are at particular risk of going missing and to develop specific protocols to support those children to avoid their disappearance. Concrete measures to prevent disappearances or facilitate tracing such as fingerprinting or the taking of photographs are proved to be efficient.

#### Promising practice

Since 2015 it is possible to centrally evaluate all reports of missing children in **Austria** if the missing child is registered in the search facility EKIS. A registration in the EKIS is categorically done in every case of disappearance of a child. In addition, institutions in charge of children (such as the "Drehscheibe Wien" - an institution run by the municipal department No 11 of Vienna – and facilities that host refugee children in the various regions of Austria) have to report every child that disappears to the police.

#### The European Union Agency for Fundamental Rights (FRA), Background note on ways to prevent unaccompanied migrant children from going missing, 2016

What we can do to prevent disappearances?

- ▶ First, ensure that all actors involved, including asylum and migration authorities, law enforcement, judicial and child protection authorities, work together.
- ▶ Second, ensure that all such authorities fully respect the principle of the best interests of the child in all their actions. This means creating a safe environment for unaccompanied children, offering them care, and living conditions that meet their needs and vulnerabilities, and offer effective protection.

25. UK House of Lords, European Union Committee, Sub-committee on Home Affairs, *Unaccompanied minors in the EU – Evidence Volume*, evidence given by the European Commission, p. 183.

26. The European Union Agency for Fundamental Rights (FRA), *Thematic Focus: Children*, March 2016.

27. The European Union Agency for Fundamental Rights (FRA), *Monthly overviews for migration situation, March 2016 highlights*, quoted by Missing Children Europe, *Facts and figures*.

28. OXFAM-Italy Media Briefing, 8 September 2016.

29. Quartz, *Nearly 9,000 unaccompanied refugee children have gone missing in Germany* and The Telegraph, *Fears many of 9,000 refugee children missing in Germany may have been co-opted in crime*.



- ▶ Third, redouble efforts to fight criminal networks smugglers and traffickers.

Four measures can significantly help reduce the number of missing unaccompanied children:

- ▶ Provide quality reception and accommodation in foster care and small units in line with existing child protection standards such as the UN Alternative Care Guidelines.
- ▶ Ensure prompt appointment of trained and qualified guardians for all unaccompanied children.
- ▶ Build-up trust.
- ▶ Consider measures to ensure prompt family reunification procedures and early identification and implementation of durable solutions.<sup>30</sup>

### Recommendation on the steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee:

- ▶ invites Parties to address the phenomenon of missing children affected by the refugee crisis in order to gain a better understanding of the situation which in turn would enable Parties to better tackle this issue and thus reduce the risks faced by these children of becoming victims of sexual exploitation and sexual abuse (R6).

## 1.5 Victim identification

Identification of children affected by the refugee crisis who are (or have been) victims or presumed victims of sexual exploitation or sexual abuse is an essential step for authorities to be able to protect them and help them in the recovery process.

Several Parties refer to their practices in identifying child victims of sexual abuse and/or exploitation. In **Austria, Croatia and Finland**, for instance, special attention is dedicated during the first interviews with the asylum-seeking children to understand whether they could be victims of sexual exploitation and/or sexual abuse. Staff in refugee reception centres in **Lithuania** are trained to analyse children behaviour looking at signs which could indicate that the child has been (or still is) sexually exploited or abused. In the private shelter for unaccompanied children run by “Hope for Children” CRC Policy Center in **Cyprus**, unaccompanied children pass through a two-stage comprehensive interview, first to gather, in particular, the traumatic experiences they may have lived, and, second, to assess whether the child is displaying any symptoms of any type of abuse, including sexual abuse, and post-traumatic stress. **Malta** indicates that holding regular one-to-one interviews with children to identify victims of sexual abuse and exploitation is also seen as an effective measure. **Bulgaria** uses the technique of a questionnaire for early identification of people with traumatic experiences seeking protection (PROTECT).

**Belgium** has developed indicators to identify victims of trafficking in human beings (sexual exploitation). These indicators are embedded in a ministerial guideline. A contact social worker (“*travailleur social référent*”) is in charge of assessing the individual needs of the asylum seekers. In **Spain**, a similar role is exercised by the figure of the “social partner” within the context of the fight against trafficking in human beings to promote cooperation and exchange of information. Similarly, in the units for children in **Finland**, each child is assigned a personal key worker, which may promote the creation of a trustful relationship to disclose difficult experiences.

In **Denmark**, public service providers such as asylum reception centre staff and professionals associated with asylum centre operators (e.g. teachers, health care professionals, social workers, etc.) are subject to strict obligations to notify the municipal authorities if they become aware of circumstances that give rise to the presumption that a child may need special support or may have been exposed to abuse. In **Germany**, the assessment of needs is compulsory for all unaccompanied children which have to undergo a “clearing procedure” conducted by the responsible youth welfare offices. The results of this procedure are recorded in an aid and assistance plan (“*Hilfeplan*”).

The asylum law of **Portugal** requires the establishment of a mechanism to identify the special needs and vulnerabilities of those asking for international protection. When such needs are identified, the request for international protection made by the child concerned is to be treated as a matter of urgent priority. The

30. European Union Agency for Fundamental Rights (FRA), [Background note on ways to prevent unaccompanied migrant children from going missing](#), April 2016, p. 2.

national health service, which is accessible to all children residing in Portugal, including those affected by the refugee crisis, provides the frame to deal with any kind of mistreatment of children, in particular sexual exploitation and sexual abuse.

■ However, despite these efforts, most Parties either indicate that no children affected by the refugee crisis are victims/presumed victims of sexual exploitation and sexual abuse, or that they have no data to substantiate this. Several Parties highlight their particular difficulties in identifying such victims which explains the low figures. For instance, **Turkey** refers to 49 Syrian children victims of sexual exploitation or sexual abuse in the period from 1 July 2015 to 30 June 2016, when there are 1,213,289 Syrian children on its territory. Regarding unaccompanied children, **Belgium** acknowledges that only 4 of them have been identified as victims of sexual exploitation in the period 2015-2016 when there were some 6,850 unaccompanied children entering the Belgian territory. **Greece** indicates that there are no official aggregated data on the victimisation of refugee and migrant children, while acknowledging that there are cases of children being victims of sexual exploitation or sexual abuse. Meanwhile, the Special Representative on Migration and Refugees of the Secretary General of the Council of Europe notes in the report of his fact-finding mission to **Greece** that *“There have been several reports of refugee and migrant children engaging in criminal activities, such as drug-trafficking and prostitution, in order to earn money. Reference was also made during my mission to Greece to cases of sexual exploitation of refugee and migrant children. However, it is difficult to assess whether these were isolated instances or whether they were part of a pattern.”*<sup>31</sup> He also indicates, in the report of his fact-finding mission to **Turkey** that *“there are also reports of sexual abuse of children in the camps. Camp representatives informed me that, when such cases are reported, law enforcement officials take appropriate action. However, it appears that families sometimes decline to press charges.”*<sup>32</sup> In **Italy**, social workers have reported that many of the girls who arrive from countries in Western Africa are not asked to pay upfront costs to smugglers for their travel into Libya and across the Mediterranean. Girls are typically told they will repay the money later through domestic work, but often end up forced into prostitution in Libya, Europe, or both.<sup>33</sup> Doctors, in Italy, have also noted that medical checks have shown that many children are carrying sexually transmitted diseases and that this is taken as evidence that they have been sexually exploited in transit.<sup>34</sup> Finally, UNICEF highlighted the risks faced by refugee and migrant children as they make the journey from sub-Saharan Africa into Libya and across the sea to Italy, underlining the sexual violence they suffer along the route.<sup>35</sup>

■ It is estimated that one child in five in Europe is a victim of some form of sexual violence.<sup>36</sup> There are therefore very good reasons to believe that the figures indicated above do not reflect the reality of a particularly vulnerable group of children. This may, on the contrary, indicate a lack of capacity or appropriate identification and referral mechanisms in place in Parties with regards to these children, as well as a lack of systematic and dedicated data collection.

■ It should be recalled that the lack of data on children sexually abused or exploited is a major problem in Europe, as was underlined by the Lanzarote Committee in its first report. Indeed, the Lanzarote Committee urged *“Parties to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at national or local level and in collaboration with civil society, for the purpose of observing and evaluating in terms of quantitative data collection the phenomenon of the sexual exploitation and sexual abuse of children in general”*<sup>37</sup>.

■ Most Parties do not give explanations on the reasons why such data is lacking but they acknowledge that they are aware that there are more cases of sexual abuse and sexual exploitation than official numbers. One of the reasons for the lack of data, when such reasons are provided, is that the services in charge of the children affected by the refugee crisis may not be authorised to do so, either because all asylum matters are secret by law (**Finland**), because the law prohibits to collect data on children who are victims or presumed victims of sexual abuse or exploitation (**Norway**)<sup>38</sup> or that data on children who are victims of sexual abuse or exploitation

31. [Report of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees to Greece and “the former Yugoslav Republic of Macedonia”](#), 7-11 March 2016, Information Documents SG/Inf(2016)18, pp. 13-14.
32. [Report of the fact-finding mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees](#), 30 May - 4 June 2016, Information Documents SG/Inf(2016)29, p.23.
33. UNICEF, [Uprooted: the growing crisis for refugee and migrant children](#), p.92.
34. UK House of Lords, European Union Committee, 2nd Report of Session 2016-17, [Children in crisis: unaccompanied migrant children in the EU](#), §24.
35. UNICEF, [A deadly Journey for Children – The Central Mediterranean Migration Route](#), February 2017, 20 pages.
36. See [Council of Europe ONE in FIVE Campaign](#).
37. Lanzarote Committee, [1st implementation report “Protection of children against sexual abuse in the circle of trust: The framework”](#), adopted on 4 December 2015, Recommendation R13.
38. It should be underlined that Norway is not yet a Party to the Lanzarote Convention.

cannot be disaggregated in regard to the migration and refugee status of the child or the nationality (**Cyprus, Denmark**). The latter difficulty was also of concern in **Germany** until the residence status of the victim had begun to be recorded in 2016.

■ Other reasons for the lack of data comes from difficulties in identifying victims due to limited human resources, insufficient training of staff, limited access by NGO partners to reception and detention centres, backlogs in registration as well as time constraints during registration, particularly in countries of first arrival and transit countries, as is reported by the European Union Agency for Fundamental Rights (FRA) in the context of trafficking.<sup>39</sup> **Greece, Hungary, Italy and Turkey** underline how the increase in the number of children affected by the refugee crisis puts pressure on already overloaded facilities, thereby exacerbating the difficulties faced by these facilities to provide adequate protection for these children. **“The former Yugoslav Republic of Macedonia”** highlights the difficulty to handle large influx of children affected by the refugee crisis and their insistence to continue towards their desired destinations as soon as possible (in most cases, migrants stay less than a day on the territory).

■ Indeed, the lack of data also results from the fact that many child victims of sexual abuse or exploitation do not report the violence. For example, they talk only when their situation is secured and not at an early point of their journey. They also do not report because they fear that they would have to stay in the country where they have disclosed the abuse or exploitation when their objective is to reach their final destination. Some children fear that the persons who accompany them would abandon them if they talk, even if these persons are not the abusers. One commonly shared challenge is also that communication between children affected by the refugee crisis and those in charge of their care is difficult because of linguistic diversity and difficulties in finding interpreters.

■ **Hungary** underlines that since detecting sexual exploitation and abuse requires time, and since children do not stay long enough in reception facilities, some cases may remain undiscovered. Hungary therefore suggests that competent authorities should try to offer help and support at the earliest possible stage.

■ Many Parties have highlighted that gaining a foreign child’s trust is a difficult task. Disclosing sexual exploitation or sexual abuse becomes particularly hard for these children, as this is a taboo in most of the victims’ countries of origin. There is a need to invest in building children affected by the refugee crisis’ trust in representatives of the authorities, in particular law enforcement since many of the children have had a bad experience with uniformed forces in their home countries and during their journey (**Austria**). Creating a relationship of trust with the unaccompanied children affected by the refugee crisis is seen as a major challenge for the Defender of Rights (*Défenseur des droits*) in **France**. He also underlines that, according to NGOs, most trafficked children do not see themselves as victims. He concludes that, as a consequence, the first step to be taken is to help them understand that they have been victims of a crime, and to offer them an alternative system of references and values. **Romania** indicates that the involvement of the refugee community is essential for prevention measures to be effective.

■ The identification of actual and potential victims is therefore an important challenge to be addressed by Parties.

### **Recommendations on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ considers that Parties should put in place effective mechanisms for data collection with a specific focus on children affected by the refugee crisis who are victims or presumed victims of sexual exploitation and sexual abuse and review the possible removal of obstacles to the collection of such data, in particular, where they exist, legal restrictions to do so, with due respect for the requirements of personal data protection (R7);
- ▶ invites Parties to make sure that safe and child sensitive reporting and counselling mechanisms are available to and known by children affected by the refugee crisis in order to enable those of them who are victims of sexual exploitation or sexual abuse to break the pre-conceived perceptions they may have on the consequences of their disclosure and to report (R8);

39. European Union Agency for Fundamental Rights (FRA), *Thematic Focus: Trafficking*.

- ▶ invites Parties to ensure that the persons in contact with children affected by the refugee crisis are properly screened before working in contact with these children (R9);
- ▶ invites Parties to train and raise awareness of those in contact with children affected by the refugee crisis on the detection, reporting and referral of signs of sexual abuse and sexual exploitation of children. Such training should include modules addressing the contextual specificities of these children's experiences (R10).

## **I.6 Distinction made between victims prior to the entry on territory and after entry**

■ For detection and protection purposes, most Parties make no distinction between those children who became victims of sexual exploitation or sexual abuse prior to the entry on their territory and those who became victims after the entry. They are therefore not in a position to provide data. Whether a child falls victim before arriving in a certain country or after arrival is irrelevant, as, in both cases, it is equally important to detect the sexual exploitation or sexual abuse and to provide the adequate protection.

■ This distinction is however important for prosecution purposes. When the crime occurred abroad, before the child's arrival on the territory, the recipient Party has an obligation to seek legal co-operation with the Party where the crime occurred. If the aggression took place after the arrival, the recipient Party has an obligation to prosecute the offender.

### **Recommendations on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ considers that Parties, while providing adequate protection to child victims irrespective of where the exploitation/abuse occurred, should do their utmost to be able to distinguish between sexual exploitation and sexual abuse occurring prior to the entry of the child victim on their territories and after the entry (R11);
- ▶ considers that Parties should fulfil obligations to prosecute the offenders and to provide international co-operation between the Parties in instances where the offence occurred prior to arrival on the territory for the purpose of investigation and prosecution (R12).

## II Prevention and protection

### II.1 General remarks on Parties' approach to protecting children affected by the refugee crisis from sexual exploitation and sexual abuse

Parties generally state that their child protection system is conceived for any child who may be/become a victim of sexual exploitation and/or sexual abuse. Their legislation, measures, procedures and facilities aimed at protecting children against sexual violence are thus also applicable to children affected by the refugee crisis.

While acknowledging the above, the Lanzarote Committee highlights that children affected by the refugee crisis are particularly exposed to the risk of becoming victims of sexual violence. It is thus necessary to also envisage targeted actions to ensure that these children are effectively protected against sexual exploitation and abuse.

As per the Ombudspersons, Mediators, and Children's Rights Defenders' Paris Statement of 28 June 2016, the Lanzarote Committee holds that *"migrant children are above all vulnerable children and it is the responsibility of the States, and the moral and legal responsibility of each of us to protect them from the numerous dangers they are exposed to during their migratory journey, in particular the risks they incur from the smugglers, the risks of separation from their family, kidnapping, violence, sexual abuse and human trafficking"*.<sup>40</sup>

In this regard, the Committee notes that more than half of its Parties (**Albania, Austria, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Finland, France, Georgia, Germany, Greece, Italy, Latvia, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey**) point out that even if not specifically delineated, the situation of sexual exploitation of children affected by the refugee crisis may be tackled within the context of existing action plans (or similar frameworks) to combat trafficking in human beings. It thus takes note that the following specific measures/tools were prepared in such context:

- ▶ the project AGIRE (Acting for stronger private-public partnerships in the field of identification and support of child victims and those at risk of trafficking in Europe), involving **Austria, Greece, Italy and Romania**, which identified indicators and profiles of children most at risk and the corresponding methodologies to apply when confronted with situations where such indicators are present;
- ▶ the project RAVOT, involving **Hungary, the Netherlands** and the **Belgian** NGO Payoke, which produced a manual describing the different possible kinds of support for victims of human trafficking in the three countries. Additionally, a website was set up with the different national referral mechanisms of the three countries shown in a flowchart.<sup>41</sup>

Some Parties additionally specify that measures were taken to link migration issues with child protection concerns in view of the multiple questions raised by the recent crisis. In this regard:

- ▶ **Albania, Bulgaria, Italy and Turkey** refer to collaboration with UNICEF and UNHCR to monitor the effective implementation of children's rights standards in the context of reception, accommodation and integration of children affected by the refugee crisis;
- ▶ **Bulgaria** refers to institutionalised co-operation between the State Agency for Child Protection and the State Agency for Refugees, pointing out that the latter, together with government institutions and NGOs, is involved in updating the National Mechanism for Referral and Support of Trafficked Persons and Standard Operating Procedures for Prevention of and Response to Gender-Based Violence;
- ▶ **Iceland** points out that the new Act on Foreigners that came into force on 1 January 2017 stipulates that the Government Agency for Child Protection should assume responsibility for the safety as well as the appropriate services and support for unaccompanied children (such as accommodation, training of staff, and screening of professionals).

The NGO "Hope for Children" CRC Policy Center points out that the refugee crisis has also prompted measures that allow derogations from human rights obligations. For example, **Hungary** proclaimed a "state of crisis caused by mass migration" on 15 September 2015 and adopted legislation within this context specifying that the violent crossing of the fenced border is a criminal offence and that children aged between 14 and 18 can be prosecuted as adult offenders. However, Hungary is revising the procedural provisions in question based

40. European Network of Ombudspersons for Children, Le Défenseur des Droits, [Paris statement](#), 28 June 2016.

41. See: <http://www.ravot-eur.eu/nl/>

on a report of the Hungarian Commissioner for Fundamental Rights that highlighted the importance of the requirement of equal treatment, the protection of fundamental rights of children and consideration of the specific situation of migrant children.<sup>42</sup> A draft of the new criminal procedure code was therefore submitted to the National Assembly on 14 February 2017. The Lanzarote Committee would appreciate being fully informed of the content and follow-up given to this proposal. The Lanzarote Committee reiterates that all children (until the age of 18) should not be deprived of their right to specific child protection from sexual exploitation and sexual abuse.

Finally, it should be highlighted that some Parties (**Albania, Bosnia and Herzegovina, Latvia, Liechtenstein, Poland, Portugal, San Marino**) clearly indicate that they have not tested the implementation of their child protection approaches and/or action plans against trafficking in human beings on children affected by the refugee crisis as they have not yet been confronted with cases of sexual abuse or sexual exploitation of these children in particular.

#### **Recommendations on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ considers that Parties should encourage the co-ordination and collaboration of the different actors who intervene for and with children affected by the refugee crisis to ensure that preventive measures in regards to protection from sexual exploitation and sexual abuse are in place and protective measures are taken as speedily as possible (R13);
- ▶ invites Parties to ensure that the different agencies involved in the coordination and collaboration concerning the protection of children affected by the refugee crisis who are victims of sexual abuse or sexual exploitation be allowed to share personal information as appropriate in accordance with national law (R14).

## **II.2 Prevention**

### **Lanzarote Convention, Chapter II – Preventive measures**

#### **Article 4 - Principles**

*Each Party shall take the necessary legislative or other measures to prevent all forms of sexual exploitation and sexual abuse of children and to protect children.*

#### **Explanatory Report**

#### **Chapter II – Preventive measures**

52. *This chapter contains measures to be implemented at the national level. Policies or strategies to prevent the sexual exploitation and sexual abuse of children should include knowledge of the possible signals which could be given by children, as well as the provision of, and easy access to, information about sexual exploitation and sexual abuse, their effects, their consequences and how best to combat them.*

#### **Article 4 – Principles**

53. *The main aim of the Convention – to prevent sexual exploitation and sexual abuse of children from taking place – is reflected in this article.*

The main aim of the Lanzarote Convention is to prevent sexual exploitation and sexual abuse of children. This also applies to children affected by the refugee crisis. Children having been forced to flee their homes are not automatically safe once they reach the Lanzarote Convention Parties' jurisdictions. As mentioned above, several factors contribute to them being at risk of sexual exploitation and sexual abuse. Parties' first obligation in their respect under the Lanzarote Convention thus consists in taking all the necessary legislative or other measures to prevent them from falling victims of sexual exploitation and sexual abuse.

From the analysis of the replies to the focused questionnaire, it emerges that a series of challenges need to be met to ensure that effective preventive measures are taken to target the specific needs of children affected by the refugee crisis.

42. See report No. AJB-1235/2016 of the Hungarian Commissioner for Fundamental Rights.

## II.2.1 Responding to multicultural challenges to ensure effective awareness raising of children affected by the refugee crisis

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### **Language**

■ One commonly shared challenge is that of existing language barriers. This makes the communication between children affected by the refugee crisis and those responsible for their care very complex.

■ Parties generally indicate that the immediate need is for interpreters, which should be provided at reception centres/first arrival spots as well as during proceedings when children affected by the refugee crisis are identified as victims of trafficking/sexual exploitation or sexual abuse. Some Parties however, acknowledge that where children arrive in high numbers, the lack of interpreters (particularly of less spoken languages) is a real challenge.

■ Most Parties indicate that compulsory school attendance applies to all children, including those affected by the refugee crisis. They also offer language courses to children affected by the refugee crisis with a view to facilitate their integration in their education systems.

### **Culture, social norms and legal systems**

■ Talking about sexual abuse and exploitation is a taboo in most of the victims' countries of origin. The fact that an interpreter has to be present makes it even more difficult to establish a relationship of trust and therefore does not automatically encourage children to disclose. Non-verbal information material is thus crucial to build trust (**Austria**).<sup>43</sup>

■ Differences in cultures, social norms and legal regulations between the countries of origin of the children affected by the refugee crisis and the host countries create difficulties in the prevention of sexual offences against children. The NGO "Hope for Children" CRC Policy Center underlines that cultural or religious beliefs regarding sexuality and interpersonal conducts often create feelings of shame and guilt thus constituting further obstacles to the children's disclosure. These feelings might even hold them back from getting involved in awareness raising activities or individual discussions on sexual violence and related themes.

■ To face the above challenges, the following actions were referred to:

- ▶ children affected by the refugee crisis are involved in workshops, lectures, games and art activities aimed at processing cultural specificities and adjusting to European society ("Hope for Children" CRC Policy Center, **Cyprus**);
- ▶ children affected by the refugee crisis are expeditiously informed about the host country's culture, social norms and legal system (**Turkey**);
- ▶ newly arrived girls and boys are provided with an introduction to the host society, including sexual and relationship education (**Sweden**);
- ▶ asylum-seeking children are informed of the functions and allocation of tasks in **Germany** between the government and the authorities implementing governmental policy (e.g. the police and youth welfare office). The children must learn about existing opportunities they have to obtain help and support in the event of attacks and abuse, and how they can avail themselves of such opportunities.

### **Distribution of printed material**

■ The distribution of printed material upon arrival is also a helpful preventive measure. As underlined supra, Parties should consider developing also non-verbal information material.

■ The following material was brought to the Lanzarote Committee's attention:

- ▶ a poster created in **Germany** to be hung throughout all refugee accommodation. It provides pointers on how to react to an emergency, using pictograms and recommendations in German, English, French and Arabic. The German Independent Commissioner for Matters of Sexual Abuse of Children additionally published a checklist of minimum standards serving to protect children against sexual violence in refugee accommodation which is distributed to the operators of refugee accommodation or other actors assisting refugees;<sup>44</sup>
- ▶ a booklet on "Orientations for professionals and officials working with and for children on the move" gives practical advice on how to behave with such children. It is based on real life experiences shared by children and youth who participated in narrative sessions in **France, Greece, Italy and Portugal**

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43. See, for example, [http://www.zartbitter.de/gegen\\_sexuellen\\_missbrauch/Aktuell/100\\_index.php](http://www.zartbitter.de/gegen_sexuellen_missbrauch/Aktuell/100_index.php)

44. *Unabhängigen Beauftragten für Fragen des sexuellen Kindesmissbrauchs, Checkliste Mindeststandards zum Schutz von Kindern in Flüchtlingsunterkünften.*

within the context of the international Resiland Project (Participation and resilience of children on the move against trafficking and exploitation);<sup>45</sup>

- ▶ an information leaflet for children about their right to support and rehabilitation was prepared in numerous languages by **Sweden**. Additionally, the National Board of Health and Welfare is to produce an information brochure for social services about investigating children's need for support and protection in transnational cases where children are victims of human trafficking and/or sexual abuse;
- ▶ a guide for unaccompanied foreign children in the form of a leaflet was produced in **Italy** by the Ministry of the Interior, Save the Children and UNHCR with the contribution of the European Union. It aims at explaining unaccompanied foreign children's rights in relation to legal guardianship and international protection, including the possibility of asking for asylum in another EU country;
- ▶ a leaflet on "Women, girls and asylum in **Belgium**" (with a specific section on human trafficking). This is distributed to asylum seekers, including children. The professionals working with them are also provided with a brochure explaining what to do if confronted with victims of trafficking in human beings;
- ▶ **Germany** and **Latvia** mention collaboration with EASO (European Asylum Support Office), highlighting the preparation of a handbook on how to deal with refugees, and more specifically, with vulnerable categories requiring special protection such as children.

### **Child-friendly materials**

Child-friendly information tools for child victims of trafficking were developed in collaboration with youth groups to inform children of their rights as children, and as child victims of trafficking within the context of the ECPAT International **ReACT Project** (Reinforcing Assistance to Child Victims of Trafficking) involving ECPAT national partners in **Belgium, France, Germany, the Netherlands and the United Kingdom**.

The tools<sup>46</sup> include a leaflet for each of the 5 countries involved in the project as well as a video. The materials exists in the following languages: Arabic, Bulgarian, Chinese, Croatian, Dari and Farsi, Dutch, English, French, German, Pashto, Pidgin English, Romanian, Serbian, Tigrinya, Vietnamese.

■ Finally, the awareness raising material, developed by the Council of Europe ONE in FIVE Campaign to Stop Sexual Exploitation and Sexual Abuse against Children, could also be used as a tool to assist child protection services and other professionals to speak to children about sexual exploitation and sexual abuse. The children's book "Kiko and the Hand" can be particularly instrumental as it has been translated into over 21 languages, including Arabic.<sup>47</sup>

### **Recommendations on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ considers that information and advice concerning prevention of and protection from sexual exploitation and sexual abuse should be provided to children affected by the refugee crisis in a manner adapted to their age and maturity, in a language they understand and which is sensitive to gender and culture (reiteration of 1st implementation report, Recommendation R23) (R15);
- ▶ invites Parties to share one another's awareness raising material on the situation of children affected by the refugee crisis, with a view to adapting this material to their own specific situation (R16).

### **Awareness-raising activities for children**

■ The distribution of material, such as those described above, in a language that children affected by the refugee crisis understand should be accompanied by awareness raising activities specifically targeting children. Such activities contribute to breaking the silence and the taboo around sexuality, sexual exploitation and sexual abuse.

■ The following were brought to the Lanzarote Committee's attention:

- ▶ socio-pedagogical support, including sex education, prevention of violence, gender-conscious pedagogy is provided alongside a "preventive dialogue with aliens" conducted by the **Austrian** crime prevention officers in the facilities hosting refugees. The dialogue is aimed at establishing trust while also conveying

45. Resiland, Orientations for professionals and officials working with and for children on the move, October 2015.

46. Report of the ReACT project – Video on YouTube

47. [http://www.underwearrule.org/Default\\_en.asp](http://www.underwearrule.org/Default_en.asp)



notions of Austrian laws (including on the protection of children, the prohibition of violence and sexual offences against them);

- ▶ all newly arrived asylum seeking children between 12 and 17 years of age are offered a course on sexual relations at their accommodation centre (**Denmark**);
- ▶ two projects, implemented in 2014-2015, on the prevention of secondary victimisation of unaccompanied children (including training on human trafficking) and integration into **Hungarian** society;
- ▶ the “Social Cohesion Program”, conducted within the “No Lost Generation” initiative (financed by the EU MADAD Fund in **Turkey**) aimed at enabling mutual dialogue and the exchange of information between Turkish and Syrian children. It is conducted in Turkish and Arabic through peer education techniques by Turkish and Syrian children on a range of topics including: concepts of safety, violence-exploitation and discrimination. Around 7,120 children have been reached so far within the scope of the training held in various locations in the country. Additional training sessions are scheduled;
- ▶ a project called “PATS” (recognition, help and protection of victims of trafficking in human beings, sexual violence and gender violence) conducted in connection with admittance of applicants for international protection (in the Asylum Centres of **Slovenia**). The purpose of the project was to disseminate information on trafficking in human beings and to facilitate identification of vulnerable groups, in need of specialised treatment. Specific programs, activities and actions aimed at empowering vulnerable groups are also provided to prevent further exploitation.

■ Many Parties provide information on awareness raising activities of a general nature (i.e. on refugees or on child sexual violence in general). These obviously apply to children affected by the refugee crisis as well. Targeted measures are however better equipped to respond more effectively to specific needs.

#### **Recommendation on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ considers that Parties should exchange information on awareness raising activities which specifically focus on the risks faced by children affected by the refugee crisis with respect to sexual exploitation and sexual abuse (R17).

### **II.2.2 Ensuring that persons in contact with children affected by the refugee crisis have been screened and are adequately trained to effectively help them**

■ Article 5 of the Lanzarote Convention is of particular relevance in the context of the refugee crisis. All persons in contact with these children should be screened and adequately trained, from the front-line persons they encounter upon arrival, to the guardians, foster families or other caregivers they may be assigned to. This also includes all the persons children are in contact with to process family reunification or asylum requests, be they professionals or volunteer workers.

#### **Article 5 – Recruitment, training and awareness raising of persons working in contact with children**

(...)

2 *Each Party shall take the necessary legislative or other measures to ensure that the persons referred to in paragraph 1 [persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities] have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility mentioned in Article 12, paragraph 1.*

3 *Each Party shall take the necessary legislative or other measures, in conformity with its internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children.*

#### **Explanatory Report**

56. *Paragraph 2 also requires persons having regular contacts with children to have adequate knowledge and awareness to recognise cases of sexual exploitation and sexual abuse and of the possibility of reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of sexual exploitation or sexual abuse, as provided in Article 12 paragraph 1. It should be noted that there is no specific training obligation in this provision. Having “adequate knowledge” could*

*imply training or otherwise providing information for people who come in contact with children so that children who are victims of sexual exploitation or sexual abuse can be identified as early as possible, but it is left to Parties to decide how to achieve this.*

*57. Paragraph 3 sets an obligation for the Parties to ensure that candidates are screened prior to the exercise of professions involving regular contacts with children to ensure that they have not been convicted of acts of sexual exploitation or sexual abuse of children. In certain member States, this obligation can be applied also to voluntary activities. The addition of “in conformity with its internal law” permits States to implement the provision in a way which is compatible with internal rules, in particular the provisions on rehabilitation and reintegration of offenders. Moreover, this provision does not intend to interfere with specific legal provisions in those States which provide for the deletion of offenders’ criminal records after a certain period of time.*

### **Screening of persons in contact with children affected by the refugee crisis**

■ Not many of the replies to the focused questionnaire indicate that persons carrying out any task with children affected by the refugee crisis are screened to verify whether they have been convicted of acts of child sexual exploitation and/or sexual abuse.

■ The European Union Agency for Fundamental Rights (FRA) points out that vetting procedures (i.e. procedures through which child protection authorities ensure that those seeking to work regularly with children have not been convicted of criminal acts that could endanger a child’s wellbeing and safety) often only apply to a limited group of professionals (e.g. social workers or teachers) and do not cover all of those in direct and regular contact with children (e.g. administrative staff and assistants).<sup>48</sup>

■ **Denmark** specifies that according to contracts between the Danish Immigration Service and partners operating accommodation centres for asylum seekers, the partners must ensure that management staff as well as employees that will have contact with children under the age of 15, have not been convicted of committing any offences against children under the age of 15. This screening is done by requesting a specific criminal record. Furthermore, the Danish Immigration Service urges its partners in the contracts to obtain criminal records when hiring any staff, if the partners find it sensible and necessary.

■ **Germany** points out that all voluntary refugee helpers shall provide police clearance certificates (“erweitertes polizeiliches Führungszeugnis”) to protect migrant and refugee children from sexual violence. The police clearance is free of charge: without it they are not allowed to carry out the volunteer work with children.

### **Recommendations on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ urges Parties in line with Article 5 of the Convention to effectively screen all persons who by their professions have regular contact with children affected by the refugee crisis for convictions of acts of sexual exploitation or sexual abuse of children in line with their internal law (R18);
- ▶ invites Parties to also effectively screen volunteers working in regular contact with children affected by the refugee crisis and to have vetting practices in place (R19).

### **Training of professionals and volunteers working with children affected by the refugee crisis**

■ Professionals and voluntary workers in contact with children affected by the refugee crisis require special training with a view to increasing their awareness of the specific needs of children in this particularly vulnerable situation. Such persons also include the interpreters. Most Parties acknowledge that specific training tailored to all relevant stakeholders (including voluntary workers) is essential. Persons in contact with children affected by the refugee crisis need guidance to process stories of traumatised young people.

■ Parties’ replies to the focused questionnaire highlight existing training for the police and/or migration forces (**Albania, Belgium, Bulgaria, Croatia, Cyprus, Finland, Greece, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Portugal, Slovak Republic, Slovenia, Spain, Switzerland**), the judiciary (**Belgium, Germany, Portugal, Slovak Republic**), personnel in care facilities or aid workers (**Austria, Bulgaria, Germany, Greece, Lithuania, Malta, Netherlands, Poland, Portugal, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Switzerland**), guardians (**Belgium, Greece, Lithuania**), foster families (**Cyprus, Iceland, Serbia, “The former Yugoslav Republic of Macedonia”**) or any person who encounter or are likely to encounter children affected by the refugee crisis (**Greece, Lithuania, Turkey**).

48. See European Union Agency for Fundamental Rights, [Mapping child protection in the EU](#), February 2015.

Some Parties provide some information on the content of the training as follows:

- ▶ In **Austria**, the employees of the Municipality of Vienna, District MA 11, undergo special training for the care of refugee children (with special focus on issues such as dealing with traumas, intercultural problems, recognising exploitation or sexual abuse and similar issues) and the use of trauma-pedagogical tools for the care of refugee children.<sup>49</sup>
- ▶ The Municipality of Vienna also operates socio-pedagogical institutions for the care of heavily traumatised refugee children and a specialised Crisis Centre (“*Drehscheibe*”) for unaccompanied minors and those affected by forms of human trafficking. The Centre collaborates with different associations and organisations specialised in these areas (such as the NGO for victims of trafficking in human beings (LEFÖ Association) and the International Organisation for Migration);
- ▶ In **Belgium**, the staff of the Federal Agency for the Reception of Asylum Seekers (*Fedasil*) is trained to identify victims of sexual and gender based violence;
- ▶ In **Denmark**, asylum caseworkers are trained in the cognitive interview method, which involves psychological training in handling traumatised persons;
- ▶ In **Lithuania** seminars are organised on a yearly basis for employees of state, municipal and non-governmental organisations, other institutions and agencies working in the field of social integration of foreigners granted asylum; these include various cultural events to encourage the knowledge of other cultures;
- ▶ In **Poland**, the Border Guard, in co-operation with the “Give children strength” Foundation implemented a special project “Children in camps for migrants”. This project aims at ensuring appropriate protection for children against violence and sexual exploitation, to improve camp staff qualifications in this area and also to improve parents’ educational skills. It has also been created to educate children about how to avoid dangers and how to find help and support when needed;
- ▶ **Andorra** is developing a Protocol to inform all stakeholders in contact with asylum seekers/migrants about what should be done to ensure that rights and safety are guaranteed to all in need.

Notwithstanding the above-mentioned practices, the **French** Defender of Rights (*Défenseur des droits*), ECPAT France as well as the **Belgian** *Délégué général aux droits de l’enfant* highlight that in some instances training and tools are insufficient. It is, for example pointed out that guidance for case officers when determining the migration status of children should include lines of action to prevent the return of children and families to persecution, dangerous or life-threatening situations.<sup>50</sup>

#### **Recommendations on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ invites Parties to ensure that all persons dealing with children affected by the refugee crisis have undertaken suitable qualifying continued training enabling them to interview children and help detect when a child has been a victim of sexual exploitation and sexual abuse (R20);
- ▶ invites Parties to exchange their practices on existing training tools with a view to elaborating further such tools (R21);
- ▶ invites Parties to share information on existing protocols, special projects and action plans set up to face the situation of children affected by the refugee crisis, with a view to further elaborating such tool (R22).

### **II.2.3 Ensuring safe reception facilities and longer term placement**

The increase in the number of children affected by the refugee crisis puts pressure on reception/accommodation facilities, exacerbating difficulties in providing adequate protection for these children. UNICEF highlights that as children wait for their asylum applications to be processed – which can take months – children are often housed in sports halls, former military barracks or other temporary shelters.<sup>51</sup> Save the Children-**Finland** also warns that reasons such as the length of asylum procedures increase the risk of children being sexually exploited or abused. Insufficient lighting, sanitary and sleeping facilities that have to be shared by men, women and children are all factors that expose persons seeking asylum to risks of sexual or gender-based violence.<sup>52</sup>

49. See, for example, *Traumapädagogische Videos in Deutsch, Arabisch und Farsi für Jugendliche ab 12 Jahren*

50. UNICEF, *Uprooted: the growing crisis for refugee and migrant children*, September 2016, p. 4.

51. UNICEF, *Danger every step of the way: A harrowing journey to Europe for refugee and migrant children*, June 2016, p. 5.

52. European Union Agency for Fundamental Rights, *Fundamental Rights Report 2016*, p. 20.

**Greece** similarly points out that the large number of arrivals of children who are not placed in adequate reception facilities makes it more difficult to implement prevention measures with regard to sexual exploitation and abuse. Unaccompanied children are particularly exposed to sexual crimes and harassment in such conditions.

■ To avoid the circumstances described above and meet the challenge of ensuring safe reception facilities, Parties point at various initiatives such:

- ▶ the separation of unaccompanied children from adults;
- ▶ **Austria** highlights that it has developed minimum standards for the primary care of asylum seekers:
  - ▶ Single women and their children must not be accommodated in the same room with men to whom they are not related,
  - ▶ Every room must be lockable,
  - ▶ Regional and general emergency numbers must be displayed in the facility in a language the residents understand,
  - ▶ There is a telephone number for residents to call for round-the-clock emergencies,
  - ▶ If there are 50 or more residents in a facility, an employee from the organisation that runs the facility must be on the premises at all times;
- ▶ **Belgium** specifies that it has facilities with places reserved for single women with children, young pregnant women and unaccompanied children. It also has two specialised centres, one of which hosts extremely vulnerable children (below the age of 12 or victims of trafficking in human beings) and children at high risk of going missing;
- ▶ **Greece** points out that safe zones are developed within camps and hotspots for unaccompanied children to reside separately;
- ▶ **Italy** specifies that the protection system for asylum seekers and refugees is open to all unaccompanied children, even those who are not requesting asylum, in order to protect them;
- ▶ **Lithuania**, indicates that mother and child should be accommodated in the same room and that special facilities are available for pregnant women.

#### Standards of reception conditions

The [EU Reception Conditions Directive](#)<sup>53</sup> aims at ensuring better as well as more harmonized standards of reception conditions throughout the European Union. Member States must, *inter alia*, conduct an individual assessment in order to identify the special reception needs of vulnerable persons and to ensure that vulnerable asylum seekers can access medical and psychological support. It also includes rules regarding detention of asylum seekers, ensuring that their fundamental rights are fully respected.

■ Once first basic needs are met in safe conditions, the Lanzarote Committee considers that Parties should as quickly as possible seek long term placement of children affected by the refugee crisis in order to avoid exposing them to possible sexual exploitation and sexual abuse. In this context, international standards<sup>54</sup> on the rights of the child advise applying the following prioritisation: (i) family reunification, (ii) foster care, independent/supported accommodation for older children or other forms of non-institutional care; (iii) placement in small scale units in institution.

■ In this context, the following solutions as regards unaccompanied children are pointed out in particular:

- ▶ In **Cyprus**, an NGO (“Hope for Children”) has been subsidised by the government for specialisation in the area of unaccompanied children. It operates two private homes for unaccompanied children providing care services and other support services in close cooperation with the Social Welfare Services;
- ▶ **Finland** accommodates unaccompanied children in dedicated units for children, where they receive more comprehensive health and social services than adults at reception centres. The units for children are responsible for providing age-appropriate attention, care, education and support;
- ▶ In **Germany**, unaccompanied children are generally accommodated in institutions of the child and youth welfare system;

53. [Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.](#)

54. See Article 22§2 UNCRC as well as Council of Europe Rec(2005)5 on Residential institution requirements.

- ▶ **Georgia** highlights that immediate measures are taken by the competent authorities to place unaccompanied children in family-type care (e.g. foster care, small group home, etc.) and indicates that its State Fund Shelters are an available temporary resource for accommodation of unaccompanied children;
- ▶ **Hungary** underlines that since August 2015, it has shortened administrative deadlines to accommodate unaccompanied children in children's homes;
- ▶ **Iceland** points out it has started a campaign to recruit foster families as this type of alternative care offers the best durable solution in terms of protection against sexual abuse and it facilitates disclosure of possible sexual exploitation and sexual abuse by victims;
- ▶ **Lithuania** refers to the appointment of a guardian for unaccompanied children;
- ▶ **Malta** indicates that unaccompanied children are placed in homes with curfews where staff are required to observe their behaviour;
- ▶ In **Portugal**, there are homes for unaccompanied children run by a specialised team of professionals;
- ▶ **Ukraine** highlights the Cabinet of Ministers Resolution of 16.11.2016 № 832 concerning "Special social protection of children separated from families who are not citizens of Ukraine" which includes clarifications on the role of guardianship related to the protection of children's rights.

■ The FRA<sup>55</sup> points out that the number of specialised facilities across the European Union is still insufficient. As a result, children remain in crowded first reception centres, hot spots and transit facilities where child protection standards are not met for lengthy periods of stay.

■ As regards children with members of their families:

- ▶ Lower Saxony (**Germany**) prepared a "Concept on protecting children and on protecting women against violence in the reception centres for asylum seekers and refugees of the Land". This concept is implemented by the Land reception authority (*Landesaufnahmebehörde*) and includes the following non-exhaustive list of features:
  - ▶ In all accommodations showers and WC arrangements are strictly separated according to gender,
  - ▶ All shower spaces are monitored by the security service,
  - ▶ Female contact persons are available in nearly all accommodation who work in the field of security, social services, and also as interpreters; other accommodation will have one female contact person competent in at least one of these fields,
  - ▶ An emergency telephone number for the police is prominently displayed in the accommodation,
  - ▶ The telephone hotline for women affected by violence is also prominently displayed in the accommodation,
  - ▶ The facility is in contact with the police,
  - ▶ Information is available indicating access to assistance services (counselling centres for people affected by violence, women's shelters, pregnancy counselling services);
- ▶ **Hungary** informs that legal conditions under which the competent authority may take an asylum-seeker into custody in the course of a refugee status determination procedure are defined in Section 31/A of Act LXXX of 2007 on Asylum, where it is stated that detention shall not be longer than 30 days in case of families with a child under the age of 18 years.

■ The Lanzarote Committee recalls that the United Nations Committee on the Rights of the Child has found that "*Children should not be criminalised or subject to punitive measures because of their or their parents' migration status. The detention of a child because of their or their parent's migration status constitutes a child rights violation and always contravenes the principle of the best interests of the child*".<sup>56</sup> The case law of the European Court of Human Rights is also uncontroversial in this regard<sup>57</sup> and the Council of Europe's Commissioner for Human Rights has thus repeatedly stated that "*there are no circumstances in which detention of a child for immigration purposes, whether unaccompanied or with family, could be in the child's best interest. (...) Alternatives [to detention] are not only an essential tool in safeguarding the human rights of migrants. They are also helpful for states. If properly implemented, they can build trust (...) between the migrant and the state (...)*".<sup>58</sup> Building the child's

55. European Union Agency for Fundamental Rights, Key migration issues: one year on from initial reporting, October 2016, p. 6.

56. UN Committee on the Rights of the Child, Report of the 2012 Day of General Discussion on the Rights of All Children in the Context of International Migration, 28 September 2012, §78.

57. See the European Court of Human Rights judgments of 12 July 2016: *A.B. and Others v France* (no.11593/12), *A.M. and Others v France* (no.24587/12), *R.C. and V.C. v France* (no.76491/14), *R.K. v France* (no.68264/14), *R.M. and Others v France* (no.33201/11).

58. Commissioner for Human Rights, Human Rights Comment, *High time for states to invest in alternatives to detention*, 31 January 2017.

trust (see section II.3.1) is particularly relevant under the Lanzarote Convention to help children affected by the refugee crisis to feel safe and create the conditions to enable their possible disclosure. As advocated by the Council of Europe's Parliamentary Assembly Campaign to End Immigration Detention of Children, alternatives to detention that respect a child's right to liberty and family should be sought.

### **Recommendations on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ invites Parties to overcome challenges in ensuring safe reception facilities and longer term placement solutions by implementing a coherent set of quality standards on the basis of good practices to prevent sexual exploitation and abuse. These standards should be of the same quality for children affected by the refugee crisis as for any other child deprived of parental care as the former may be more vulnerable to sexual exploitation and sexual abuse (R23);
- ▶ in this context, invites Parties to apply the following prioritisation, where appropriate: (i) family reunification, (ii) foster care, supervised independent accommodation for older children or other forms of non-institutional care; (iii) institution placement in small scale units, in order to provide a safe placement for minimising the danger of victimisation of sexual abuse (R24).

## **II.3 Protection**

### **Chapter IV – Protective measures and assistance to victims**

#### **Article 11 – Principles**

1 Each Party shall establish effective social programmes and set up multidisciplinary structures to provide the necessary support for victims, their close relatives and for any person who is responsible for their care.

#### **Explanatory Report**

86. While the ultimate aim in the fight against sexual abuse and sexual exploitation should be to prevent these actions from taking place, it is also essential to ensure that children who have already been victims of such offences receive the best possible support, protection and assistance, which is the aim of the articles in this chapter.

87. In paragraph 1, the negotiators wished to highlight the necessity for a multidisciplinary approach to assisting and protecting children victims of sexual offences as well as their close relatives, families or anyone in whose care they are placed. These protection and assistance measures are not meant to benefit all parents and family members in the broad sense but those who, because of their close relationship with the minor, may be directly affected.

### **II.3.1 Building the child's trust to enable disclosure**

■ The difficult task of gaining a foreign child's trust and thus their readiness to disclose sexual exploitation or sexual abuse is a true challenge to offer adequate protective measures. Children affected by the refugee crisis need to re-learn to build trust with representatives of the authorities, in particular police forces, since many of those seeking international protection have had very bad experiences with uniformed forces in their home countries and during their journey.

■ In this regard, the following solutions have been highlighted:

- ▶ In **Belgium** a contact social worker is appointed ("*travailleur social référent*") and is in charge of assessing the individual needs of the asylum seekers;
- ▶ Similarly, in the units for children in **Finland**, each child and young person is assigned a personal reference worker, which may promote the creation of a trustful relationship to disclose difficult experiences;
- ▶ In **Spain**, a similar role is exercised to the Finish model, within the context of the fight against trafficking in human beings, by a "social partner" who is in charge of promoting co-operation and the exchange of information.

#### **Guardians and legal representatives**

■ **Greece** underlines that the appointment of trained guardians is crucial not only for safeguarding children's best interests and catering for their needs but also for informing them of the dangers that they may encounter while acquainting other people.

## Guardianship for children deprived of parental care – A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking

The EU Agency for Fundamental Rights (FRA) developed this [handbook](#) to address the situation of children deprived of parental care, including unaccompanied and separated children as they are particularly vulnerable to abuse and exploitation. They are therefore entitled to special protection. The handbook, jointly published with the European Commission, aims at strengthening the protection of children by assisting national authorities and other stakeholders to further develop existing guardianship systems. It promotes a shared understanding of the main principles and features of a guardianship system. By presenting a set of core common principles and key standards it aims to improve conditions for children under guardianship, and promote respect for their fundamental rights.

The Lanzarote Committee shares the following understanding of “guardian” and “legal representative” for the purposes of this report as set out in this Handbook:

- ▶ “The guardian is an independent person who safeguards the child’s best interests and general well-being, and to this effect complements the limited legal capacity of the child, when necessary, in the same way that parents do.” (p.14)
- ▶ “In EU law, the term ‘representative’ or ‘legal representative’ is defined as “a person or organisation appointed by the competent bodies in order to assist and represent a child, when parents are not able, not willing or have been precluded from doing so, in civil, administrative or judicial procedures with a view to ensuring the best interests of the child and exercising legal capacity for the child where necessary” (Article 2 (j), Reception Conditions Directive (2013/33/EU)).” (p.38)

■ The Lanzarote Committee notes that, in their [Paris statement](#), Ombudspersons, Mediators, and children’s rights defenders urge “all States to designate a qualified and independent guardian or a legal representative to defend effectively the interests of unaccompanied or separated children from their registration, accompanying, advising and representing them to authorities and in procedures involving them until they reunify with their family or until they are granted appropriate protection.”<sup>59</sup>

■ The Lanzarote Committee welcomes the decision taken by the Committee of Ministers of the Council of Europe to ensure that special measures and safeguards are in place to protect unaccompanied and other children affected by the refugee crisis, in particular concerning standards on legal guardianship.<sup>60</sup> In this regard, it invites Parties to pay attention to the work undertaken in the context by the Council of Europe’s Ad hoc Committee for the Rights of the Child (CAHENF) with a view to ensuring that the standards it will elaborate build, as appropriate, on the findings of this report.<sup>61</sup>

■ Indeed, the Lanzarote Committee considers that guardians/legal representatives designated to accompany the unaccompanied child affected by the refugee crisis in everyday life and/or in administrative and judicial matters play a crucial role in building the child’s trust and enabling their disclosure of possible sexual exploitation and sexual abuse. To this effect, the guardian system in place should be well-functioning. This is not always the case, in particular due to the high number of children arriving unaccompanied. Ineffective guardianship systems for unaccompanied and separated children hinder processes for determining the best interest of each child, including resettlement, relocation and durable solutions.<sup>62</sup>

■ The absence of any conflict of interest between the potential guardian and the child is a key criterion in the selection of individual persons or institutions as guardians. The guardians’ independence from migration and asylum authorities is also vital for unaccompanied children who are subject to migration law or seek international protection.<sup>63</sup>

59. European Network of Ombudspersons for Children, Le Défenseur des Droits, [Paris statement](#), 28 June 2016.

60. Decisions of the 126th Session of the Committee of Ministers, Item 2c and Follow up (25 May 2016).

61. Note is also taken of the event devoted to Guardianship for children organised by the European Commission in November 2016 and the 10th EU forum on the rights of the child focusing on children in migration. See [FORUM conclusions](#).

62. UNICEF, *Uprooted: the growing crisis for refugee and migrant children* (September 2016), p. 96

63. European Union Agency for Fundamental Rights (FRA), *Key migration issues: one year on from initial reporting*, October 2016, p. 5. See also FRA Comparative report on [Guardianship systems for children deprived of parental care in the European Union - With a particular focus on their role in responding to child trafficking](#), 2015, in particular chapter 2.4. on Independence of guardianship and legal representation systems, pages 27-29.

European Union Agency for Fundamental Rights-European Commission, [Guardianship systems for children deprived of parental care – A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking](#), 2014.

### Promising practices

In **Belgium**, the legal guardians fall under the authority of the justice department, and not the immigration department, which makes them independent of immigration policies. If there is a suspicion of exploitation, a guardian is appointed within 24 hours. In these cases the legal guardian is an expert in child trafficking (sexual exploitation). This means that the legal guardian knows how to deal with the case and can bring the child in contact with the specialised reception centres in trafficking in human beings.

In **Germany** it is obligatory for the youth welfare office to act in a way that is tailored to the situation of these minors under the law on custody: "A guardian or curator has to be appointed without delay in cases falling under subs. 1 sentence 1 No. 3.", section 42 subs. 3 sentence 4 of Book VIII of the Social Code. Designating a guardian is therefore obligatory and systematic in Germany.

In **Austria**, in order to build confidence and to protect children, and in agreement with the Youth Welfare Authorities, unaccompanied children may be provided with a caregiver (who does not necessarily need to be the official guardian) who accompanies the child in addition to a social worker. The caregiver has, in particular, to speak the same language as the child concerned and understand his/her culture. If possible, the caregiver should also speak German or English, understand the values of Western Europe and be a role model for the child. Caregivers have to be screened as any other person working in contact with children affected by the refugee crisis (see section II.2.2).

■ It should be underlined that a guardian should be provided to all unaccompanied children, regardless of their age. In this regard, the Lanzarote Committee is concerned by the fact that in **Luxembourg** the Minister may refrain from having an *ad hoc* administrator appointed for the unaccompanied minor, when such a minor will in all likelihood reach the age of eighteen years before a decision is taken by the Minister (Article 20§3 of the Law on International Protection and Temporary Protection of 18 December 2015).

### Recommendation on the steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee:

- ▶ invites Parties who do not yet foresee so, to ensure that unaccompanied children affected by the refugee crisis, regardless of their age, are provided with a guardian in order to build trust and enable disclosure of possible sexual exploitation and sexual abuse (R25).

### Family reunification

■ In line with the UN Convention on the Rights of the Child, the Lanzarote Committee holds that such unaccompanied children affected by the refugee crisis should first and foremost be assisted in tracing their parents or other members of the family in order to obtain information necessary for reunification with his or her family (UN CRC article 22). The Lanzarote Committee considers as a measure of prevention of and protection against sexual exploitation and sexual abuse that procedures for family reunification for unaccompanied children who have been granted international protection should be carried out without undue delays.<sup>64</sup> In so doing, Parties should pay particular attention to the findings of its [1st implementation report](#) (Protection of children against sexual abuse in the circle of trust – The Framework), as family members may in fact also facilitate their children's sexual exploitation. Thus, family reunification should be pursued after a careful examination of the situation, assessing the child's best interest and identifying any risk for the child being abused or exploited in case of family reunification.

■ **Denmark** highlights that the best interest of the child is at the core of family reunification cases. An opinion from local authorities assessing the child's best interests is taken into consideration. Furthermore, the application form requires the resident in **Denmark** applying for family reunification to sign under criminal responsibility that he or she is not convicted of any offences against children if the applicant/spouse have children from previous relationships.

64. This is also the position of the Council of the Baltic Sea States (CBSS) and the Central European Initiative as reflected in its [Stockholm Conclusions](#), December 2016.



## **Recommendations on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ invites Parties to seek family reunification of unaccompanied children affected by the refugee crisis paying particular attention in the routine procedures to potential risks of sexual exploitation and sexual exploitation (R26);
- ▶ since examining the family situation is important where there are suspicions of child sexual exploitation or abuse, urges Parties to take the necessary measures to avoid risks that the child may be abused or exploited in case of family reunification (R27);
- ▶ invites Parties to reinforce cross-border cooperation to achieve the above aims in a timely manner (R28).

### **II.3.2 Being equipped to assist victims of multiple trauma**

#### **Psychosocial assistance**

##### **Article 14 – Assistance to victims**

1 Each Party shall take the necessary legislative or other measures to assist victims, in the short and long term, in their physical and psycho-social recovery. Measures taken pursuant to this paragraph shall take due account of the child's views, needs and concerns.

2 Each Party shall take measures, under the conditions provided for by its internal law, to co-operate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.

##### **Explanatory Report**

93. Article 14 sets out the assistance measures which Parties must provide for victims of sexual exploitation and abuse. The aim of the assistance provided for in paragraph 1 is to “assist victims, in the short and long term, in their physical and psycho-social recovery”. The authorities must therefore make arrangements for those assistance measures while bearing in mind the specific nature of that aim.

94. The paragraph states that victims should receive assistance “in the short and long term”. Any harm caused by the sexual exploitation or abuse of a child is significant and must be addressed. The nature of the harm done by sexual exploitation or abuse means that this aid should continue for as long as is necessary for the child's complete physical and psychosocial recovery. Though this Convention relates primarily to children, the consequences of sexual exploitation or abuse of children may well last into adulthood. For this reason, it is important to establish measures which also provide those adults who were sexually exploited or sexually abused as children the opportunities to reveal these facts and to receive appropriate support and assistance if such assistance is still needed.

95. Assistance to victims in their “physical recovery” involves emergency or other medical treatment. The negotiators wished to draw particular attention to the fact that, given the nature of the offences established in this Convention, the obligation could include all forms of medical screening with special attention to sexually transmissible diseases and HIV infection and their subsequent treatment.

96. “Psycho-social” assistance is needed to help victims overcome the trauma they have been through and return to a normal life in society.

97. The provision stresses that the child's views, needs and concerns must be taken into account when taking the measures pursuant to this paragraph.

98. NGOs often have a crucial role to play in victim assistance. For that reason paragraph 2 specifies that each Party is to take measures, under the conditions provided for by national law, to cooperate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in victim assistance. In many states, NGOs work with the authorities on the basis of partnerships and agreements designed to regulate their cooperation.

■ Several Parties refer to specific psychosocial assistance foreseen within the context of the refugee crisis:

- ▶ in **Croatia**, the rehabilitation Centre for Stress and Trauma and the Society for Psychological Aid are active at the Reception Centre for Applicants for Asylum;

- ▶ in **Austria**, asylum seekers are informed that psychological support is available in order to help them with their specific needs as victims;
- ▶ **Albania** also underlines that the National Reception Centre for Asylum Seekers employs a psychologist and a doctor, who have adequate capacity to identify and treat cases of sexually abused children. Their work includes psychological counselling, psychotherapy and psychiatric help services;
- ▶ in **Denmark**, the Danish Red Cross, under contract with the Danish Immigration Service, provides psychological screening of all newly arrived asylum seeking children in order to assess the well-being of the individual child as well as to identify children with special needs and initiate further support when needed;
- ▶ in **Malta**, social workers engage with victims throughout their placement in order to break the cycle of falling again into sexual exploitation, including by being given psychological support.

■ NGOs in **Finland** consider that in practice, support and care for asylum-seeking children who are victims of sexual exploitation/abuse are provided within the framework of the reception system, but the level of measures taken to cater for the needs of victims of sexual exploitation or abuse and the support provided to them varies in different locations and units as there exists no national system for victims of sexual abuse. **Serbia** warns about the risk of focusing more on activities to occupy children, rather than to heal their wounds. **Greece** explains that services to children affected by the refugee crisis who are victims of sexual exploitation and sexual abuse are offered by NGOs. Such services include specialist mental health services. The measures taken to address the situation thus depend on the NGO running a given shelter/supporting the victims therein. It is highlighted that this may have negative consequences such as shelter personnel being reluctant to report cases of rape of children not to attract media attention on the shelter's conditions. A mechanism to avoid this should therefore be in place.

■ Finally some Parties also point at situations where psychosocial aid is provided regardless of the refugee crisis context:

- ▶ In **Germany**, during the first 15 months of residence, psychological treatment of mental disorders and trauma focused treatment can be granted in individual cases under the Asylum Seekers' Benefits Act (*AsylbLG*) if they are necessary to safeguard the means of existence or the state of health or to meet special needs of children. After 15 months of residence in Germany, beneficiaries of the *AsylbLG*, as a rule, are entitled to regular health care benefits as national recipients of social assistance;
- ▶ **Iceland** points out that children in need receive psychological therapy and trauma-focused treatment;
- ▶ **Latvia** underlines that if a child has experienced violence or there is a suspicion of the existence of violence (regardless of the type of violence), he/she has a right to rehabilitation services;
- ▶ **Luxembourg** highlights that the "*Office luxembourgeois de l'accueil et de l'Intégration*" (OLAIF) organises assistance for victims, in close cooperation with the Ombudsman's office, that the NGO "*Maison de la porte ouverte*" specialises in working with children and adolescents with needs requiring psychological help, and that the network of public children's homes, "*Staatlech Kannerheemer*" offers specialised institutions for children needing psychological help.

#### **Recommendation on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ urges Parties that have not yet done so to take the necessary legislative or other measures to ensure that child victims of sexual exploitation and sexual abuse affected by the refugee crisis may benefit from therapeutic assistance, notably emergency psychological care (R29).

#### **Assisting child victims of sexual exploitation and sexual abuse in seeking redress**

■ The Lanzarote Committee recalls that Chapter 3 of its 1st implementation report is entirely dedicated to the best interest of the child and child-friendly criminal proceedings. It thus refers to the promising practices and recommendations made in that context which are equally valid with regard to the protection of children affected by the refugee crisis who should be assisted in accessing their rights, including within the context of any proceedings.

■ In line with the above-mentioned report's findings, Parties reiterate the important role of child-friendly spaces/settings where children are treated in a child appropriate manner and taking into account their views.

■ Multi-agency structures such as the "Children's House"/child friendly spaces (**Denmark, Iceland, Lithuania, Russian Federation** – planned in **Albania, Cyprus**), where a co-ordinated effort between social services,

police, therapeutic services and health services are offered with the purpose of providing the abused child with co-ordinated and professional help in a child friendly environment are particularly relevant. Access to these services should be offered to children affected by the refugee crisis as well. This would ensure links with the relevant stakeholders involved in the migration/asylum process.

■ In **Austria**, during the asylum-seeking process children are represented by an authorised agency up to the end of the procedure or to the age of majority. In addition, if the child is unaccompanied, he/she is specifically protected by procedural provisions. Once the asylum application is admitted, the locally responsible youth welfare service becomes the legal representative. During all procedures, unaccompanied alleged children receive a needs-based shelter, adequate care and practical provisions (e.g. training).

■ **Poland** and **Croatia** underline that the person interviewing a child victim of exploitation must be of the same sex as the victim and must carry out the interview in a child-friendly room.

■ In **Turkey**, Child Follow-up Centres have been established within hospitals/institutions that are subordinate to the Ministry of Health for the purposes of minimising secondary traumatising of sexually exploited/abused children and ensuring that the judicial and medical procedures are carried out at one sitting and in a centre composed of the persons educated in these fields. The Child Follow-up Centres receive the sexually exploited/abused children who have come via the prosecutor's offices or those children who are suspected of having been sexually exploited or abused.

■ **Bulgaria** points at successful partnership with NGOs to provide support to victims of trafficking and their involvement as witnesses in criminal proceedings in the country and/or abroad against traffickers. **Greece** underlines that victims of sexual exploitation and abuse may also seek moral damages even when the perpetrator is unknown. In such case, redress may be applied for to the Hellenic Authority on Compensation of Victims of Criminal Acts.

#### **Recommendations on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ urges Parties to encourage the co-ordination and collaboration of the different actors who intervene for and with children affected by the refugee crisis to ensure that appropriate support may be provided immediately after the disclosure of sexual exploitation and sexual abuse (R30);
- ▶ considers that Parties should ensure that its specific recommendations on the child-friendly handling of proceedings involving children victims of sexual abuse be implemented also in the context of proceedings involving children affected by the refugee crisis (R31).

### **Helplines**

#### **Article 13 – Helplines**

*Each Party shall take the necessary legislative or other measures to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity.*

#### **Explanatory Report**

92. *This article is particularly intended to apply to persons who may be confronted with a situation of sexual exploitation or sexual abuse. It could happen that persons to whom the child is entrusted do not know how to react. Moreover, child victims may also seek to obtain support or advice without knowing who to turn to. This emphasises the importance of the development of means whereby persons can safely reveal that they know about or have been victims of sexual abuse or sexual exploitation, or simply talk to a person outside their usual environment. Therefore Parties must encourage and support the setting up of such information services as telephone or Internet helplines to provide advice to callers. The Convention leaves to Parties any follow up to be given to calls received. These assistance services should be as widely available as possible. In some States, for example, such services are available 24 hours a day, 7 days a week.*

■ At some early stage when raising their awareness on their rights/procedures they may wish to use, children affected by the refugee crisis should be informed of the existence of helplines which they may turn to. In line with the challenges connected to communication raised above, Parties are encouraged to adapt their tools to effectively offer help to children affected by the refugee as outlined below:

- ▶ a Communication Center for Foreigners (YİMER) was established in **Turkey** to receive emergency calls of human trafficking victims and provide support to them. This line can be reached at all times from all over Turkey and abroad with language options including Turkish, English, Arabic, Russian, Persian and German;
- ▶ in September 2015, a specific website and email address ([refugiados@acm.gov.pt](mailto:refugiados@acm.gov.pt)) were created in **Portugal** to collect contributions from institutions and private individuals indicating their availability to support the hosting and integration of the 4,574 refugees that Portugal committed to receive;<sup>65</sup>
- ▶ **Sweden** set up a National Board of Health and Welfare with a call function to respond to questions and to provide support to municipal social services;
- ▶ **Spain** informs that in 2013 the Police launched a free helpline to report suspected cases of sex trafficking. The launch of this helpline was combined with participation by the Police in awareness-raising campaigns through television (e.g. in the “Stand up for trafficking victims” campaign), radio and newspapers to bring trafficking issues closer to society. Following these campaigns, helpline calls increased, which in turn contributed to the identification and release of a certain number of trafficked children;
- ▶ similarly, **Portugal** also points out that its *Guarda Nacional Republicana* contributed to the production of a booklet for professionals and staff working with refugee children. Reference is also made to a brochure on refugee rights available in many languages.
- ▶ **116 000**, the European missing children hotline number,<sup>66</sup> active in 29 European countries, may also be used to in the context of the refugee crisis.

### **Recommendation on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ considers that Parties that have not yet done so should encourage and support the setting up of specific information services such as telephone or Internet helplines to child victims of sexual exploitation and sexual abuse affected by the refugee crisis as well as persons wishing to help them to provide advice in a language which is understandable to them (R32).

65. See: [www.refugiados.acm.gov.pt](http://www.refugiados.acm.gov.pt)

66. See: <http://missingchildreurope.eu/hotline>

## III Co-operation

### Article 38 – General principles and measures for international cooperation

1. The Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:

- a. preventing and combating sexual exploitation and sexual abuse of children;
- b. protecting and providing assistance to victims;
- c. investigations or proceedings concerning the offences established in accordance with this Convention.

(...)

#### Explanatory Report

255. Article 38 sets out the general principles that should govern international co-operation.

256. First of all, it obliges the Parties to co-operate widely with one another and in particular to reduce, as far as possible, the obstacles to the rapid circulation of information and evidence. The monitoring mechanism provided for in the Convention (Chapter X) may, inter alia, cover the implementation of this principle and the way in which existing co-operation instruments are applied to the protection of children against sexual exploitation and sexual abuse.

257. Article 38 then makes it clear that the obligation to co-operate is general in scope: it covers preventing and combating sexual exploitation and sexual abuse of children (first indent), protecting and providing assistance to victims (second indent) and investigations or procedures concerning criminal offences established in accordance with the Convention (third indent).

### III.1 Trends

■ This question was generally replied to briefly and only partially (without replying necessarily to all three sub-questions). The following Parties moreover did not reply at all to the question: **France, Greece, Republic of Moldova, Romania, Russian Federation, Slovenia, “The former Yugoslav Republic of Macedonia”**.

■ A considerable number of Parties (**Albania, Andorra, Austria, Croatia, Czech Republic, Hungary, Iceland, Liechtenstein, Montenegro, Portugal, Russian Federation, Serbia, Slovak Republic, Switzerland**) point out that in the absence of cases of abuse or sexual exploitation of children affected by the refugee crisis during the reference period (1 July 2015 – 30 June 2016), there was no concrete need or opportunity to co-operate with other Parties.

■ Some Parties (**Denmark, Latvia, Poland, Spain, Switzerland**), focus on successful police cooperation within the context of Interpol and Europol (quoting in particular the Raven and EMPACT Priority B and C projects). **Switzerland** additionally highlights an INTERPOL meeting in Lugano in October 2016 focusing specifically on the exploitation of refugees, including of children.

■ Finally, one Party (**Cyprus**) refers to the specific sharing of information and experience between members of the Lanzarote Committee leading to the decision to establish a Children’s House (see above reference to the Lanzarote Committee’s 1st implementation report, §105). It is understood that this facility will be accessible by any child regardless of status.

### III.2 Challenges

■ Only few children affected by the refugee crisis have been provided with a durable solution<sup>67</sup> and are awaiting resettlement or relocation, with particularly low numbers of children being relocated from Greece or Italy following the EU decision of September 2015,<sup>68</sup> and very few people being resettled from Turkey to

67. UNICEF, Uprooted: the growing crisis for refugee and migrant children, September 2016, p. 96.

68. European Union, Council Decisions (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

EU Member States following the EU-Turkey Statement of 18 March 2016.<sup>69</sup> Co-operation between Parties to avoid such delays should be increased as a preventive measure (even in the absence of known cases of sexual exploitation or sexual abuse). As mentioned above, the more children remain in overcrowded temporary reception facilities, the higher the risk that they will become victims of sexual violence.

■ Similarly, a specific focus on children that arrive unaccompanied or that are separated once they arrive at their destination appears particularly important from a viewpoint of preventing sexual exploitation and sexual abuse. In this regard, Parties would benefit from identifying together the challenges and priorities that are common to all those confronted by increased numbers of unaccompanied children arriving in Europe.

■ As mentioned above, a number of Parties and other sources<sup>70</sup> are alarmed by the high number of children affected by the refugee crisis that go missing and become easy targets for sexual exploitation and sexual abuse. Parties should share information, where available, and identify common strategies or specific procedures to effectively deal with the phenomenon of cross-border missing children.

### **Recommendations on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ urges Parties to make use within the context of the refugee crisis of the specific co-operation tools already available in the framework of Europol/Interpol which are specifically aimed at identifying victims of sexual exploitation and sexual abuse (R33);
- ▶ invites all Parties particularly affected by the refugee crisis to join efforts to elaborate specific toolkits in the form of checklists with standards to be respected and procedural steps to be taken to ensure that all persons working with the assessment of refugee and migrant children take into account the same elements and do not overlook certain questions that may be of relevance to prevent and protect them from sexual abuse and sexual exploitation (R34);
- ▶ considers that Parties should agree on common strategies/procedures to effectively deal with the phenomenon of cross-border missing children (R35).

### **III.3 Other issues**

■ This section gathers together challenges and suggested practical actions that would particularly benefit from co-operation between Parties as well as with the countries of origin of the children affected by the refugee crisis.

■ In this regard, Article 38§4 of the Lanzarote Convention is particularly relevant as it requires Parties to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states.

#### **Article 38 – General principles and measures for international cooperation**

(...)

4. *Each Party shall endeavour to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states.*

#### **Explanatory Report**

261. *Lastly, under paragraph 4, the Parties must endeavour to include preventing and combating the sexual exploitation and sexual abuse of children in development assistance programmes benefiting third States. Many Council of Europe member States carry out such programmes, which cover such varied areas as the restoration or consolidation of the rule of law, the development of judicial institutions, combating crime, and technical assistance with the implementation of international conventions. Some of these programmes may be carried out in countries faced with substantial sexual exploitation and sexual abuse of children. It seems appropriate, in this context, that action programmes should take account of and duly incorporate issues relating to the prevention and punishment of this form of crime.*

69. European Union, *EU-Turkey Statement*, 18 March 2016.

70. European Union Agency for Fundamental Rights, *Key migration issues: one year on from initial reporting*, October 2016, p. 7 and UNICEF, *Danger every step of the way: A harrowing journey to Europe for refugee and migrant children*, June 2016, p. 3.

■ To ensure the success of any awareness-raising and training initiatives involving different countries, the first point to establish is to understand whether there are any differences in the legal systems concerned which need to be clarified as they risk impacting on the duty to protect every child's human dignity and physical and psychological integrity.

■ In this respect, **Norway**<sup>71</sup> highlights child and forced marriages, which the Norwegian Government is committed to combatting and preventing in the context of a new National Action Plan Against Forced Marriage and Female Genital Mutilation (expected early 2017).

■ In this regard, **Germany** also points out that an interdisciplinary working group (with members of the Federal Ministry of the Interior, the Federal Ministry of Foreign Affairs, the Federal Ministry of Justice and Consumer Protection, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the Federal Ministry of Health, the Federal Ministry of Economic Cooperation and Development, the Federal Government Commissioner for Migration, Refugees and Integration, the *Bundesländer*, the German Medical Board and a delegation of NGOs) has been tasked with following current developments, sharing best practices and developing a joint strategy to tackle the problem of female genital mutilation (FGM). Currently the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth finances research on the unreported cases and statistical methods to attain more reliable data on women and girls suffering from FGM and women and girls in danger of FGM living in Germany. At the same time, the project aims at finding out the needs of women and girls within their communities in order to eliminate the practice of FGM.

■ As per the UN 1951 Convention Relating to the Status of Refugees, Article 33§1, no person should be returned or expelled to a country where they may face persecution or serious human rights violations. It is worth mentioning in this regard that UNICEF<sup>72</sup> has highlighted that this principle of *non-refoulement* means that children should not be returned to a territory if they face risks including torture, detention, forced recruitment, forced marriage, female genital mutilation, trafficking or exploitation.

■ Concrete problems may also arise when girls affected by the refugee crisis arrive accompanied by adult boyfriends/husbands. When girls are below the age for engaging in sexual activities, **Austria** points out that according to its legislation, the Asylum Centres have to notify the public prosecution service. Generally, the family members of the girl do not understand why they are referred to a victim protection organisation. They in fact do not necessarily qualify the boyfriend/husband's sexual relationship with the girl as a criminal offence.

■ With regard to the above and connected issues, the Lanzarote Committee welcomes the fact that the Council of Europe's Steering Committee on Human Rights (CDDH) is preparing a "Guide to good and promising practices aimed at combating and preventing female genital mutilation and forced marriage".

### **Recommendation on the steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ invites Parties to pay particular attention to the work of the Council of Europe in relation to the identification of good and promising practices aimed at combating and preventing female genital mutilation and child and forced marriage (R36).

71. As pointed out above, Norway is not yet a Party to the Lanzarote Convention but it has responded positively to the Lanzarote Committee's invitation to reply to its focused questionnaire.

72. UNICEF, Danger every step of the way: A harrowing journey to Europe for refugee and migrant children, p. 6.





## IV Data collection and coordination

### **Article 10§2(b) - National measures of co-ordination and collaboration**

1 Each Party shall take the necessary measures to ensure the co-ordination on a national or local level between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children, notably the education sector, the health sector, the social services and the law-enforcement and judicial authorities.

2 Each Party shall take the necessary legislative or other measures to set up or designate:

(...)

b mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection.

### **Explanatory Report**

76. The first paragraph is concerned to promote a multidisciplinary co-ordination approach by requiring that Parties take measures to ensure the co-ordination on a national or local level between the various agencies responsible for preventing and combating sexual exploitation and abuse of children, in particular the education and health sectors, social services, law enforcement and judicial authorities. The list is not exhaustive. As far as judicial authorities are concerned, the coordination of action by the sectors mentioned should operate with full respect to their independence and to the principle of the separation of powers.

77. There is no doubt that the development of a multi-agency and multi-disciplinary approach to dealing with sexual exploitation and abuse of children is important, premised upon the fact that no single agency would be able to address a problem of such complexity.

78. The reference to "local" level means any level below the national level and is particularly relevant to federal States.

(...)

83. Paragraph 2 (b) requires Parties to set up or designate mechanisms for data collection or focal points at the national or local levels, in collaboration with civil society, for observing and evaluating the phenomenon of sexual exploitation and abuse of children. Although there can be no doubt that the sexual exploitation and abuse of children is a serious and increasing problem, there is a lack of accurate and reliable statistics on the nature of the phenomenon and on the numbers of children involved. Policies and measures may not be best developed and appropriately targeted if reliance is placed on inaccurate or misleading information. The obligation provided in paragraph 2 (b) aims at taking measures to address the lack of information.

84. The data referred to are not intended to cover personal data on individuals, but only statistical data on victims and offenders. Nevertheless, the negotiators wished to highlight the importance of respecting data protection rules in the collection of any data, by including the phrase "with due respect for the requirements of personal data protection".

■ It is essential to have reliable data on the number of children affected by the refugee crisis and of those sexually abused and/or exploited in order to frame, adjust and evaluate policies and measures in this field and assess the level of risk for children. The statistics provide information, on the one hand, to those involved in planning and conceiving law enforcement policy and criminal law policy and, on the other hand, to those drafting legislation in the fields of criminal law and the laws governing criminal procedure. In addition, the collected information could be relevant for the activities of NGOs and other civil society activists for issues related to the sexual abuse of children to initiate co-ordinated preventive measures and/or develop targeted services as part of efforts to help victims. While the data will be of limited direct use for the law enforcement authorities when fighting sexual abuse in specific individual cases, they are nevertheless pertinent for identifying any additional approaches to pursue, and for adjusting measures already taken.

## IV.1 Institution(s) responsible for the collection of data

It appears that a robust system is not in place in the Parties for collecting data on sexual exploitation and sexual abuse of children affected by the refugee crisis. Most Parties do not have a centralised institution responsible for the collection of such data which is, as such, not contradictory with the requirements of the Lanzarote Convention. Such data is usually collected by many different bodies within the same country without necessarily mechanisms set up to enhance comparability of the data collected or to aggregate it. The Committee recalls what it had already observed in its 1st implementation report: "(...) that one of the most important factors, crucial for the availability of data on child sexual abuse committed in the circle of trust, is undoubtedly the appointment of an agency tasked with producing a periodic report on aggregated data or recording case-based information on child abuse and neglect. In those Parties where such is the case, the information made available to the public (generally aggregated data) and authorised groups of users (generally case-based information) is, on the whole, much more reliable and complete."<sup>73</sup> The same is true in the context of data on sexual exploitation and sexual abuse of children affected by the refugee crisis.

## IV.2 Coordinated response between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children

In some Parties, the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children act in a co-ordinated manner thanks to the data collected. **Austria**, for instance, underlines that data is important for the planning of the necessary measures of the different agencies involved. It cites the fact that the number of unaccompanied children is important for the child and youth welfare authorities to plan the necessary measures and the personnel, the data on the home-countries of the children is important for the provision of interpreters, information flyers, etc. **Bulgaria**, indicates that collected information shall be used for preparing statistical and/or situational analyses and reports to offer a co-ordinated response from the various institutions responsible for protection and prevention of the fight against sexual exploitation and sexual abuse of children. This is seen as a means for exchange of experience and knowledge between different institutions and NGOs and helps to optimise collaboration and co-operation in the fight against sexual exploitation and sexual abuse of children.

**Sweden** acknowledges that stronger co-ordination is required to enable the actors dealing with the refugee situation to work effectively together. The Government has therefore tasked the Swedish Civil Contingencies Agency with co-ordinating the management of the current refugee situation at national level. The Agency is to produce national situation reports, with information on areas in need of measures that have not yet been adequately taken. The Agency is also to identify and report on other circumstances that the Government should know about in order to assess the Government's need to take action. Within the Government, a State secretary at the Ministry of Health and Social Affairs was appointed as the co-ordinator on the issue of unaccompanied children who have applied for asylum.

In **Denmark**, the same rules and regulations and hence the same possibilities to provide assistance apply to asylum seeking and migrant children as to other children residing in Denmark. Therefore, with regard to children who have been subject of sexual abuse or exploitation or where suspicion of such abuse exists, this means that examination of the child must be carried out in a special Children's House. In the Children's Houses, a co-ordinated effort between social services, police, therapeutic services and health services are offered with the purpose of providing the abused child with co-ordinated and professional help in a child friendly environment. In **Iceland**, unaccompanied children are interviewed in the Children's House on the basis of an agreement between the Directorate of Immigration and the Government Agency for Child Protection to avoid repetitive interviews and ensure professional implementation in a child friendly environment.

### Recommendation on the steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee:

- ▶ considers that Parties should reinforce or put in place a coordinated approach between the different agencies in charge in order to facilitate the prevention and protection of children affected by the refugee crisis from sexual exploitation and sexual abuse (R37).

73. Lanzarote Committee, 1st implementation report, "Protection of children against sexual abuse in the circle of trust – The Framework", adopted on 4 December 2015, §75.

# Appendix I – Focused questionnaire

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(Adopted by the Lanzarote Committee on 17 June 2016)

## **DATA** (Lanzarote Convention, Chapter III)

■ How many migrant and asylum-seeking children (accompanied and unaccompanied)<sup>74</sup> are in your country as a result of the refugee crisis?

- ▶ Please provide estimates, if exact data is not available, for the period between 1 July 2015 and 30 June 2016,<sup>75</sup> and specify how many of these children are victims or presumed victims of sexual exploitation and sexual abuse;
- ▶ Describe how the victims of sexual exploitation and sexual abuse were identified or describe the challenges faced to identify them. Specify whether a distinction is made between victims of sexual exploitation/abuse prior to the entry on your territory (Group 1) and after entry (Group 2) and provide data/estimates of the two groups of victims. Please also explain how the age is determined in case of doubt;
- ▶ Indicate also how the data collected is used to offer a coordinated response between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children;
- ▶ Identify the institution(s) responsible for the collection of above data.

## **PREVENTION** (Lanzarote Convention, Chapter II)

■ What are the specific measures taken to prevent that children affected by the refugee crisis fall victims of sexual exploitation and sexual abuse?

- ▶ Highlight in particular the measures (e.g. awareness raising material, specialised training, screening of professionals, etc.) which have proven to be effective;
- ▶ Underline any lessons learnt from specific challenges (e.g. in raising awareness on sexual violence amidst other urgent priorities, etc.) that had to be faced to improve prevention.

## **PROTECTION** (Lanzarote Convention, Chapter IV)

■ Has a coordinated child protection approach been put in place to cater for the specific needs of migrant and asylum-seeking children victims of sexual exploitation and/or sexual abuse?

- ▶ Describe the measures taken to address the situation and cater for the children's specific needs (multiple traumas, language/cultural differences, etc.), including with respect to guardianship/placement;
- ▶ Indicate also what measures have been taken to protect the children concerned from further exploitation/abuse and to assist the victims in seeking redress (please highlight any differences between Groups 1 and 2 of children as outlined above);
- ▶ Underline any lessons learnt from specific challenges (in reporting suspicion of sexual exploitation and abuse, in tailoring assistance to the victims, etc.) that had to be faced to improve protection.

## **COOPERATION** (Lanzarote Convention, Chapter IX)

■ Provide examples of successful cooperation with other Parties to the Lanzarote Convention for the purpose of:

- ▶ Preventing and combating sexual exploitation and sexual abuse of children affected by the refugee crisis;
- ▶ Protecting and providing assistance to victims;
- ▶ Investigations or proceedings concerning the offences established in accordance with the Lanzarote Convention.

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74. Please provide the definition of accompanied/unaccompanied children in your country and, if available, provide separate figures for accompanied and unaccompanied children. If such data is not available, please provide data on migrant and asylum-seeking children.

75. If figures for this period are not available, please provide the most recent annual data.

### **ANY OTHER ADDITIONAL INFORMATION**

■ Please provide any other additional information which may be useful to identify areas for targeted cooperation aimed at ensuring that children affected by the refugee crisis are effectively protected from sexual exploitation and sexual abuse.

## Appendix II – Dates of submission of the replies to the questionnaire

### I – States to be assessed

States	Dates of replies
Albania	21/09/2016
Andorra	14/09/2016
Austria	15/09/2016
Belgium	21/09/2016
Bosnia and Herzegovina	22/09/2016
Bulgaria	21/10/2016
Croatia	14/09/2016
Cyprus	04/10/2016
Czech Republic	19/10/2016
Denmark	15/09/2016
Finland	30/09/2016 – updated on 07/10/2016 and on 23/11/2016
France	07/02/2017
Georgia	15/09/2016
Germany	04/10/2016
Greece	28/02/2017
Hungary	14/09/2016
Iceland	15/09/2016
Italy	06/10/2016
Latvia	19/09/2016
Liechtenstein	13/09/2016
Lithuania	20/09/2016
Luxembourg	30/09/2016
Malta	15/09/2016
Republic of Moldova	03/10/2016
Monaco	16/09/2016
Montenegro	26/09/2016
The Netherlands	23/11/2016 – updated on 19/12/2016
Poland	27/09/2016
Portugal	15/09/2016
Romania	15/09/2016
Russian Federation	24/10/2016
San Marino	15/09/2016
Serbia	10/10/2016
Slovak Republic	30/08/2016
Slovenia	19/09/2016
Spain	28/09/2016
Sweden	22/09/2016
Switzerland	01/09/2016
“The former Yugoslav Republic of Macedonia”	17/02/2017
Turkey	23/09/2016
Ukraine	24/11/2016 – updated on 23/02/2017

**II – Other States**  
(no obligation to respond)

Armenia	
Azerbaijan	
Estonia	15/09/2016
Ireland	
Norway	15/09/2016
United Kingdom	

**III – Other Stakeholders**  
(no obligation to respond)

ARMENIA Police and State migration service UNHCR Armenia	18/08/2016 18/08/2016
BOSNIA AND HERZEGOVINA ENOC	13/09/2016
CYPRUS "Hope For Children" CRC Policy Center	19/09/2016
FRANCE ECPAT FRANCE Defender of Rights ( <i>Défenseur des Droits</i> )	15/09/2016 04/10/2016
HUNGARY "Hope For Children" CRC Policy Center	19/09/2016
THE NETHERLANDS Police Union	19/09/2016
SPAIN SICAR.cat Programme	15/11/2016

# Appendix III – Bibliography

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This appendix lists some of the most important sources of information used to prepare the report in addition to the information provided by Parties and other stakeholders.

■ **BOČEK, Tomáš, Special Representative of the Secretary General of the Council of Europe on migration and refugees**

[Report of the fact-finding mission to Greece and “The former Yugoslav Republic of Macedonia”, 7-11 March 2016, Information Documents SG/Inf\(2016\)18](#)

[Report of the fact-finding mission to Turkey, 30 May-4 June 2016, Information Documents SG/Inf\(2016\)29](#)

■ **Confédération Suisse, Département fédéral de justice et police DFJP, Secrétariat d’Etat aux migrations SEM, Domaine de direction Asile, Division Asile II**

[Manuel Asile et retour](#)

■ **Council of the Baltic Sea States (CBSS)**

[2016 Stockholm Conclusions, Promoting good practices in protecting migrant and asylum seeking children, especially unaccompanied children, and finding solutions for the children, families, societies and states, December 2016](#)

■ **European Asylum Support Office (EASO)**

[Age assessment practice in Europe, December 2013, 94 pages](#)

■ **European Network of Ombudspersons for Children (ENOC), Taskforce Children on the move**

[Safety and fundamental rights at stake for children on the move, 2016](#)

■ **European Network of Ombudspersons for Children (ENOC) / Le Défenseur des Droits (France)**

[Paris Statement, 28 June 2016](#)

■ **European Union**

European Commission, Justice and consumers, [10th European Forum on the rights of the child: the protection of children in migration, November 2016](#)

European Commission, Migration and home affairs, [Reception-conditions](#)

European Council, Council of the European Union, [EU-Turkey statement, Press release, 18 March 2016](#)

European Union Agency for Fundamental Rights (FRA), [Background note on ways to prevent unaccompanied migrant children from going missing, 21 April 2016](#)

European Union Agency for Fundamental Rights (FRA), [Current migration situation in the EU: separated children, December 2016](#)

European Union Agency for Fundamental Rights (FRA), [Guardianship systems for children deprived of parental care in the European Union, with a particular focus on their role in responding to child trafficking, October 2015](#)

European Union Agency for Fundamental Rights (FRA), [Key migration issues: one year on from initial reporting, October 2016](#)

European Union Agency for Fundamental Rights (FRA), [Separated, asylum seeking children in European Union member states, December 2010](#)

European Union Agency for Fundamental Rights (FRA), [Thematic focus: Children, March 2016](#)

European Union Agency for Fundamental Rights (FRA), [Thematic focus: Gender-based violence, June 2016](#)

European Union Agency for Fundamental Rights (FRA), [Thematic focus: Trafficking, May 2016](#)

European Union Agency for Fundamental Rights (FRA), [Vetting of foster families and residential care personnel, February 2015](#)

■ **Missing Children Europe**

Facts and Figures, 250,000 children are reported missing every year in the EU, 1 child every 2 minutes

■ **MUIŽNIEKS, Nils, Council of Europe Commissioner for Human Rights**

High time for states to invest in alternatives to migrant detention, 31 January 2017

■ **OXFAM-Italy**

Media Briefing, Grandi speranze alla deriva, 8 September 2016

■ **Quartz**

Nearly 9,000 unaccompanied refugee children have gone missing in Germany, August 2016

■ **Resiland**

Participation, capacities and resilience of children on the move against trafficking and exploitation, Orientations for professionals and officials working with and for children on the move, October 2015, 56 pages

■ **The Telegraph**

Fears many of 9,000 refugee children missing in Germany may have been co-opted in crime, 29 August 2016

■ **Unabhängiger Beauftragter für Fragen des sexuellen Kindesmissbrauchs**

Checkliste mindeststandards zum schutz von kindern in fluechtlingsunterkuenften

■ **United Kingdom House of Lords**

2nd Report of Session 2016-17 - Children in crisis: unaccompanied migrant children in the EU, 115 pages, including the written evidence volume and the transcript of the oral evidence, July 2016

■ **United Nations**

Committee on the Rights of the Child, Report of the 2012 Day of general discussion – The rights of all children in the context of international migration, 22 pages

High Commissioner for Refugees, Progress Report mid-2016, Beyond Detention: A Global strategy to support governments to end the detention of asylum-seekers and refugees – 2014-2019, 96 pages

UNICEF, A deadly Journey for Children: The Central Mediterranean Migration Route, February 2017, 20 pages

UNICEF, Danger every step of the way: A harrowing journey to Europe for refugee and migrant children, June 2016, 12 pages

UNICEF, Uprooted: The growing crisis for refugee and migrant children, September 2016, 140 pages



# Appendix IV – Tables on the situation in parties as regards sexual exploitation and sexual abuse of children affected by the refugee crisis

**Table A - Definitions**

Albania	
Andorra	
Austria	In Austria there is no legal definition of “accompanied/unaccompanied children”. However there is a decree issued by the Federal Ministry of the Interior dealing with this subject. According to the decree an “unaccompanied minor alien” is “a person from a third country under the age of 18 years who is separated from his/her parents and who cannot be taken care of by a person entitled to custody.”
Belgium	<p>An unaccompanied minor is a person under 18 years of age who is not accompanied by a person exercising parental authority or guardianship (pursuant to the applicable law in accordance with Section 35 of the Law of 16 July 2004 instituting the Code of Private International Law), in one of the following cases:</p> <p>Either:</p> <ul style="list-style-type: none"> <li>▶ a national of a country that is not a member of the European Economic Area;</li> <li>▶ and in one of the following situations: <ul style="list-style-type: none"> <li>* either, has requested recognition of refugee status,</li> <li>* or, does not fulfil the conditions for entry into the territory or residence laid down by the laws on access to the territory, residence, establishment and the deportation of foreigners.</li> </ul> </li> </ul> <p>Or a person:</p> <ul style="list-style-type: none"> <li>▶ who is a national of a member country of the European Economic Area or Switzerland;</li> <li>▶ not in possession of a legal document certifying that the person exercising parental authority or guardianship has given authorisation to travel to and reside in Belgium;</li> <li>▶ not listed in the Population Register;</li> <li>▶ and in one of the following situations: <ul style="list-style-type: none"> <li>* either, has requested a provisional residence permit based on Section 61/2, § 2, subparagraph 2 of the Law of 15 December 1980 on access to the territory, residence, establishment and the deportation of foreigners,</li> <li>* or, is in a vulnerable situation.</li> </ul> </li> </ul> <p>In this context, these persons are considered to be unaccompanied European minors.</p>
Bosnia and Herzegovina	

Bulgaria	'Unaccompanied' is a minor or underage person – a foreign citizen, who is not accompanied by his/her parent or other adult person who is responsible for him/her by virtue of law or a custom.
Croatia	2 definitions: 1) An unaccompanied child is a third-country national or a stateless person younger than 18 years of age who entered the Republic of Croatia unaccompanied by an adult person responsible for him/her in the sense of parental care, pursuant to the legislation of the Republic of Croatia, until placed under the care of such a person, and includes all children who are left unaccompanied after they entered the Republic of Croatia. ( <i>Act on International and Temporary Protection, Official Gazette no. 70/2015</i> ). 2) An unaccompanied child – foreign national (hereinafter: "unaccompanied child") is a person younger than 18 years of age who is not a national of the Republic of Croatia, is outside of his/her country of origin or residence unaccompanied by a legal representative (a parent or guardian) or another person who has been entrusted with the child by his/her legal representative in a legally valid manner, and who stays in the Republic of Croatia illegally or as an asylum seeker. ( <i>Protocol on the Treatment of Unaccompanied Children – Foreign Nationals, adopted by the Government of the Republic of Croatia on 18 July 2013</i> ).
Cyprus	
Czech Republic	Definition is provided in the Act on Asylum (No. 325/1999 Coll. §2: h) an unaccompanied minor means a child under 18 years of age who enters the Territory unaccompanied by an adult responsible for the minor for the period for which he/she is actually not in the care of such a person; an unaccompanied minor also means a child under 18 years of age who has been left unaccompanied after entering the Territory. This definition is in line with the Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) and Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.
Denmark	Asylum seekers under the age of 18 are considered 'unaccompanied' if they enter Denmark without their parents or other adults who can replace the parents.
Finland	All asylum seekers under 18 years of age who have arrived in Finland without their parents or a <i>de facto</i> custodian are considered as unaccompanied minor asylum seekers. This definition has its basis in the practice of ( <i>inter alia</i> ) the Finnish Immigration Service.
France	Minors are considered to be unaccompanied if no adult is legally responsible for them on the national territory or effectively takes them into his or her care, or expresses a willingness to be entrusted with them on a long-term basis.
Georgia	
Germany	Foreign minors under the age of 18 are considered to be unaccompanied if, at their arrival in Germany, neither any persons possessing the right of care and custody for them nor any persons entitled to bring them up are also in Germany (section 42 (1), first sentence, No 3, section 42a (1), first sentence, of Book VIII of the Social Code ( <i>Sozialgesetzbuch – SGB</i> )).
Greece	
Hungary	A third country national (foreigner) under the age of 18 years, who entered the territory of Hungary without the company of an adult responsible for his/her supervision whether by law or custom, or who is left without supervision following entry; as long as (s)he is not under the care of such a person. (Section 2 point e) of Act II of 2007 on entry and stay of third country nationals and Section 2 point f) of Act LXXX of 2007 on Asylum).
Iceland	
Italy	
Latvia	An unaccompanied minor is defined as: "a third-country national or a stateless person who is less than 18 years of age and has arrived or resided in the Republic of Latvia without being accompanied by such person who is responsible for him or her in accordance with the laws and regulations of the Republic of Latvia in the field of family law (father, mother, guardian) until the moment when the responsible person resumes the fulfilment of the obligations in relation to him or her" (Asylum Law Section 1, §7).

Liechtenstein	<p>Children are considered as unaccompanied if they travel without persons who are closely related to the child (parents, adult brother/sister, grandparents, uncles or aunts) and who are responsible for the child.</p> <p>In addition, the Dublin regulation (Regulation (EU) No 604/2013) is binding for Liechtenstein.</p> <p>Article 2 (j) of the regulation contains a definition of accompanied/unaccompanied children which fully applies to Liechtenstein:</p> <p>“Unaccompanied minor” means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her, whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after he or she has entered the territory of Member States; [...]”</p>
Lithuania	<p>According to the Law on the Legal Status of Aliens an unaccompanied minor is a person who is less than 18 years old and who arrived in Lithuania without parents or other legal guardians (or has been left without legal guardians after entering the country).</p>
Luxembourg	<p>Article 2(m) of the Law of 18 December 2015 on international protection and temporary protection (which entered into force on 1 January 2016):</p> <p>“m) unaccompanied minor: a minor who enters the territory without being accompanied by an adult who is responsible for him or her under the existing law of the Grand-Duchy of Luxembourg and who is not effectively taken into the care of such a person; this includes minors who have been left unaccompanied after entering the territory;”</p>
Malta	<p>“unaccompanied minor” - a person below the age of eighteen years who arrives in Malta unaccompanied by an adult responsible for him whether by law or by custom, for as long as he is not effectively taken into the care of such a person and includes any minor who is left unaccompanied after he has entered Malta (article 2, Refugees Act, Chapter 420 Laws of Malta).</p>
Republic of Moldova	<ul style="list-style-type: none"> <li>• minor - foreign citizen or stateless person below the age of 18 and does not have full legal capacity;</li> <li>• unaccompanied minor - a foreign citizen or a stateless person below the age of 18 entering / entered or was left on the territory of Republic of Moldova without being accompanied by an adult who is responsible for him/she by the law and as long as he/she is not actually taken in the care of such a person (Law 270/2008 on asylum).</li> </ul>
Monaco	
Montenegro	<p>An unaccompanied minor is an alien younger than 18 years of age who has been left without the attendance of either parent or guardian either before or after his or her arrival in Montenegro, until he or she has been placed under guardianship (Law on Asylum).</p>
Netherlands	
Poland	
Portugal	<p>Minor: third-country national or stateless person under 18 years of age;</p> <p>Unaccompanied minor: any third-country nationals or stateless persons below the age of 18 years who come into the national country unaccompanied by an adult who, by law or custom, take responsibility for them, for as long as they are not effectively taken into the care of that person, or who have been abandoned after entry into national territory.</p> <p>(Qualification Directive that was implemented through national law 27/2008 (Article 2 §1 l) and m )</p>
Romania	
Russian Federation	
San Marino	
Serbia	<p>Unaccompanied children: children without legal guardianship.</p>

Slovak Republic	<p>An unaccompanied minor is a child who is not a citizen of the Slovak Republic and is present in the territory of the Slovak Republic unaccompanied by his/her parent or other adult person to whose personal care he/she may have been entrusted (Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship).</p> <p>There is no definition of "accompanied children" in the legislative framework. However, an accompanied child is understood to be a migrant and/or an asylum-seeking child other than an unaccompanied minor (i.e. the child is accompanied by his/her parent(s) or other adult person to whose personal care he/she had been entrusted).</p> <p>The legislation of the Slovak Republic provides for the following differentiations between accompanied minor foreigners:</p> <p>Minor foreigners accompanied by a legal guardian are generally placed in the Police Detention Centre for Aliens Sečovce adapted for the placement of families with children. A family with children can be detained and placed in the facility for a period of no more than six months; such period cannot be extended in case of a family with children. The facility meets all sanitary conditions and is equipped so as to prevent danger to life or injury to health.</p> <p>Minor asylum seekers accompanied by parents or close relatives are after quarantine acts in detention asylum facility in Humenné transferred to the residential asylum facility in Opatovská Nová Ves where vulnerable groups of asylum seekers are placed. Protected areas and a camera system within the asylum facility ensure protection. In general, there are no restrictions of movement in accommodation asylum facility and applicants may leave it on a basis of pass checks.</p>
Slovenia	An unaccompanied minor is a minor who is on the territory of the Republic of Slovenia without parents or legal representative (International Protection Act).
Spain	<p>Accompanied minor: non-EU national or stateless person below the age of 18 accompanied by an adult who has illegally entered the Spanish territory or crossed a border post claiming to be the birthparent, a relative or another adult responsible for the minor.</p> <p>Unaccompanied minor: foreign minor below the age of 18 who arrives on the Spanish territory unaccompanied by an adult responsible for him or her whether by law or by the practice, and for as long as he or she is not effectively taken into the care of such a person. It includes a minor who is left unaccompanied after she or he has entered the Spanish territory.</p>
Sweden	
Switzerland	<p>An "unaccompanied minor" is a minor who is not "accompanied" according to international law and Swiss practice and case law. Those considered to be "accompanied" are minor children who arrive in Switzerland with their parents (the term parent refers not only to the biological mother and father, but also to adoptive parents). On the basis of established case law, a minor arriving in Switzerland with a close adult relative shall be considered to be accompanied only if the adult lived in the same household as the child in the country of origin and both takes care of the child and is responsible for him or her. It is also possible that, in certain circumstances, a foreign minor who joins another close relative in Switzerland or who arrives at the same time as the latter, without having lived in the same household as him or her, may be considered to be accompanied. For this to be the case, the close relative must agree to accept responsibility for and to take care of the child during their residence in Switzerland, this solution must afford optimum preservation of the best interests of the child and the close relative in question must have been officially designated as the legal guardian by the relevant authority. As a general rule, minors arriving in Switzerland with other persons presenting no family connection will be considered to be unaccompanied.</p>
"The former Yugoslav Republic of Macedonia"	

Turkey	<p>In Law No. 6458 on Foreigners and International Protection, the term “unaccompanied minor” is defined as “a child who arrives on the territory of Turkey unaccompanied by an adult responsible for him or her, whether by law or by practice, or a child who is left unaccompanied after he or she has entered the territory of Turkey, and for as long as he or she is not effectively taken into the care of such an adult”.</p> <p>Those children who have entered our country without the company of a major who – by virtue of the laws or the customs – is responsible for them as well as those children who have drifted apart from their families are taken under the care by the Ministry of Family and Social Policies.</p> <p>Unaccompanied children between the ages of 0 and 12 receive services from the Children Houses, the Children Houses Sites, the Children Care Houses, the nursery schools and the orphanages that are subordinate to our Ministry. From among the unaccompanied children, those who have become victims of crime, have been driven to crime, live on the streets and who are pregnant and drug addict receive services from the Children Support Centres that have the necessary specialization as required by the children’s age groups (11-14 and 15-18) and sexes. As for the unaccompanied children between the ages of 13 and 18, the children support centres have been established in Ağrı, Konya, Yozgat, Gaziantep, Bilecik, Erzurum, Istanbul and Van. In our institutions, unaccompanied children are provided with care, nutrition, education and healthcare services as well as other services such as providing employment, language training etc. in cooperation with the relevant public institutions and organizations.”</p>
Ukraine	
<b>Other States and Other Stakeholders</b>	
Armenia Replies sent by the Police and State Migration Service	The notions of ‘unaccompanied child’ and ‘separated from the family asylum-seeking child’ were clarified in an amending law of 2015 of the law ‘On Refugees and Asylum’ of 27 November 2008 (appointment of a guardian, provision of temporary accommodation).
Armenia Replies sent by UNHCR Armenia	
Azerbaijan	
Estonia	
Ireland	
Norway	
United Kingdom	

**Table B - Institution(s) responsible for the collection of data**

Albania	<p>No central institution but several:</p> <p>State Police/General Directorate of Border and Migration, Department of Asylum,</p> <p>National Reception Centre for Asylum Seekers Babrru, Social State Services,</p> <p>State Agency for the Protection of Child Rights,</p> <p>State Inspectorate of Labour and Social Services, Health Structures,</p> <p>Child Protection Units.</p>
Andorra	
Austria	<p>The data above was collected by the Federal Ministry of the Interior.</p> <p>Austria is currently enhancing the comparability of the data collected by the Ministry of the Interior and the Ministry of Justice.</p> <p>Further enhancement in the field of data collection and reports can be expected as a result of complete digital file keeping at judicial level, which is one of the main goals of the current initiative „Justiz 3.0“.</p> <p>At the same time the Federal Ministry of the Interior (BM.I) is working on the renewal of their local core application PAD. An early contact between the contact persons from the Ministries of Justice and of the Interior shall help to optimize the data acquisition and evaluation of information in order to have better comparable data collection systems.</p>
Belgium	Immigration Office and Guardianship Service.
Bosnia and Herzegovina	
Bulgaria	Institutions that are responsible for collecting information are: Ministry of Interior (MI), Ministry of Justice (MOJ), Ministry of Foreign Affairs (MFA); State Agency for Child Protection (SACP), Agency for Social Assistance (ASA), State Agency for Refugees (SAR) that work in coordination and in close cooperation with the National Commission for Combating Trafficking in Human Beings (NCCTHB) and the International Organization for Migration (IOM).
Croatia	<p>Pursuant to the Act on International and Temporary Protection, a database of applicants for international protection is maintained by the Ministry of the Interior.</p> <p>The collection of data on sexual exploitation and sexual abuse of children falls under the competence of the Ministry of the Interior, Ministry of Social Policy and Youth, Ministry of Health, Ministry of Justice and the Ombudswoman for Children.</p>
Cyprus	<p>The Migration Department is responsible to collect data on all migrants and the Asylum Service is responsible to collect data on asylum seekers.</p> <p>The Police collects data on child sexual abuse.</p>
Czech Republic	<p>Statistical data on asylum seekers, including asylum seekers who are minors and unaccompanied minors, are collected by the Ministry of Interior of the Czech Republic (Department for Asylum and Migration Policy).</p> <p>Data on unaccompanied children detected in the territory not asking for protection are collected by the Foreign Police Service.</p> <p>Data on victims of child sexual exploitation or sexual abuse is competence of the Criminal Police.</p>

Denmark	The Centre against Human Trafficking collects national data on victims of trafficking in human beings, including children trafficked with the purpose of sexual exploitation and sexual abuse. The National Police and the Danish Immigration Service collect data on applicants for international protection.
Finland	The Finnish Immigration Service as well as, for example, the police and the child welfare authorities obtain data concerning the above. The National Assistance System for Victims of Human Trafficking collects data on minors who have been identified as potential or actual victims of trafficking in human beings.
France	
Georgia	Integrated database (which also includes statistical information on the sexual exploitation of children) developed in August 2015 by the Secretariat (Public International Law Department of the Ministry of Justice of Georgia) of the Inter-agency Council on Combating Human Trafficking (THB Council) and operating under the Ministry of Justice.
Germany	The criminal prosecution statistics have been introduced and are maintained as the result of administrative instructions ( <i>Verwaltungsanordnung</i> ) issued uniformly by all of the German Länder. On the basis of section 3 paragraph 3 of the Federal Statistics Law ( <i>Bundesstatistikgesetz – BStatG</i> ) of 22 January 1987 (published in the Federal Law Gazette ( <i>Bundesgesetzblatt – BGBl.</i> ) I p. 462), the Federal Statistics Office compiles the results obtained from the federal Länder for the criminal prosecution statistics to create a single, federal result. (Section 3 (3) BStatG: “Where the Federal Government has an interest in having compiled as federal statistics the statistics prepared for various Länder, the Federal Statistics Office may perform the corresponding tasks (of preparing, compiling and publishing the statistics at the federal level) pursuant to paragraph 1 number 1, provided the Länder involved have granted their consent.”).
Greece	The Hellenic Police is the competent authority to register all third country nationals or stateless adults and children entering the Greek territory, while the Asylum Service registers and processes asylum applications. The National Centre for Social Solidarity (a governmental welfare organization under the supervision of the Ministry of Labour, Social Security & Social Solidarity, MoLSSS) operates the system for managing accommodation requests for asylum seekers and unaccompanied minors. Finally, the Hellenic Police is responsible for the collection of the aforementioned data regarding minor victims of sexual exploitation/abuse, while at the same time judicial authorities keep record of all cases in which penal procedure has been initiated.
Hungary	The Police, Public Prosecutor’s offices as well as child protection services and guardianship authority collect data.
Iceland	The Directorate of Immigration, the Government Agency for Child Protection and the local child protection services.
Italy	
Latvia	Statistical data on asylum seekers, including asylum seekers who are minors and unaccompanied minors, are collected by the Office of Citizenship and Migration Affairs. Data on victims of child sexual exploitation or sexual abuse is competence of the State Police.
Liechtenstein	The Asylum Division of the Migration and Passport Office is responsible for the collection of the above data (if necessary in cooperation with the “Institut für Rechtsmedizin” (Institute for Forensic Medicine) in St. Gallen, Switzerland). If there is no asylum application, the Legal Division will collect the data in cooperation with the National Police.
Lithuania	The statistics on unaccompanied minors are collected by the Lithuanian Refugee Reception Centre and department of the Migration Republic of Lithuania <a href="http://www.rppc.lt/3732/activity/activity-fields/general-information-about-centre.html">http://www.rppc.lt/3732/activity/activity-fields/general-information-about-centre.html</a>
Luxembourg	The “ <i>Direction de l’immigration</i> ” collects data on immigration, asylum seekers and unaccompanied minors.
Malta	Information is kept by the Agency for the Welfare of Asylum Seekers as well as the Young Persons and Advisory Board (Ministry for Family and Social Solidarity).
Republic of Moldova	
Monaco	
Montenegro	Institutions primarily responsible for the collection and the establishment of further cooperation with other relevant institutions are the Ministry of Interior and Ministry of Labour and Social Welfare.

Netherlands	Institutions that are responsible for the collection of the data above are: Team Trafficking and Migration Crime (TMM), the department Aliens Police, Identification and Trafficking (AVIM) of the police, the Immigration and Naturalization Office (IND), Nidos Foundation, the Central Agency for the Reception of Asylum Seekers (COA), Legal Aid Board, Dutch Council for Refugees, Repatriation and Departure Service (DT&V), Identification and Human Trafficking (EVM), JADE Foundation, and CoMensha.
Poland	Police (Intelligence and Criminal Office) and the Border Guard (Department for Foreigners' Issues and Operational-Investigative Department). This kind of data is also collected by the Head of the Office for Foreigners and the General Statistic Office.
Portugal	SEF, <i>Serviço de Estrangeiros e Fronteiras</i> , (Immigration and Border Services) <a href="http://www.ssf.pt">www.ssf.pt</a> . Its mission is to implement Portuguese policy for immigration and asylum. PAR, <i>Plataforma de Apoio aos Refugiados</i> (Platform for the support of refugees) established by several civil society organisations, promotes the integration of minor and families. <a href="http://www.refugiados.pt">www.refugiados.pt</a> . The "PAR families" program consists on a project for the reception and integration of refugee families in Portugal, with the involvement of families of refugees. CPR, <i>Conselho Português para os Refugiados</i> , (Portuguese Council for refugees) is an NGO which aims at the reception and integration of refugees, the promotion of humanitarian asylum and sustainable policies, training and awareness raising.
Romania	Immigration Inspectorate together with the UNHCR, NGOs, and other institutions as the authority for child protection
Russian Federation	A united system of data has been created using IT resources of the Department for Field Operation and Investigation Information of the Interior Ministry (only for official use in criminal investigations) with the aim of enhancing activities to collect and generalize the information on persons who have committed crimes of sexual character concerning minors, as well as to obtain information and analytical material on children affected by the actions of paedophiles. The Department for Struggle against Pedophilia is in operation as part of the Department for Disclosure of Crimes against Sexual Inviolability and Sexual Freedom of Person of the Interior Ministry General Administration of Criminal Investigation.
San Marino	<i>Gendarmerie Foreigners' Office</i> (receives requests for residence permits for humanitarian reasons).
Serbia	Ministry of Interior (Boarder Police); State Shelter in Belgrade; NGO "Atina" (Athens).
Slovak Republic	The National Unit for Combating Illegal Migration of the Bureau of Border and Alien Police of the Presidium of the Police Force is responsible for collecting data about all victims of trafficking in human beings. The Alien Police Department of the Bureau of Border and Alien Police of the Presidium of the Police Force and the Migration Office of the Ministry of Interior are the responsible bodies for collecting data on migrant and asylum seeking children. The Ministry of Labour, Social Affairs and Family collects additional data within the scope of the implementation of measures of social and legal protection of children and social guardianship by state entities for the unaccompanied minors, as well as information on providing care and education to children in the Children's Home for Unaccompanied Minors <i>Medzilaborce</i> . The Presidium of the Police Force collects data on crimes related to sexual exploitation and sexual abuse. Currently proceeding updates of data collection system promise to include information about the migrant and/or asylum-seeking status of the child victim in the future.
Slovenia	The data was collected by the Ministry of Justice, Ministry of Interior (Police) and Ministry of Labour, Family and Social Affairs.
Spain	The Office for Asylum and Refuge and the Sub-Directorate General for International Police Cooperation (both Units are attached to the Ministry for Home Affairs).
Sweden	The Migration Agency is the authority in charge of collecting and publishing facts, statistics and projections on migration. It has also the responsibility to detect and report suspected instances of human trafficking to the national police authority. Moreover, the Swedish Government has delegated the coordination responsibility for combating and preventing human trafficking crimes to the Stockholm County Administrative Board in Stockholm who in this capacity work closely with the Swedish Migration Agency and partners.



Switzerland	The Federal Statistical Office is responsible for compiling statistics on recognised victims of trafficking in human beings (sexual exploitation). The State Secretariat for Migration has estimates (which are not official statistics) of cases of exploitation committed against child asylum seekers.
“The former Yugoslav Republic of Macedonia”	The National Commission for Combatting Human Trafficking and Illegal Migration is responsible for collecting, storing, and analysis of the data sent by competent institutions.
Turkey	The Directorate General for Migration Management is responsible for collecting and analysing the information supplied by the public institutions and organisations, NGOs as well as other organisations providing services to the victims at local or international level. Other responsible institutions are: the Disaster and Emergency Management Presidency (AFAD) of the Prime Ministry; the Directorate General for Criminal Records and Statistics of the Ministry of Justice; the Directorate General for Child Services of the Ministry of Family and Social Policies.
Ukraine	

Other States and Other Stakeholders	
Armenia	
Replies sent by the Police and State Migration Service	
Armenia	Data on refugee and asylum-seeking children is maintained by the State Migration Service, while data on child protection incidents would be held by the Ministry of Labour and Social Affairs.
Replies sent by UNHCR Armenia	
Azerbaijan	
Estonia	
Ireland	
Norway	The Coordinating Unit for Victims of Trafficking (the National Police Directorate) is mandated to prepare an annual status report of the situation concerning human trafficking.
United Kingdom	

**Table C - Collected data**

	Nb of migrant and asylum-seeking children (accompanied and unaccompanied)	Nb of such children victims or presumed victims of sexual exploitation and sexual abuse (total)	How victims were identified + challenges made between victims prior to the entry on territory (Group 1) and after entry (Group 2) + Nb
Albania	25 asylum-seeking children (July 2015 - July 2016). 13 children in the closed centre for irregular foreigners in Karrec, Vore (accompanied by their parents; none unaccompanied) (01/07/2015-31/06/2016).	No cases.	
Andorra	None. Andorra ready to welcome about 20 Syrian refugees but legislation has to be amended beforehand.	Not applicable.	Not applicable.
Austria	31,314 alleged minors applied for asylum in Austria in 2015, of those 19,711 were under 14 and 11,603 between 14 and 18 years old. Of the first group the top three countries of origin were Syria (6,943), Afghanistan (5,665) and Iraq (2,976). Of the second group the top three countries were Afghanistan (6,710), Syria (2,210) and Iraq (811). 10,596 alleged minors applied for asylum in Austria from January to June 2016, of those 6,919 were under 14 and 3,677 between 14 and 18 years old. Of the first group the top three countries of origin were Syria (2,522), Afghanistan (2,043) and Iraq (696). Of the second group the top three countries were Afghanistan (2,038), Syria (419) and Somalia (293). 8,277 unaccompanied alleged minors applied for asylum in Austria in 2015, of those 743 were under 14 and 7,534 between 14 and 18 years old. Of the first group the top three countries of origin were Afghanistan (427), Syria (182) and Iraq (64). Of the second group the top three countries were Afghanistan (5,182), Syria (952) and Iraq (302). 2,800 unaccompanied alleged minors applied for asylum in Austria from January to June 2016, of those 236 were under 14 and 2,564 between 14 and 18 years old. Of the first group the top three countries of origin were Afghanistan (183), Iraq (15) and Syria (14). Of the second group the top three countries were Afghanistan (1,596), Somalia (254) and Pakistan (196).	No data. No data about how many migrant and asylum-seeking children who came to Austria as a result of the refugee crisis have become victims of sexual exploitation or sexual abuse. This is so because both the Police Crime Statistics and the Austrian Court Automation (a system designed to manage key data on more than 50 different proceedings such as data on victims, criminal charges and convictions) register the victim's nationality, but neither his/her asylum status nor when the victim came to Austria.	Upon arrival, asylum seekers are required to take part in an initial interview during which the topic sexual violence is discussed among others. Furthermore during the course of the person's stay, social workers and doctors actively follow the asylum-seekers' mental and physical well-being, including health issues relating to sexual violence. If the suspicion is raised that an asylum seeker has been or currently is victim of sexual violence, a clinical and health psychologist's assistance is available immediately. Asylum seekers often do not report about sexual violence, mainly because of previous negative experiences with disclosures. A distinction between Group 1 and Group 2 is made by asking and taking note of when the described incident occurred. If the incident occurred when the person concerned was already living in the reception centre, the Ministry of the Interior will be informed promptly – which will then initiate necessary measures. However there are no statistics or estimates available on this matter. Victims can be identified during the hearings of the asylum procedures and also in the accommodation facilities for minor asylum seekers by legal representatives, social workers, pedagogues, educators or psychologists of the care facilities. Some victims report sexual exploitation or abuse during a counselling session at a victims' protection organisation, others during an investigation that primarily dealt with other crimes (e.g. corporal violence).

	Nb of migrant and asylum-seeking children (accompanied and unaccompanied)	Nb of such children victims or presumed victims of sexual exploitation and sexual abuse (total)	How victims were identified + challenges faced to identify them; Distinction made between victims prior to the entry on territory (Group 1) and after entry (Group 2) + Nb
Belgium	Total number of minor asylum seekers (accompanied or otherwise): 2015: 10,248 2016: 2,892 In 2015, 5,047 people within the territory declared themselves to be unaccompanied foreign minors (UFMs), around 144 of whom were unaccompanied European minors. In 2016, 1,813 people within the territory declared themselves to be UFMs but doubts were expressed for 648 of them. Approximately 69 of the 1,813 are unaccompanied European minors. Total number of UFM asylum seekers in this period (after verifying the status as a minor): 2015: 2,185 2016: 622	Number of UFMs officially registered as victims of sexual exploitation: 2015: 3 2016: 1 NB: there are likely more than 4 UFMs that are victims of sexual exploitation, but either they have not (yet) come forward as victims, or they have not yet been identified as victims.	Specific protection system put in place for potential victims of exploitation, including victims of sexual exploitation. The procedure for the issuing of residence permits is set out in Sections 61/2 to 61/5 of the Law of 15 December 1980. The foreign minors and trafficking of human beings unit of the Immigration Office has data relating only to persons involved in proceedings relating to trafficking in human beings. In terms of identification, victims of sexual exploitation may be reported by various bodies; often by the police services, but also by the social services. There is a list of trafficking indicators (including sexual exploitation) which has been provided to the police services. This list includes a specific section which relates to minors. Moreover, there are information initiatives from other frontline stakeholders (such as the asylum sector). For more details, see the "protection" section of this questionnaire.
Bosnia and Herzegovina	No cases of migrants and asylum-seeking children.		
Bulgaria	According to the data of the State Agency for Refugees (SAR) in the period 01.07.2015-30.06.2016 the registered unaccompanied children are 2,138, while the number of registered children accompanied by their parents or legal representatives is 3,908.	Neither in the State Agency for Refugees (SAR) centres, nor in the centres of Ministry of Interior (MoI) or social services are there registered cases of children - victims of sexual abuse. There is no research to indicate the probable number of victims of sexual violence.	Vulnerability to sexual offenses is difficult to be identified because in most cases the victims are exposed to various forms of traditional and religious harmful practices. A particular difficulty is the discovery of sexual crimes committed outside the country, either as a harmful practice (early marriage and female genital circumcision) or other type of crime.

	How victims were identified + challenges faced to identify them; Distinction made between victims prior to the entry on territory (Group 1) and after entry (Group 2) + Nb	Nb of such children victims or presumed victims of sexual exploitation and sexual abuse (total)	Nb of migrant and asylum-seeking children (accompanied and unaccompanied)
Croatia	<p>The procedure of identifying the personal circumstances is conducted by all government employees who participate in the procedure from the moment of expressing the intent to lodge an application for international protection until the decision on the application for international protection, i.e. specially trained police officers, employees of the Ministry of the Interior and of other competent bodies.</p> <p>There is a possibility of medical or psychological assistance.</p> <p>For an unaccompanied child who expresses an intention to apply for international protection, the body competent for social welfare appoints a guardian <i>ad litem</i>, trained for work with children. He/she, or a trained employee of the social welfare centre, shall, assisted by a police officer, take the child to a paediatric or general practice for a mandatory (initial) medical examination, which includes a mandatory full-body examination in order to determine any injuries.</p> <p>The purpose of such examination is, <i>inter alia</i>, identification of children who are victims of sexual exploitation and sexual abuse.</p> <p>In case a victim of sexual exploitation and sexual abuse is identified during this phase, police officers and the minor's guardian <i>ad litem</i> shall be immediately contacted.</p> <p>Should the existence of abuse/exploitation be established, all the available data on children who were victims of sexual abuse/exploitation prior to their entry into the territory or following their entry into the territory shall be submitted to competent state bodies for further procedure.</p>	<p>No cases of accompanied or unaccompanied children who were victims or presumed victims of sexual exploitation and sexual abuse were found among the applicants.</p> <p>In addition, no such cases were found in earlier periods with respect to applicants for international protection.</p>	<p>33 unaccompanied children and 79 accompanied children expressed their intention to lodge an application for international protection.</p>

	Nb of migrant and asylum-seeking children (accompanied and unaccompanied)	Nb of such children victims or presumed victims of sexual exploitation and sexual abuse (total)	How victims were identified + challenges faced to identify them; Distinction made between victims prior to the entry on territory (Group 1) and after entry (Group 2) + Nb
Cyprus	The Asylum Service registered 704 children in new applications for asylum, out of which 165 were unaccompanied minors.	No data. The Police keeps a database of sexual abuse of children cases. However, the data is not segregated according to ethnicity and therefore no information is available on children victims or presumed victims of sexual exploitation and sexual abuse, who are migrant and/or asylum seeking children. There is also no statistical distinction between victims prior and after entry in the Republic of Cyprus.	Victims of sexual exploitation/abuse are identified either at the point of entry in the Republic of Cyprus (as part of interagency screening for vulnerable/high risk persons) or at a later stage through the process of interviews or due to a referral.
Czech Republic	In 2015 there were 269 minors among asylum seekers. From them only 14 were unaccompanied minors. As regards the first half of 2016 (January – June) there were only 131 accompanied minors as asylum seekers.	No case of accompanied or unaccompanied minors was assessed as a presumed victim of sexual exploitation or sexual abuse.	Stable system for the purpose of detection of presumed victims (including victims of sexual exploitation and sexual abuse) among asylum seekers and illegal migrants in general. This system is also based on cooperation with NGOs.
Denmark	7,038 minors (accompanied and unaccompanied) lodged an application for asylum in Denmark.	The Danish Immigration Service does not collect data on victims of sexual exploitation and sexual abuse. Furthermore, the Prosecution Service does not collect data on victims of sexual exploitation and abuse that can be disaggregated by the victims' status as an asylum seeker.  However, in the specific period July 2015 to 30 June 2016, three minor girls were identified by the Danish Immigration Service as victims of human trafficking forced into prostitution or sexual exploitation. The three girls were unaccompanied asylum seekers.  These figures only include the officially identified victims of human trafficking. It is not possible for the Danish Centre against Human Trafficking to estimate or make a valid presumption of the total number of victims or presumed victims trafficked to sexual exploitation (or other forms of trafficking).	Reception and accommodation centre operators are under contractual obligation to identify asylum seekers – including minors – with special needs and to initiate appropriate measures to address such needs. Special centres are provided for unaccompanied minor asylum seekers.

	Nb of migrant and asylum-seeking children (accompanied and unaccompanied)	Nb of such children victims or presumed victims of sexual exploitation and sexual abuse (total)	How victims were identified + challenges faced to identify them: Distinction made between victims prior to the entry on territory (Group 1) and after entry (Group 2) + Nb
Finland	<p>In 2015, Finland received asylum applications from 3,024 unaccompanied and 4,610 accompanied minor asylum seekers. Between 1 July and 31 December 2015, in all 2,828 unaccompanied minor immigrants arrived in Finland.</p> <p>Between 1 January and 31 August 2016 the amount of unaccompanied minor asylum seekers was 295. Between 1 January and 30 June 2016, the corresponding number of unaccompanied minor immigrants was 244.</p> <p>Thus, a total of 3,072 unaccompanied minor immigrants arrived in Finland during the period under review.</p>	<p>No exact data on the number of victims or presumed victims of sexual exploitation or sexual abuse as no statistics on asylum grounds is gathered. Estimations are also difficult to give. The asylum authorities are, however, worried about the amount of unaccompanied minor asylum seekers that have disappeared during the asylum process even though the numbers of these cases have still been relatively small - 70 cases between January 2014 and March 2016.</p> <p>Between January 2014 and November 2016, a total of 27 minors have been referred to the National Assistance System for Victims of Trafficking, 25 of them entered Finland as asylum seekers. 10 out of these 25 minor asylum seekers were suspected to have been sexually exploited. The exploitation had taken place outside Finland.</p> <p>Only one non-asylum seeking minor has been identified as a potential victim of trafficking for sexual purposes. This exploitation had also happened abroad. The National Assistance System expresses concern for the fact that potential victims of trafficking for sexual purposes, who have been trafficked in Finland, are not being identified, whether Finnish or foreign nationals.</p> <p>In 2016, the assistance system for victims of human trafficking received almost 2.5 times more applications than the year before. A total of 130 new clients were accepted into the assistance system. Of these, 21 were minors. The previous year, the number of new clients was 52 and all were at least eighteen years old. This information can be found in the overview (in Finnish) published by the assistance system for victims of human trafficking.</p>	<p>Every interview by the Immigration Services of a minor asylum seeker includes finding out about possible sexual exploitation.</p> <p>As part of the asylum procedure, the Finnish Immigration Service interviews all unaccompanied minors. During the interview, all minors are also asked about possible sexual abuse against them. Because all asylum matters are secret by law, the Finnish Immigration Service does not compile any statistics on the grounds presented for asylum applications. There are suspicions that some minor asylum seekers have been victims of sexual exploitation prior to their entry into Finland. However, if the victims have not themselves disclosed this to the authorities, the identification of such exploitation has been problematic. A common feature in this respect is the shame that the victim feels and, thus, the reluctance to speak about the issue.</p> <p>The Immigration Service aims to identify also any signs of trafficking in human beings at an early stage and to refer the possible victims to assistance and services they need. By referring the (possible) victims to such services further abuse can be prevented.</p> <p>According to the NGO Central Union for Child Welfare, no special arrangements are in place to detect sexual abuse or exploitation. Experiences of abuse come up in connection with the normal operation of the reception and asylum system. An initial interview with a social worker is organised at the unit for unaccompanied minors during which, the social worker records information on the child and their background that is needed for arranging their care and attention. Possible experiences of sexual abuse may come up at this initial interview. A child's special needs or traumatic experiences may also emerge in the course of the daily work or at the public health nurse's office. Telling someone about sexual abuse often requires a trustful relationship that is formed between a child and an adult over time, and sexual abuse does not necessarily come up at a single meeting that maps the child's experiences.</p>

	Nb of migrant and asylum-seeking children (accompanied and unaccompanied)	Nb of such children victims or presumed victims of sexual exploitation and sexual abuse (total)	How victims were identified + challenges faced to identify them: Distinction made between victims prior to the entry on territory (Group 1) and after entry (Group 2) + Nb
France	<p>In 2016, 8,054 unaccompanied minors (UMs) were integrated into the child protection system. However, UMs are rarely asylum seekers.</p> <p>In 2015, a total of 321 applications for asylum were submitted by UMs, which is an increase of 17.6% compared to 2014. Males account for 70% of the applications. The minors mainly come from Afghanistan (14.6%), the Republic of the Congo (12.5%) and Syria (11.2%).</p> <p>For 2016, applications have risen in number, with 471 of them (provisional figure) from unaccompanied minors.</p> <p>Furthermore, in 2015, there were 15,133 minors accompanying asylum seekers (in other words, they were accompanying adult individuals who were asylum seekers, whether these individuals had submitted an application on behalf of their children or not), and in 2016, the provisional figure was 14,141.</p>	<p>There are no national statistics on child migrants or asylum seekers who are victims or presumed victims of sexual abuse.</p>	<p>The NGO Save the Children Finland draws attention to the experience of the children and youth that have arrived in Finland, which should be used to help identify the diverse problems and trauma, such as sexual exploitation and abuse, encountered by children.</p>
			<p>Ordinary law mechanisms of child protection and identification of crime victims apply to all minors, whatever their status on the national territory. For example, the president of the <i>département</i> council is responsible for collecting and processing all information giving rise to concern indicating that a minor is in danger, whatever its cause, including exploitation and sexual abuse.</p> <p>Furthermore, the law (Article 40 et seq. of the French Code of Criminal Procedure) lays down an obligation for any person who is aware of physical, psychological or sexual abuse inflicted on a minor to inform the judicial authorities, failing which he or she will be liable to criminal prosecution. This applies to public officials and also to doctors and social workers.</p> <p>In addition, particular attention is paid to identifying victims when evaluating an individual's status as a minor and whether or not he or she is unaccompanied. The interministerial order of 17 November 2016, adopted pursuant to the decree of 24 June 2016 relating to the evaluation of minors who are temporarily or permanently without the protection of their family, stipulates that this evaluation system concerns all persons declaring themselves to be unaccompanied minors. Identification of human trafficking or, exploitation of or undue influence over these young people is specifically referred to as part of this evaluation, which is carried out during interviews (Article 6 of the order).</p> <p>The main challenge today is how to raise stakeholders' awareness of this danger, and help them to recognise the signs of exploitation.</p> <p>When assessing whether a young person is a minor and unaccompanied, if the evaluator notes signs of undue influence, this must be reported to the judicial authority in order that the National Orientation Unit may suggest a safe location for the minor in danger (facilities, physical distance, etc.).</p>

	Nb of migrant and asylum-seeking children (accompanied and unaccompanied)	Nb of such children victims or presumed victims of sexual exploitation and sexual abuse (total)	How victims were identified + challenges faced to identify them; Distinction made between victims prior to the entry on territory (Group 1) and after entry (Group 2) + Nb
Georgia	The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia (MIRA) has received 236 asylum applications of minors within the period of 1 June 2015 and 30 June 2016. Among them 19 unaccompanied children.	No cases.	<p>In addition to ordinary law responses, minors seeking asylum benefit from specific mechanisms to identify those among them who may be victims of exploitation and sexual abuse.</p> <p>With regard to asylum, the Law of 29 July 2015 on the reform of asylum ensures that greater account is given to vulnerabilities in requests for asylum; this is reflected firstly by an improved identification of vulnerabilities, including all vulnerabilities linked to sexual abuse (see Article L.744-6 which assigns the French Office of Immigration and Integration (OFII), a key role in evaluating the vulnerabilities of asylum seekers).</p> <p>This is also reflected in the examination of asylum requests carried out by the French Office for the Protection of Refugees and Stateless Persons (OFPRA). The law provides that for both minors and victims of rape or other serious forms of sexual violence, OFPRA may implement particular arrangements for examining requests, necessary for exercising the right to asylum.</p> <p>Since 2013, OFPRA has been implementing a specific strategy to strengthen its ability to identify and ultimately protect vulnerable people who are undergoing the asylum procedure. These include unaccompanied minors and victims of the most serious forms of physical, psychological or sexual violence.</p> <p>The identification of the victim of sexual exploitation and sexual abuse is conducted by MIRA during profile and status determination procedure.</p>



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Germany	<p>Number of children seeking asylum:</p> <ul style="list-style-type: none"> <li>- in 2015: 149,619 (including 22,263 unaccompanied).</li> <li>- in the first half of 2016: 134,615 (including 17,909 unaccompanied).</li> </ul> <p>In addition, there are some unaccompanied minors who immigrate to Germany and who do not seek asylum. No further data are available regarding the number of unaccompanied children who have come to Germany as refugees.</p>	<p>In 2015, the crime statistics compiled by the police (PKS) recorded a total of 13,733 cases of children (under the age of 14 years) becoming victims of sexual abuse and 1,147 cases of adolescents (14 to under 18 years) in Germany. Of these, 1,166 were non-German victims (8%). For 2016, the figures for the first half year indicate that the number of cases has increased in the single-digits.</p> <p>It is not possible to indicate the proportion of refugee among the victims of sexual abuse of children and adolescents registered by the police for the year 2015 since the residence status of victims has begun to be recorded only in 2016.</p>	
Greece	<p>According to the National Centre for Social Solidarity (NCSR or "EKKA")'s more recent report (15/2/2017) the number of unaccompanied minors in Greece is 2,100, based on the referrals for accommodation. According to the same report, the number of already placed unaccompanied minors in shelters is currently 1,310, while 1,076 are in wait for placement.</p> <p>According to data published by UNHCR, 170,586 people have crossed the Greek borders in 2016 (from January 1st up to November 10th), out of which 37% are children, while 61,087 people still remain in Greece. According to the same source almost 890,000 people arrived in Greece in 2015, out of which 34% were children. If such estimates are close to real numbers, the figures of refugee and immigrant children in the period under scrutiny might be considerably higher than registered ones.</p>	<p>There are still no official aggregated data on the victimization of refugee and migrant children in Greece.</p>	<p>There are several reasons and causes to explain that there are no official aggregated data on the victimization of refugee and migrant children.</p> <p>The context of the real events in the specific time under inquiry: massive incoming flows of people under life threatening conditions were daily arriving in the Greek coastline; among them many children, some with parents, some having lost them in the journey, some initially departing from their countries alone to escape war and other atrocious circumstances; almost all of them without any official documentation or a country to recognize them as citizens; many of them already facing extreme hardships in their journey from their homelands to Europe. Within that context, most of the arriving refugees or immigrants adults and minors usually have to strive for securing their life and safety and usually are less prone in testifying on violations of their rights in past tense. Children hardly report to the authorities their victimization prior to their arrival in Greece or are not aware that they have been smuggled with the purpose of being exploited. Moreover, sometimes children who are about to be exploited have been told by their traffickers to state to be adults. The fact of actually being underage is only detected when they are identified as victims. As</p>

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Hungary	<p>On 07/07/2016, 241 minors were present at the reception facilities run by Office of Immigration and Nationality (OIN), the competent authority dealing with asylum and immigration matters (henceforward referred to as OIN). In addition, on 11/07/2016, 3 children in the company of their parents were kept in detention for aliens policing purposes according to Police data.</p> <p>Between the period of 1 July 2015 and 30 June 2016, 2,978 unaccompanied minors in total were temporarily placed in children's homes. Only a small number (8 to 280 minors) of them were present in the children's homes at the same time, the rest were left without permission after a few days or weeks.</p>	<p>No cases.</p> <p>(In the period of 15 September 2015 and 12 July 2016 – Not possible to have this data prior September 2015 because of the methodology of collecting corresponding statistical data).</p> <p>OIN have not registered such incidents at any of their open reception facilities, and none of the minors have reported sexual abuse or asked for the help of the personnel.</p>	<p>far as children's victimization while being in Greece is concerned, these are more likely to be reported in case there is a supportive network for children in place at the specific region. Again there are no aggregated data regarding the phenomenon, though there are published records of specific cases of children victimized, in camps, sites specifically for children, shelters, in the neighbourhood around the shelter, parks where children lived, and certain areas that according to NGOs unaccompanied boys and girls were forced to prostitution. In reception facilities children are often victimized by people hosted in the facilities as well (peers or elder; as in several cases minors and adults had to stay for a period of time in the same facilities).</p> <p>In terms of law provision there is no distinction between crimes having been committed prior or after arrival in Greece.</p> <p>A newly enacted ministerial decision 30840 (B/3003/20.09.2016) provides that a National Identification and Referral Mechanism for victims of Human Trafficking will be established in order to keep all identified and presumed victims registered and "visible". This will be run by the National Centre for Social Solidarity again under the supervision of MoLSSS and Ministry of Foreign Affairs.</p> <p>Victims can be identified on the occasion of personal interviews during the asylum procedure which could give the opportunity for minors to reveal that they were victims, or they can be discovered by means of systematic monitoring of their behaviour at the place of accommodation.</p> <p>All unaccompanied minors have a personal interview. Accompanied minor under the age of fourteen may be heard if his/her personal interview is indispensable to clarify the facts of the case. However, it is not common that during a personal interview sexual abuses and exploitation are reported.</p>

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	<p>In the period from 01/07/2015 to 30/06/2016, 36,729 minors sought for asylum in Hungary (including 5,890 unaccompanied minors). In the given period a total of 9,619 minors arrived at open reception facilities operated by OIN.</p> <p>In the same period, within the frame of fulfilling their border policing and aliens policing duties, the Police took measures (such as placement in shelters or appointments of guardians) against 21,283 minors accompanied by adult family members and 387 unaccompanied minors.</p>	<p>During the last two years only 2 cases were reported to the staff of the children's home, in both cases the criminal offences had been committed in the country of origin of the victims.</p>	<p>Attention is paid on the way children behave, on their relations within the family, their drawings, their relationships with other children, their moods. In case of suspicion the authority would ask for the help of a child psychiatrist. Professionals at the /temporary/ reception centres are obliged to report to the child welfare service if there is any reason to believe that the child is abused or there is any hint of serious threatening. They are also obliged to cooperate with each other and mutually inform each other, in order to prevent and terminate children's vulnerability.</p> <p>The linguistic barrier between the child and the child protection guardian or the caretakers is a major challenge to identify victims.</p>
Iceland	118 children, of which 13 were unaccompanied.	<p>No disclosures of sexual exploitation or sexual abuse have been made by the 7 unaccompanied children that have been interviewed so far.</p> <p>Neither the Directorate of Immigration, the Police authorities nor the Government Agency for Child Protection have received notification on possible sexual exploitation or sexual abuse concerning child migrant as a result of the refugee crisis to Iceland.</p>	<p>No distinction is made between child victims in Group 1 or Group 2 and according to work procedures as all child victims should receive appropriate therapeutic services.</p>
Italy	<p>At the date of 30 June 2016 there were 12,241 unaccompanied foreign children (Data collected by the Ministry of Labour and Social Policy). This phenomenon is increasing rapidly (at the date of 30 April 2016 the Ministry identified a rise of 41% in relation to the same date in 2015). The overwhelming majority are male (94.7%) and most of them are adolescents (54.3% are 17 years old, while only 7.7% are under 15). The most represented nationalities are Egypt (21%), Gambia (12.3%) and Albania (11.4%) followed by other African countries (Eritrea, Nigeria, Somalia, Senegal).</p> <p>Data of the Ministry of the Interior indicates that in 2015 a total of 153,842 migrants arrived by sea out of which 16,362 minors (out of which 12,272 unaccompanied minors).</p>	<p>Unaccompanied foreign children identified at reception centres are assigned to group housing with about 5-10 children, and enrolled in vocational schools. However, some of them leave in order to look for a job or to join relatives in other European countries. For this reason, it is feared that some may become vulnerable to involvement with criminal organisations and are at risk of sexual and other forms of exploitation, however it is difficult to establish how many become actual victims. At the date of 30th April 2016, 5,099 unaccompanied foreign children were irrefragable and most of them were Somali (23.5%), Egyptian (23.3%) and Eritreans (21.1%).</p>	

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Latvia	<p>Data of the Ministry of the Interior states that during the month of June 2016 out of a total of 10,006 asylum seekers, there were 395 unaccompanied minors and 605 accompanied minors. In 2015 out of a total of 83,970 asylum seekers there were 3,959 unaccompanied minors and 7,168 accompanied minors requesting asylum.</p> <p>97 minors (88 accompanied by parents and 9 unaccompanied) requested asylum between 1 July 2015 and 30 June 2016 (Ministry of Interior).</p> <p>38 minors (11 accompanied by parents and 27 unaccompanied) were registered as immigrants who had crossed the border illegally.</p>	<p>None of these minors (immigrants who have illegally crossed the border or asylum seekers) were identified as victims of sexual abuse or sexual exploitation (Office of Citizenship and Migration Affairs – OCMA – the State Border Guard and the State Police).</p>	<p>Sexual exploitation or sexual abuse of minors is identified in the early stage of the procedural actions - as soon as the person encounters the State Border Guard officials. Examples could be as followed: during the border checks, at the time of the interview, during an in-depth examination or during the asylum procedure.</p> <p>Since no children submitted to sexual exploitation or abuse affected by the refugee crisis in Latvia, there is no distinction made between victims of sexual exploitation and abuse prior to entry in the territory of Latvia and after entry.</p>
Liechtenstein	<p>34 migrant and asylum-seeking children have applied for asylum between 1 July 2015 and 30 June 2016. Out of these, 6 were unaccompanied.</p>	<p>There is no indication that any of these children are victims or presumed victims of sexual exploitation and sexual abuse.</p>	
Lithuania	<p>During the period from 1 July 2015 to 30 June 2016, 73 children (35 of them unaccompanied teenage refugees) were settled at the Refugee Reception Centre (hereinafter referred to as the "Centre").</p>	<p>No cases of sexual abuse and sexual exploitation were established during the said period.</p>	<p>The Centre employs social workers, a psychologist and medical personnel who are working with children and their families, and this staff would provide qualified support and consultations to children at any time if they had been subjected to sexual abuse and sexual exploitation.</p> <p>Qualified workers, in order to establish any cases of sexual abuse and sexual exploitation, constantly observe the children and analyse their behaviour looking for the following signs:</p> <ul style="list-style-type: none"> <li>- too much knowledge about sex (given the child's age);</li> <li>- continuous sexual games that are not characteristic of a child of a given age and the development level;</li> <li>- expression of sexual attachment and behaviour;</li> <li>- prevalent stimulation of one's own genitals;</li> </ul>

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			<ul style="list-style-type: none"> <li>- imitation of sexual intercourse with one's own siblings or demonstration of sexual affection to animals;</li> <li>- kissing parents or friends on the lips;</li> <li>- unusual interest in sexual matters given the child's age;</li> <li>- compulsiveness (touching breasts or genitals, compulsive undressing) or aggressive sexual behaviour;</li> <li>- not understanding or recognising the acceptable boundaries of physical contact;</li> <li>- changes in feelings related to a certain person or place (for example, I hate uncle John);</li> <li>- sudden drop in concentration, inability to concentrate, especially when one is reminded about the experienced situation;</li> <li>- frequent insomnia or strong feeling of fear;</li> <li>- a fear of a certain person; a fear to return home, a fear to go to an all-day school or the opposite - unwillingness to stay alone, a fear of real or imaginable persons or objects (a monster, mask, uniform) that lasts longer than usual;</li> <li>- a child's statements about being involved in an unusual, secret and weird relationship with an adult person, especially if this relationship is based on coaxing, luring and giving presents;</li> <li>- self-destructive behaviour, such as abuse of alcohol, drugs or toxic substances, prostitution, self-harm, threatening or attempting to commit suicide;</li> <li>- regression to infantile behaviour (urinary incontinence, thumb sucking, unexplained loud and persistent crying, throwing a tantrum) or the opposite (pseudo-mature behaviour).</li> </ul> <p>When these signs are observed, the case is referred to a psychologist or medical workers. A case of sexual abuse and sexual exploitation must be reported to responsible institutions as provided for by Lithuanian and international laws.</p>

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Luxembourg	Between 1 July 2015 and 30 June 2016, 766 minors have sought asylum. 111 of these were unaccompanied.	None of these children are victims or presumed victims of sexual exploitation and sexual abuse.	If the Direction of Immigration detects clues or indications of exploitation and sexual abuse, the police is directly contacted. Denunciation or complaint of people taking care of the minors can be addressed to the police. No distinction is made between victims of sexual exploitation/abuse prior to the entry on our territory and after entry.
Malta		During that period, one unaccompanied minor was identified as a victim of sexual abuse (she has now turned 18).	All unaccompanied minors are allocated a legal guardian and a social worker who work on an individual care plan. Social workers engage with and assess minors in order to identify indicators of sexual abuse. Challenges are primarily issues of trust and fear of speaking out due to stigma.
Republic of Moldova	On 1 September 2016, there were 74 registered children as recognized refugees or beneficiaries of humanitarian protection, and 16 children as asylum seekers (18 minors asylum seekers in the period from 1 July 2015 to 30 June 2016). All are accompanied children. At the moment, there are no registered unaccompanied minors as refugee or asylum seeker.	There weren't registered any case where children were victims or presumed victims of sexual exploitation and sexual abuse.	
Monaco	Since 2016, 14 minors from Afghanistan, Côte d'Ivoire, Egypt and Sudan have been identified.	At the processing stage, no obvious cases of abuse were detected. Moreover, no child said that they had been victims of such abuse.	In the process of formally identifying children, the Public Security Services, encounter serious difficulties in terms of language barriers and the lack of identification documents.
Montenegro	From 1 July 2015 to 30 June 2016 there have been 10 minors with either both parents or one who has submitted an asylum application. There were not a single one unaccompanied minor. (The Centre for Asylum Seekers accommodated and took care of 5 accompanied minors in the same period).	No identified victims of sexual exploitation and sexual abuse in the Centre for Asylum Seekers among accommodated and taken care of minors.	Direct contact and discussions take place with asylum seekers at the Centre for asylum seekers, made by a team of 1 psychologist, 4 social workers, 1 teacher and 4 medical workers which assesses and monitors all relevant behavioural changes during the stay of asylum seekers in the Centre.  If a person is a victim of sexual exploitation and sexual abuse, the team is required to devote extra attention on a daily basis in order to provide with adequate medical and psychosocial assistance.

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Netherlands	Nb of (accompanied and unaccompanied) children that have applied for asylum between 1 July 2015 and 30 June 2016: 18,330.	Nb of asylum-seeking children that were placed in a protected shelter because they were victims of human trafficking and/or human smuggling, or because of their vulnerability for human trafficking and/or other vulnerabilities (the reason why they were placed in a protective shelter is not registered): 90.	<p>Signs of (possible) exploitation (human trafficking) could be signalled by various actors within the chain of organisations that together make out the immigration chain. All co-workers within this chain of organisations are therefore trained to identify signs of human trafficking.</p> <p>Concerning the identification of situations or victims of child abuse, including sexual abuse: professionals working in sectors such as health care, youth care, education and justice, including those working in the immigration chain, have to work according to the statutory 'Reporting Code Domestic Violence and Child Abuse'. If these professionals identify signs of sexual abuse, they should successively follow these five steps:</p> <ol style="list-style-type: none"> <li>1- Identifying the signs;</li> <li>2- Peer consultation and, if necessary, consultation with the Advice and Reporting Centre for Domestic Violence and Child Abuse or an injury specialist;</li> <li>3- Interview with the persons involved;</li> <li>4- Assessing the violence and child abuse;</li> <li>5- Reaching a decision: arranging or offering assistance, or, if the professional is not able to do this, reporting a case (to the Advice and Reporting Centre for Domestic Violence and Child Abuse or to the police).</li> </ol> <p>The Netherlands does not make a distinction between victims of sexual exploitation/abuse prior to the entry on our territory (Group 1) and after entry (Group 2). The Dutch residence permit for victims of human trafficking is open to both, victims that were exploited outside the Netherlands and victims that were exploited within the Netherlands. Hence, no data is available on the size of both groups of victims.</p>

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Poland	<p>No specific data base providing the exact number of migrant and asylum-seeking children in the period between 1 July 2015 and 30 June 2016.</p> <p>The number of minor foreigners who applied for international protection of refugees in the referenced period of time is 7,193 (including 159 unaccompanied minor). The number of minor foreigners who applied for legalisation of stay is 10,206 (Office for Foreigners).</p>	<p>There were 2 foreign children (citizens of Kazakhstan and Germany) who were victims of sexual exploitation and sexual abuse in Poland, for the period between 1 July 2015 and 30 June 2016.</p> <p>Regarding presumed victims, 6 children (citizens of Vietnam) could potentially be the victims of sexual exploitation and sexual abuse in 2015. However, this is not a result of the refugee crisis, but was related to human trafficking. Those children were illegally transported to Poland en route to Germany. Sexual exploitation and sexual abuse took place in their home country or in transit countries, not in Poland.</p>	<p>Victims usually report the crime themselves. However, the Border Guard has a special "Program of support and protection for potential victims of human trafficking and sexual abuse" to offer them professional assistance.</p> <p>There is no distinction between victims of sexual exploitation/abuse prior to their entry into Polish territory and after entry. It is however important to determine where the crime took place for the purposes of the asylum procedure. If the crime took place prior to entry, this is an important circumstance in receiving asylum-seeker status.</p>
Portugal	<p>Portugal is not targeted as destination / crossing point in what concerns to the recent refugee crisis.</p> <p>Portugal registered officially for the period 01.01 to 31.12.2015, 49 unaccompanied minors asylum applications (Immigration and Border Service - SEF).</p> <p>Other data from NGOs:</p> <p>For the period 31.07.2015-30.06.2016, 54 unaccompanied minors and 62 accompanied minors have asked for international protection, spontaneous demand (Portuguese Council of Refugees - CPR);</p> <p>For the period 01.06.2015-30.06.2016, there were 90 asylum-seeking accompanied children (38 girls and 52 boys), including 71 from Syria, 17 from Iraq and 2 from Eritrea. (<i>Plataforma de Apoio aos Refugiados - PAR</i>).</p>	<p>No cases of sexual abuse or exploitation of refugee children are registered.</p>	
Romania	<p>215 asylum applications from children were registered by the Romanian Immigration Inspectorate (in the period between 1 July 2015 and 30 June 2016); among them 29 children were unaccompanied.</p>	<p>No data on children who are victims or presumed victims of sexual exploitation and sexual abuse.</p>	



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Russian Federation	<p>Currently Russia is not involved in European refugee crisis in 2015, 231 children applied for refugee status, 186 children got a positive decision.</p> <p>During the first half of 2016 there were 105 positive decisions concerning the recognition migrant children as refugees.</p> <p>Almost all children entered Russia with their parents or other relatives.</p>		<p>Children are identified as victims on basis of their personal testimony, medical examination, witnesses' evidence, and operation investigations.</p> <p>According to current international standards, the government has no legal right to interfere in the private lives of citizens of other states. Respectively, the consideration of possible victims of sexual violence takes place after their entry onto the territory of the Russian Federation.</p> <p>Accordingly, statistical data is processed with regard to only the above group of persons (Group 2).</p>
San Marino	<p>Currently, 3 minors are located in San Marino; they are all accompanied.</p>	<p>None of them seems to be or have been victims of sexual abuse.</p>	
Serbia	<p>In most intensive period of migrations (2015-2016): 10,500 unaccompanied children crossed Serbian borders. The majority of these children were in-groups of grownups, of same origin: relatives or neighbours treating child/children as member of a family, and were due to this fact let through toward their final destinations. A smaller group of accompanied children stayed for a while in prepared facilities, under supervision of social services and with NGO's services. In 2015, there were 64 children in reception centres. In first hundred days of 2016, there were also 64. Countries of origin were: Afghanistan 55; Syria 6; Pakistan 2 and Iraq 1 (in 2015); and Afghanistan 47; Morocco 17; Algeria 1; Pakistan 2; and Bangladesh 1 (in 2016). The number of asylum seekers among them is unknown.</p>	<p>No child identified as victim of sexual abuse.</p> <p>NGO "Atina" (Athens) have however reported that while working on the field they "noticed some number of children", whose behaviour was indicating "possible sexual abuse". As a concrete example, field worker identified a group of seven children (age 8-12), which were escorted by their "17 years older brother". Indicators for such conclusions were that children (girls) were performing "erotic dance", discussing "marriage issues and how to please a man", talking about "body shapes", etc.</p> <p>The same NGO claims that among children they met, few girls were wearing a "sign" on the forehead, which, according to "cultural mediators" (people originating from the same countries/culture, and which are translating), was interpreted as "custom" among certain "tribes" and indicates that these girls (age of 12) are "married".</p>	<p>Children were not asked if they have (or previously had) some form of sexual abuse. Focus was put on their basic safety (while passing try Serbia); on their existential needs (food and medical protection); personal and legal protection.</p> <p>The NGO "Atina" has identified in the shelter it runs (predominately for protecting victims of trafficking) a few victims of sexual abuse in their country of origin, both boys and girls. Perpetrators were parents/relatives (father and uncles, mostly). They have also reported a few cases of sexual abuse where the perpetrators were "smugglers" (in "The former Yugoslav Republic of Macedonia" and in Turkey).</p>

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Slovak Republic	<p>It is difficult to differentiate migrant and asylum-seeking children who are present in the territory as a result of the refugee crisis from other migrant and asylum-seeking children.</p> <p>In 2015 there were 304 child migrants, out of which 34 were unaccompanied minors. As for the first half of 2016, there were 101 child migrants, out of which 17 were unaccompanied minors.</p>	<p>None of the migrant and asylum seeking children was identified as a victim or a presumed victim of sexual exploitation and sexual abuse.</p>	<p>No distinction is being made between victims of sexual exploitation/abuse in terms of Group 1 and Group 2. Border police officers are trained in trafficking in human beings identification, hence, indicators that a child may be a victim can be identified during the initial proceedings and actions at the particular department of Bureau of Border and Allen Police.</p> <p>Every unaccompanied minor has access to social personnel and a psychologist and a case conference is organised in the presence of an interpreter to communicate with the child in a language he/she understands and speaks.</p> <p>Besides language barrier, reluctance of the child to confide (caused by fear, shame, etc.) has been identified as the main challenge in identification.</p>
Slovenia	<p>In the period from 1.7.2015 to 30.6.2016 there were 250 child applicants for international protection, among them 106 were unaccompanied minors.</p> <p>(At the moment, there are 79 child applicants for international protection, out of these, 16 are unaccompanied).</p>	<p>No unaccompanied minor was identified as a victim of sexual abuse.</p>	
Spain	<p>In 2015, 3,754 applicants for international protection were considered to be minors (3,728 accompanied and 26 unaccompanied). In 2016 (data available on 29 August), this number has reached 2,083 (1,115 accompanied and 968 unaccompanied).</p>	<p>A Nigerian minor has been identified as an alleged trafficking victim during the reference period.</p>	<p>The protocol to identify trafficking victims, which has been developed with NGO input since 2013, applies to applicants for international protection. It establishes indicators to detect the victims of trafficking for the purpose of sexual exploitation, which are applied by specialised trained police officers in cooperation with specialised entities. Interviews with the victims are carried out by specialised professionals; the victim may be accompanied by other persons or professionals.</p>
Spain Replies sent by SICAR.cat Programme, Catalan section of Adoratrices			<p>It seems there is no specific mechanism to confirm the (family) bond between the child and the adult accompanying him or her. To the contrary, police officers tend to focus on the irregularity of the entry, not detecting potential situations of trafficking of children for the purpose of sexual exploitation.</p>

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			<p>In 2014, the Civil Guard created a special anti-trafficking unit (UCRIF) which is responsible for identification of victims of THB, including those trafficked for the purpose of sexual exploitation. However, UCRIF does not have direct and permanent presence at the airports or any other national borders. Their intervention depends on a previous communication by border guards. Therefore, the first-line detection of victims of sexual exploitation does not depend on specially trained officers but "ordinary" border officers.</p> <p>Specialised training provided to border guards may not be sufficient since it has not turned into a higher number of identified victims of sexual exploitation. This specialised training is basically focused on the questionnaire that is to be asked to the potential victim. Therefore, police officers at the airports expect the potential victim to give detailed information of his/her situation without taking into consideration he/she might not be aware of his/her victim status. From our point of view, border police officers should be trained to detect indicators of trafficking for sexual exploitation and not to rely on the information provided by the potential victim – specially, if he/she is a child – or other adults, if he/she is accompanied.</p> <p>Generally speaking, there is not sufficient presence of specialised non-governmental organisations which could collaborate in detection of potential victims of sexual exploitation at the airports.</p> <p>As concerns identification of victims of sexual exploitation after entry, their detection and identification as victims of sexual exploitation or victims of THB for that purpose will depend on social workers or educators working at child protection services. In most of the cases, these professionals are not trained on THB or sexual exploitation. Therefore, many victims are not being detected until they get in touch with a specialised NGO somehow. Obviously, those children who are never assisted by a specialised NGO are unlikely to be detected and identified as victims of sexual exploitation during their childhood/adolescence.</p>

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Sweden	<p>During the second half of 2015, more than 134,000 asylum seekers came to Sweden. More than 30,000 of them were unaccompanied minors. Under the first half of 2016, 1,200 unaccompanied minors applied for asylum. The number of children who came with their parents or other legal custodial parent was 29,700 in the second half of 2015, and 4,450 children until July 2016.</p> <p>During the mentioned period, in average 58,156 children per month were staying in Sweden as asylum seekers. Out of whom an average of 26,768 per month were unaccompanied minors.</p> <p>Of the unaccompanied minors who sought asylum in 2015, 90% were boys. Nearly all were young people aged 13-17 years (90%) and 1/3 was aged 16-17 years. Afghanistan has long been the most common country of origin, from which 60% came in 2015. Syria was the second most common country of origin of 10%. Other countries of origin are Somalia, Eritrea and Iraq.</p>	<p>During the second half of 2015, there were 12 asylum-seeking children suspected of having been subjected to sexual exploitation. 2 of them were suspected of having been subjected to sexual exploitation in Sweden, while the 10 remaining suspected cases had occurred in the country of origin or en route to Sweden.</p> <p>During the first half of 2016, there were 19 asylum-seeking children who claimed that they have been subjected to sexual exploitation. 5 of them were suspected of having been subjected to sexual exploitation in Sweden, while 14 incidents are suspected to having taken place in the country of origin or en route to Sweden.</p>	<p>The suspected cases were detected or identified by the Migration Agency. The staff of the Migration Agency are trained and sensitised to identify suspected cases of sexual exploitation in the context of registration, asylum, reception and other processes.</p> <p>As regards challenges, the biggest obstacle is linked to the fact that victims are not always forthcoming with their experiences.</p>
Switzerland	<p>Between 1 January 2015 and 30 June 2016, 12,392 accompanied minors were recorded under the asylum procedure (in most cases they were accompanied by their parents) and 2,945 asylum requests were submitted by applicants claiming to be both minors and unaccompanied.</p>	<p>For the year 2015 (the data for 2016 are not yet known), 5 minors were recognised as victims of human trafficking, without making a distinction between sexual exploitation and other types of exploitation covered by the concept of human trafficking. Out of these 5 minors, 1 was an asylum seeker and 1 qualified for a short residence permit as a foreigner. Apart from victims of sexual exploitation, there are no estimates regarding minor victims of sexual abuse in the broad sense.</p> <p>Between 1 January 2015 and 30 June 2016, 7 unaccompanied asylum seekers were identified during the asylum process as being potential victims of human trafficking, without distinguishing, in this respect, between sexual exploitation and other types of exploitation covered by the concept of human trafficking.</p>	<p>Minors who are believed to be victims of sexual abuse and exploitation may be identified at different stages of the asylum process (statements from the child; indications during interviews; evidence from a legal representative, doctor or any other person in contact with the child).</p> <p>Among the difficulties in identifying minor asylum seekers as victims of sexual abuse and exploitation, the following should be noted: shame and guilt; fear of retaliation; minors under the age of 14 who are not interviewed in the asylum-seeking process; difficulties in establishing a relation of trust in a short time.</p> <p>As regards sexual exploitation crimes (trafficking in human beings), for the subsequent stages of the asylum process, the location where the crime was committed shall be taken into account when determining refugee status (if the sexual exploitation took place in the minor's country of origin, the consequences for the recognition of refugee status will be different from those in cases where the minor may have been exploited following arrival into the territory).</p>

	Nb of migrant and asylum-seeking children (accompanied and unaccompanied)	Nb of such children victims or presumed victims of sexual exploitation and sexual abuse (total)	How victims were identified + challenges faced to identify them: Distinction made between victims prior to the entry on territory (Group 1) and after entry (Group 2) + Nb
<p>"The former Yugoslav Republic of Macedonia"</p>	<p>Migrants transit through the Republic of Macedonia along the so-called Western Balkan route, along which over one million migrants and a large number of illegal migrants passed in the past two years alone.</p> <p>From 19 June 2015 to 10 January 2016, certificates of intention to seek asylum were issued to a total of 406,945 foreign nationals, 120,342 were children. In the period from 1 January to 8 March 2016, certificates of intention to seek asylum were issued to a total of 89,628 migrants, including 34,628 children.</p> <p>Therefore, the DBAM assesses that over 150,000 minors transited through the territory of "The former Yugoslav Republic of Macedonia" in the period from 1 July 2015 to 30 June 2016.</p>	<p>As regards potential victims of trafficking in human beings, in 2015 two minor migrant children (unaccompanied minors) from Syria were detected / identified among illegal migrants transiting through the territory.</p> <p>In 2016, a total of 18 potential child victims of trafficking in human beings were identified among migrants.</p>	<p>The National Commission for Combating Trafficking in Human Beings and Illegal Migration, in cooperation with experts from the IOM, has prepared Indicators for Identification of Victims of Human Trafficking during Mixed Migration Flows. This document serves for preliminary identification and is an auxiliary tool of the persons responsible that come into contact with presumed victims of trafficking in human beings in order to take measures for their further formal identification.</p> <p>A problem in identifying potential victims of sexual exploitation was posed not only by the large influx of migrants, but also by the insistence of the persons that they continue towards their desired destinations as soon as possible. In most cases, they stayed on the territory of the Republic of Macedonia very briefly, most often less than a day, a period in which they were supposed to be received, registered, provided with medical assistance and humanitarian aid etc. Migrants only provided the mandatory data and were mainly not cooperative during interviews. Even if they had been abused prior to entering the territory of the Republic of Macedonia, they did not inform the police officers or representatives of other services and organizations, who were also constantly present on the ground, thereof when entering the state.</p> <p>Most often, the victims of sexual exploitation and sexual abuse were identified by the police officer to whom the persons reported first. Police officers are trained to profile the persons appropriately.</p> <p>The collection of data on the identified victims is made through a prepared Form for monitoring the victim according to Standard operating procedures for monitoring the cases of victims of trafficking with information on activities carried out by institutions/organizations under the Standard Operating Procedures (SOP) and it is filled by the Ministry of the Interior (MOI) - Sector for human trafficking and illegal migration, and the Ministry of Labour and Social Policy (MLSP)</p>

	Nb of migrant and asylum-seeking children (accompanied and unaccompanied)	Nb of such children victims or presumed victims of sexual exploitation and sexual abuse (total)	How victims were identified + challenges faced to identify them; Distinction made between victims prior to the entry on territory (Group 1) and after entry (Group 2) + Nb
Turkey	On 04.08.2016, there were 1,213,289 Syrians under 18 with Temporary Protection in our country.	49 Syrian children became victims of "sexual exploitation/abuse" between 01 July 2015 and 30 June 2016. Apart from this, 247 children who were victims of the remaining offences were brought to the Child Follow-up Centres ("ÇİMs").	<p>- National referral mechanism; with regard to additional data on reintegration, the relevant Association of citizens provides information; these pieces of information are further submitted to the responsible officer at the National commission for combating trafficking in people and illegal migration.</p> <p>The adoption of SOP for dealing with vulnerable categories/foreigners, for dealing with unaccompanied minors/foreigners, as well as of Indicators for identifying victims of human trafficking in mixed migratory flows is aimed at improving the recognition/initial identification of victims of trafficking among illegal migrants and catering their needs for protection and integration.</p> <p>It is possible to identify those children who are victims of sexual exploitation / abuse through different ways (the victim or his/her family may directly apply to the law enforcement agencies or judicial authorities; observations of the healthcare or educational institutions). The cases are immediately reported to the law enforcement agencies or judicial authorities.</p> <p>From the perspective of providing protection to those children who are victims of sexual exploitation / abuse, whether the act at stake has been committed within the country or abroad makes no difference.</p> <p>Of those challenges encountered during the identification process, the leading one is that the victims are either not willing to talk as they are afraid or not even aware of their victimhood.</p>
Ukraine	The situation with migrant children during 2015 and partly in 2016 was not much different than before. There were only 10 children (boys of 16-17 years old).	No information.	

Other States and Other Stakeholders			
Armenia Replies sent by the Police and State Migration Service	In the period from 01.01.2014 to 31.07.2016, there was a total of 155 children asking asylum: 125 from 0 to 13 years old (66 boys, 59 girls); 30 from 14 to 17 (20 boys, 10 girls). Half of these were coming from Ukraine (76), 34 from Iraq and 32 from Syria.	None of children applied for asylum were victims of sexual exploitation and/or sexual abuse.	
Armenia Replies sent by UNHCR Armenia	As of December 2015, according to UNHCR statistics there are 518 children in Armenia (asylum seekers and refugees) of whom 246 are female and 272 are male. They are no unaccompanied refugee / asylum-seeker children identified.  There are also many children among the approximately 15,000 persons displaced by the conflict in Syria to Armenia who are in a refugee-like situation. However, UNHCR has noted that disaggregated data for this group is not readily available.	No reports of sexual exploitation or sexual abuse are available. However, UNHCR is of the opinion that there may be such cases among displaced children in Armenia, who are not identified.	In terms of challenges faced, to identify such cases, there is:  a) no legislative basis defining the roles and responsibilities of State actors in the identification of victims of sexual exploitation and sexual abuse among refugees and migrants, either at the border or on the territory and during the asylum procedure;  b) there is limited awareness among the respective authorities as to the crimes and in terms of practical expertise and skills in identification of victims;  c) there is an observed societal perception that children are safe in Armenia and cannot fall victim of sexual exploitation and sexual abuse due to the protection offered by families, communities etc. Since many of the refugee children are also ethnic Armenians, they would be perceived also as equally well protected.
Azerbaijan			
Estonia			
Ireland			
Norway	Norway has registered 9,600 asylum-seeking children from July 2015 till June 2016. 4,456 of these were registered as unaccompanied minors and 5,144 as accompanied children seeking asylum with their parents or other persons with custody of the child.	The Norwegian Directorate of Immigration (UDI) does not have legal access to collect data on children who are victims or presumed victims of sexual abuse or exploitation. UDI has some manual anonymous registrations, but the numbers are insecure and only for internal use.	Some children give information about abuse or exploitation, in their homeland or during the flight, to the Special Unit for Children as part of their application for asylum.  In all of the institutions dealing with refugees, including the National Police Immigration Service (NPIS), the reception centres and the UDI, there are routines for identifying vulnerable, victims of trafficking and victims of sexual abuse (group 1). A challenge is that the topic is taboo and sensitive and therefore some children do not give information. If a child is identified as a victim or is in risk of being a victim (group 2) to any form of sexual abuse or exploitation, all the institutions are obligated to inform the child care services.
United Kingdom			

**Table D - Coordinated response**

How the collection of data is used to allow the different agencies to coordinate their actions to protect children from sexual exploitation and sexual abuse, and to prevent and fight against such exploitation and abuse	
Albania	
Andorra	
Austria	The above mentioned data is important for the planning of the necessary measures of the different agencies involved. For example the number of unaccompanied minors is important for the child and youth welfare authorities to plan the necessary measures and the personnel. The data on the home-countries of the children is important for the provision of interpreters, information flyers etc.
Belgium	
Bosnia and Herzegovina	
Bulgaria	Collected information shall be used for preparing statistical and/or situational analyses and reports to offer a coordinated response from the various institutions responsible for protection and prevention of the fight against sexual exploitation and sexual abuse of children. It is a means for exchange of experience and knowledge between different institutions and NGOs in the country. This in turn helps to optimize collaboration and cooperation in the fight against sexual exploitation and sexual abuse of children and mobilize all responsible institutions, organizations and individuals to respect children rights.
Croatia	The collected data on children were also delivered to the Ombudswoman for Children, who regularly visited the refugee camps, i.e. transit and reception centres in Opatovac and Slavonski Brod.
Cyprus	At the point of entry there is a multiagency team for registering migrants. The coordinating agencies for registering all migrants are the Migration Department and the Asylum Service. The Social Welfare Services register unaccompanied minors and vulnerable families with children.
Czech Republic	Interaction exists between all the actors to act in the best interest of the child.
Denmark	The Danish Immigration Service does not collect data on victims of sexual exploitation and sexual abuse. All minors who fall under the provision of the Immigration Service e.g. asylum seeking or migrant children who have not obtained residency in Denmark are provided with appropriate health care and social measures initiated by the asylum reception or accommodation centre operator and/or the local authorities. If the staff from the asylum accommodation centre becomes aware of circumstances that give rise to the presumption that an asylum seeking or migrant child may be or have been exposed to sexual exploitation or sexual abuse, the staff is obligated to notify the local authorities immediately and in cooperation with the local authorities to initiate the appropriate response. As such if the asylum reception or accommodation centre operator or the Immigrations Service is not capable of meeting the needs of the specific child – particularly in cases of a suspicion of sexual abuse – these authorities may request a professional assessment of the needs and situation of the child from the social services. The assessment may serve to clarify which measures, assistance or support should be initiated in order to meet the needs of the specific child. Upon assessment the local authority shall submit the case to the Danish Immigration Services and ask for the approval to initiate the needed measures as the Danish Immigration Service bears the cost. The same rules and regulations and hence the same possibilities to provide assistance apply to asylum seeking and migrant children as to other children residing in Denmark. With regard to children who have been subject of sexual abuse or exploitation (or physical abuse) or where suspicion of such abuse exists, this means that examination of the child must be carried out in a special Children's House. In the Children's Houses, a coordinated effort between social services, police, therapeutic services and health services are offered with the purpose of providing the abused child with coordinated and professional help in a child friendly environment.
Finland	The National Assistance System for Victims of Human Trafficking collects data on minors who have been identified as potential or actual victims of trafficking in human beings. The Government's new action plan against trafficking in human beings (2016-2017) particularly acknowledges children and includes a separate measure (action point) on children.
France	
Georgia	



How the collection of data is used to allow the different agencies to coordinate their actions to protect children from sexual exploitation and sexual abuse, and to prevent and fight against such exploitation and abuse	
Germany	<p>The idea behind creating the criminal prosecution statistics was to reflect the structures perceivable in the adjudicative practice of the criminal courts and to show any changes, both where the crimes coming before the courts are concerned and as regards their assessment by said courts. In this way, the statistics provide information on the one hand to those involved in planning and conceiving law enforcement policy and criminal law policy, both at the federal level and that of the Länder, and on the other hand to those drafting legislation in the fields of criminal law and the laws governing criminal procedure. In addition to providing a statistical overview, the collected information could be relevant for the activities of NGOs and/or the independent Federal Government commissioner for issues related to the sexual abuse of children to initiate coordinated preventive measures and/or develop targeted services as part of efforts to help victims.</p> <p>Even though, the data will probably not be of any direct help for the law enforcement authorities, when fighting sexual abuse in specific individual cases, in the whole, they are nevertheless applicable to identify any additional approaches to pursue and to adjust measures already taken.</p>
Greece	<p>A newly enacted ministerial decision 30840 (B/3003/20.09.2016) provides that a National Identification and Referral Mechanism for victims of human trafficking will be established in order to keep all victims and presumed victims of human trafficking registered. This aims at the better protection of victims by offering a coordinated response between the different agencies and by designing evidence-based strategy for the prevention of and fight against trafficking in persons. At the same time, separate databases have been developed, though not yet applied, for the registration of child victims of abuse and neglect. Sexual abuse is here included. The latter have been developed by the Institute of Child Health, Department of Mental Health and Social Welfare, in the context of a) the National Strategic Reference Framework (NSRF) and b) DAPHNE III Programme of the European Union. Finally, the same organization in the context of a project co-funded by the Internal Security Fund of the European Union has developed a database for registering third country nationals and stateless minors who arrive in Greece, with specific variables and alerts for notifying the professional entering data that the minor may be a victim of trafficking. An effort will be made for the interoperability of these various data bases.</p>
Hungary	<p>Child protective thematic conferences are dedicated to sharing information every 2 months, where questions and problems may also be discussed and addressed. Since participating members of the Child-care Warning and Alarming System work closely together on a daily basis, they can arrange ad hoc consultations as appropriate.</p>
Iceland	<p>The different agencies have agreed upon collective work procedure with the aim of ensuring the appropriate response.</p>
Italy	
Latvia	<p>Protection of the Rights of the Child Law Section 73 provides the duty to safeguard the safety of person's own and other children and to inform the police, the Orphan's court or other institutions for the protection of the rights of a child in regard to any abuse of a child and criminal offence or administration violation against a child, violation of the rights of a child or other threat to a child.</p>
Liechtenstein	<p>The data is shared with the responsible authorities for the care of migrant and asylum-seeking children, the <i>Flüchtlingshilfe Liechtenstein</i> (refugee assistance), the Children and Youth Service Division of the Office for Social Services as well as the Court of Justice which appoints a legal curator for unaccompanied minors.</p>
Lithuania	<p>In case of a sexual abuse, the guardian of the child (in this case this will be the Refugees reception centre) is responsible to inform the police and the child protection service. The investigation of the case will start after wise. Information about this case will be moved to the State Child rights protection and adoption service which coordinates all special cases related to children's sexual abuse, different forms of violence and which is doing general analyses. This information is provided to Ministries and Government.</p>
Luxembourg	<p>Interaction exists between all the actors to act in the best interest of the child.</p>
Malta	<p>AWAS identifies and assists victims and refers to Appogg and the police for further specialised action.</p>
Republic of Moldova	
Monaco	<p>The observation and evaluation of situations of exploitation and sexual abuse are made easier by the low number of cases and continuous dialogue between the various authorities.</p>

How the collection of data is used to allow the different agencies to coordinate their actions to protect children from sexual exploitation and sexual abuse, and to prevent and fight against such exploitation and abuse	
Montenegro	<p>All agencies in charge for the safety of these persons have a networked, coordinated and, now, exactly defined principle of functioning. National authorities, international institutions and non-governmental organizations are involved in dealing with these persons. Each of these institutions has its own jurisdiction. No institution is working alone, but it is a team and coordinated work, to avoid the possibility to omit any part of the procedure and to eliminate the possibility to breach the rights or jeopardize those persons in any way.</p>
Netherlands	<p>In the asylum centre of Ter Apel various organizations have also developed a protocol on how to act if one of them identifies a possible victim of human trafficking. Crucial within this protocol is the sharing of information with one another. In the protocol, the Police (AVIM), Immigration and Naturalization Office (IND), Nidos Foundation (Dutch guardianship institution for unaccompanied minor asylum seekers), the Central Agency for the Reception of Asylum Seekers (COA), Legal Aid Board, Dutch Council for Refugees, Repatriation and Departure Service (DT&amp;V), and CoMensha (the coordination centre for victims of human trafficking) all join forces.</p> <p>All signs of human trafficking are also reported to Team Trafficking and Migration Crime (TMM). TMM is part of the department Aliens Police, Identification and Trafficking (AVIM) of the police. TMM assesses whether there are sufficient leads for a criminal investigation and subsequent conviction. In addition, the signals are reported to the Expertise Centre for Human Trafficking and Human Smuggling (EMM).</p> <p>When a report has been filed to the Advice and Reporting Centre for Domestic Violence and Child Abuse, this agency may undertake further research into the situation of the child(ren) concerned. Eventually it may decide to organize voluntary assistance or care to the involved child(ren) and family members, to request the Dutch Child Care and Protection Board to undertake further research, or to file a report or complaint to the police.</p> <p>Since 1 July 2013 a mandatory reporting protocol for domestic violence applies to all locations of the Central Agency for the Reception of Asylum seekers. This protocol is in line with the national reporting code on domestic violence and child abuse. Each location has a responsible functionary who supervises an adequate application of the code. In addition, the juvenile court is empowered to take a protective measure under the Hague Convention for children who do not (yet) have asylum status.</p> <p>The data collection: The signals of human trafficking from COA are centrally collected and shared once a month with the EMM. With the help of various information systems the EMM attempts to analyse the collected information. This could lead to research proposals for investigative services. If there are insufficient indications that could lead to a research proposal or investigation, the signals are registered in a theme registry, where they are kept for five years. Because of this registration of signals, information from one signal could be associated with other signals in the future.</p> <p>Moreover, CoMensha gathers data on all victims of human trafficking in the Netherlands. The police and other investigative agencies are required to report all alleged victims to CoMensha. Also other various parties who come into contact with alleged victims are asked to report these victims to CoMensha, for instance youth care providers.</p> <p>These and other data are used by the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. The National Rapporteur reports to the government about the nature and extent of trafficking and sexual violence against children in the Netherlands. She monitors the effects of the policies conducted in these areas and makes recommendations to improve the approach to human trafficking and sexual violence against children. The following reports of the National Rapporteur contain more information on (the policy towards) vulnerable migrant and asylum-seeking children in the Netherlands:</p> <ul style="list-style-type: none"> <li>- <a href="#">Vulnerability up close. An exploratory study into the vulnerability of children to human trafficking (2016)</a></li> <li>- <a href="#">Mensenhandel. Naar een kindgericht beschermingssysteem voor alleenstaande minderjarige vreemdelingen (2015)</a> [Dutch].</li> </ul> <p>For an overview of the Dutch policy and practice in tackling sexual violence against children:</p> <ul style="list-style-type: none"> <li>- <a href="#">On solid ground. Tackling sexual violence against children (2014)</a>.</li> </ul>
Poland	<p>A special program was put in place in order to offer a coordinated response from the different agencies in charge of the protection from, the prevention of, and the fight against sexual exploitation and sexual abuse of children.</p> <p>“The Algorithm of identification and proceeding concerning the minor victim of human trafficking” (adopted on 28.09.2015) is specifically addressed to Police and Border Guard officers. In 2008 the Border Guard created a group responsible for permanent monitoring and coordination of Border Guard actions in charge of prevention and elimination of human trafficking.</p>

How the collection of data is used to allow the different agencies to coordinate their actions to protect children from sexual exploitation and sexual abuse, and to prevent and fight against such exploitation and abuse	
Portugal	Portugal predicted on asylum Law (article 17-A) a mechanism of identification of special needs and vulnerability within the framework of international protection. SEF, national entity responsible for that matter, gives special attention to all the cases referred to in article 17-a, applicants whose ability to exercise rights and fulfil obligations is limited because of personal circumstances, in particular because of their age, gender, sexual identity, sexual orientation, disability or serious illness, mental disorder, because they have been victims of torture, violation or other serious forms of psychological, physical or sexual violence. Portugal authorities signal the situation and report it as a matter of Urgent priority.
Romania	
Russian Federation	The data is collected and used to counteract sexual violence against refugee children and their protection (the Interior Ministry divisions), to provide for medical care to this group of people (divisions of the Ministry of Health) and to do preventive work (territorial government divisions).
San Marino	
Serbia	NGO "Atina" confirms that "preventive measures" were not organised systematically. Most of the spaces within the "shelters" were adjusted to the needs of women with smaller children (age of five), while "confidential spaces for teenagers" were missing. Also insufficient numbers of "experienced and trained professionals" on the field were obstacle for more organised and targeted reaction.
Slovak Republic	In case of extensive increase in the number of cases of sexual exploitation and abuse, measures will be taken within the policy framework, in particular the National Strategy for the Protection of Children against Violence to reinforce coordinated response in cases of migrant children and if needed create distinct programmes of assistance for this particular target group of children.
Slovenia	If a child applicant for international protection is identified as a victim of sexual abuse, an expert action programme is designed, comprising of an estimate of a further risk of endangerment, a safety plan, options for safety lodging, a plan of advocacy, legal aid and other forms of help, such as psychotherapeutic help, expert psychosocial counselling, inclusion in workshops for personal growth, keeping company and free time activities, individual help and directing the victim to adequate institution in order to receive help and support. If needed, depending on the individual case, experts from the Asylum centre, Social work centre, Police as well as experts from the field of education and health service, can take part in the treatment of a sexual abuse victim.
Spain	Once a child victim is detected, the Protocol on unaccompanied foreign minors is implemented: the State Security Forces report the fact to the Public Prosecutor's Office and contact NGOs involved to provide her/him any assistance required (interpreter, psychologist, accommodation centres). All relevant actors collaborate smoothly to ensure that actions are carried out in the best interest of the child and taking due account of her/his particular vulnerability.
Sweden	Stronger coordination is required to enable the actors dealing with the refugee situation – including central government agencies, municipalities, county councils, non-governmental organisations, faith communities and private actors – to work effectively together. The Government has therefore tasked the Swedish Civil Contingencies Agency with coordinating the management of the current refugee situation at national level. The Agency is to produce national situation reports, with information on areas in need of measures that have not yet been adequately taken. The Agency is also to identify and report on other circumstances that the Government should know about in order to assess the Government's need to take action.
	Within the Government, a State secretary at the Ministry of Health and Social Affairs was appointed as the coordinator on the issue of unaccompanied children who have applied for asylum.
Switzerland	In cases where, during the asylum process, a child asylum seeker is identified as a presumed victim of sexual abuse or exploitation, the various relevant authorities are informed. In urgent cases, targeted measures are quickly taken in terms of accommodation and assistance in conjunction with the cantonal authority responsible for child protection.

How the collection of data is used to allow the different agencies to coordinate their actions to protect children from sexual exploitation and sexual abuse, and to prevent and fight against such exploitation and abuse	
"The former Yugoslav Republic of Macedonia"	<p>The National Commission for Combating Trafficking in Human Beings and Illegal Migration operates on the national level. A National Referral Mechanism, which constitutes a system of cooperation among relevant institutions and organizations (Ministry of Labour and Social Policy, Ministry of the Interior, non-governmental organizations) that undertake activities related to prevention, protection and referral of victims of trafficking in human beings on the territory of the Republic of Macedonia, has also been established. The Office of the National Referral Mechanism operates within the Ministry of Labour and Social Policy.</p> <p>The data at the National Commission are collected through tools developed for monitoring and analysing the situation regarding trafficking in people, and coordinating the activities of relevant governmental institutions and relevant international organizations and civil society organizations for a more comprehensive insight into the work done.</p>
Turkey	<p>Inter-institutional cooperation during the courts' implementation of those protective and supportive measures: a Central Coordination Meeting is held under the presidency of the Undersecretary of the Ministry of Family and Social Policies.</p> <p>In the provinces, the liaison, harmony, organisation and cooperation between the institutions are ensured under the presidency of the governors.</p> <p>The inter-institutional coordination in the district implementation of the protective and supportive measures is ensured by the district governorates.</p> <p>The Child Rights Monitoring and Evaluation Board is also concerned.</p> <p>The Victim Rights Department has been conducting the preliminary works of the Draft Law on Victim Rights and ensures the coordination between the public and non-governmental institutions providing support and assistance services to the victims. The Victim Rights Department supports the Observatory of Child Friendly Justice for Marginalised Victims of Sexual Abuse and Exploitation in Turkey Project, run by the International Children's Center.</p>
Ukraine	
Other States and Other Stakeholders	
Armenia	
Replies sent by the Police and State Migration Service	
Armenia	UNHCR is not aware of any data collection in this respect and therefore is not aware of any inter-agency coordination and response.
Replies sent by UNHCR Armenia	
Azerbaijan	
Estonia	
Ireland	
Norway	
United Kingdom	

**Table E - Age determination in case of doubt**

Albania	
Andorra	
Austria	<p>Age assessment procedure which consists of several medical tests (e.g. carpus x-ray) and is legally bound to display the determined minimum age of the asylum seeker – which is then binding for the on-going asylum procedure of the individual.</p> <p>If there are doubts whether an alien is under 18 years of age - as he claims to be - after the age assessment examinations, the authority has to assume that the alien is under 18 years of age (principle <i>in dubio pro minore</i>). No one can be forced to undergo an age assessment examination. If the person concerned refuses the examination, other results of the proceedings may be taken into account when the authority considers the evidence of the case. (See proceedings at the Austrian Federal Office for Immigration and Asylum (<i>"Bundesamt für Fremdenwesen und Asyl"</i>) Sec. 13 para. 3 of the Law on the Proceedings at the Federal Office for Immigration and Asylum (<i>"BFA-Verfahrensgesetz"</i>)).</p>
Belgium	<p>Medical test carried out in a hospital, consisting of three examinations: X-ray of the clavicle, X-ray of the wrist and orthopantomogram (dental X-ray). The results of these three tests are collated and a radiologist makes a final conclusion, in which a notional age is determined, with an indication of the margin of error.</p> <p>Where there is a margin of error, the Guardianship Services will always take account of the lowest age.</p> <p>The administration also takes the statements of the person into account, and if necessary invites the person for an interview to evaluate the contents of the file, including the information that is sent to the Guardianship Service by the staff at the Observation and Orientation Centres.</p> <p>The documents that the person has available (passport, birth certificate, supplementary judgment) are included in the analysis of the file, provided that they are authentic and, if possible, legalised in the country of origin by a Belgian diplomatic mission. However, given that many documents may be obtained relatively informally, they are taken into account only where they indicate an age up to two years below the lowest age determined by the tests.</p>
Bosnia and Herzegovina	
Bulgaria	<p>State Agency for Refugees (SAR) Officials may set an expertise to determine the age of an unaccompanied minor during the application process. If, afterwards, the experts still have doubts about the applicant's age, they shall accept that the applicant is a minor.</p> <p>The expertise shall be carried out in full respect of human dignity, selecting the less invasive ways of medical examination, performed by a qualified medical practitioner, which allows the greatest degree of reliable result. SAR shall ensure that:</p> <ul style="list-style-type: none"> <li>- the unaccompanied minor shall be informed, prior to the examination of his/her application for international protection, in a language which he/she understands or there are enough grounds to be presumed that he/she understands, about the possibility to be subjected to medical examination in order to determine his/her age. This includes information on the method of examination and the possible consequences of the medical examination result for considering the application for international protection, including the consequences in refusal;</li> <li>- the unaccompanied minor and/or his/her representative must agree for the medical examination to be conducted in order to determine his/her age.</li> </ul>
Croatia	<p>Age assessment is carried out on the basis of the available data on unaccompanied children, including expert opinions of persons involved in working with the children. If the available data is insufficient, a medical examination shall be carried out with a prior written consent of the child and his/her guardian <i>ad litem</i>.</p>
Cyprus	<p>When the age of a victim is uncertain and there are reasons to believe that the victim is a child, or if that person states that he/she is a minor, article 31(3) of the L.91(I)/2014 provides that the Social Welfare Services ensure that the person presumed to be a child has immediate access to assistance, support and protection.</p> <p>If there are reasonable doubts concerning the age of the minor, the age assessment procedure is activated which includes non-medical and medical examinations for age determination.</p>

Czech Republic	<p>Situation is described in Act on Asylum (No. 325/1999 Coll. §89):</p> <p>(3) If an applicant for international protection is an unaccompanied minor and justified doubts exist with respect to his/her claimed age, a medical examination shall be carried out in order to determine his/her actual age. If such unaccompanied minor refuses the medical examination, the Ministry shall regard him/her as an adult applicant for international protection. If the medical examination for determination of age is inconclusive, the Ministry shall regard such applicant for international protection as an unaccompanied minor.</p> <p>(4) The Ministry shall inform an unaccompanied minor of the option of determining his/her age by medical examination pursuant to subsection 3 in its summons to provide information in support of his/her made application for international protection in his/her mother tongue or a language in which he/she is able to communicate, no later than 15 days from the date of provision of information in support of his/her made application for international protection. In the information, the Ministry shall also specify the manner in which the examination is conducted and shall inform the unaccompanied minor of the potential consequences of suffering the examination and also on the consequences of refusal to suffer a medical examination for assessment of his/her application for international protection.</p> <p>Medical examination is made and the report prepared by the doctor and an anthropologist, the least invasive methods are used.</p>
Denmark	<p>According to the Danish Aliens Act Section 40 c (2), a medical examination may be conducted in order to determine the age of an asylum seeking or migrant child. Both the police and the Danish Immigration Service can decide to initiate such an age determination test.</p>
Finland	<p>According to the Aliens Act (301/2004), it is possible to carry out a medical age assessment to establish the age of an alien applying for a residence permit if there are reasonable grounds for suspecting the reliability of the information the person has given on his or her age. Two experts shall draft a joint statement on the assessment. The most common methods include radiography and teeth and wrist age examinations performed by clinical research.</p> <p>The performance of an examination requires that the person to be tested has given an informed consent in writing of his or her own volition. The written consent of his or her parent or guardian or other legal representative is also required. Before obtaining consent, the applicant and the applicant's parent, guardian or other legal representative shall be given information on the importance of age assessment, the examination methods used, potential health effects, and the consequences of having and of refusing an examination. Anyone who refuses to undergo an examination is treated as an adult if there are no reasonable grounds for refusal.</p>
France	
Georgia	
Germany	<p>An official procedure has been introduced to determine the age of minors. If there are doubts as to whether a refugee is still a minor, a medical/dental test to determine the age of the person in question can be conducted without delay. In accordance with the version of the Asylum Act in force since 5 February 2016, unaccompanied minors under age 14 are now to be photographed. The law also provides for taking the fingerprints of unaccompanied minors who are age 14 or older.</p>
Greece	<p>In case of doubt about the victim's age, if there are reasonable grounds to believe that he/she is under age, the victim is regarded a minor and is granted the provided protection until the age is defined (Law 3875/2010 amending presidential decree 233/2003). The uncertainty over the victim's age does not impede the penal process (Law 3625/2007, article 5, as amended). Thus far there are two occasions where the legal regulations explicitly foresee a procedure of age assessment, with regard to a) third country nationals or stateless persons detected and registered by the First Reception Service (Orestiada, Leros, Chios, Samos, Lesvos, Kos) and b) asylum seekers. In the first occasion, under article 6 of the 92490/29.10.2013 Ministerial Decision, age assessment will be carried out during first reception. In cases where there is justified doubt over a person's age the examination is conducted by the medical and psychosocial support unit inside first reception centres and mobiles units in a gender and cultural sensitive manner, with respect to the best interests of the child and after the person has been informed in a language that he/she understands. Firstly, a paediatrician examines the person; if he/she cannot draw any safe conclusions then an assessment of cognitive function and perception, behaviour and psychosocial development is conducted. If age assessment is still not possible, then as a last resort the person is referred to a public hospital for specialized examinations. In the second occasion, according to article 6 of 1982/16.02.2016 ministerial decision, at any time during the asylum procedure of an applicant, for whom there is doubt about his/her age, the person is referred to a public health clinic where a paediatrician, psychologist and social worker are available to conduct the relevant examinations. If no safe conclusion can be drawn then the person is considered a minor.</p>

Hungary	<p>If the migrant children is not able to prove he/she is a minor with an original document, and the immigration authority has reasons to question this, a preliminary age assessment examination may be carried out by a doctor (only with the consent of the minor. If the consent is not given and the age-test is not done, then respective favourable provisions which otherwise would be applied to minors shall not apply) If, after the medical examination, the age of the person in question still cannot be determined, the immigration authority applies the benefit of the doubt in favour of such person, thus the person in question shall be regarded as a minor and the more favourable rules shall be applied.</p> <p>If the preliminary age assessment examination finds the examined person to be above 18, he/she shall be treated as an adult until he/she is proven to be a minor. (Section 44 of Act on Asylum).</p> <p>Age assessing methods used by medical experts include the following:</p> <ul style="list-style-type: none"> <li>- testing the physical well-being of the person and consisting of general internal medicine and anthropometry examinations;</li> <li>- general dental examination and dental scanning;</li> <li>- X-ray examination of the carpal bones, wrists joints.</li> </ul> <p>If the person concerned disputes the outcome of the examination, he/she may request the asylum authority to assign another expert.</p> <p>See the reply given by Hungary, pp.24-25, for details.</p>
Iceland	The Directorate of Immigration may decide on an age assessment which then is conducted by a dentist who is specialised in dental age assessment. No one is coerced to undergo such a procedure.
Italy	
Latvia	In case of doubt on the person's age, the State Border Guard official has the right with the person's parents or guardian's agreement to designate a medical examination for age determination. If after the medical examination for age determination the State Border Guard official still has doubt regarding the asylum seeker's age, the person who claims to be a minor shall be treated as such during the application process.
Liechtenstein	In case of doubt, the age may be determined with scientific tests, psychological assessment as well as interviews by the Asylum Division of the Migration and Passport Office.
Lithuania	<p>According to the order of unaccompanied minors in Lithuania who are not asylum seekers, age determination, accommodation and other procedural steps and the services they supply, providing age assessment procedure for the child which age is unknown.</p> <p>During the procedure of applying for asylum, unaccompanied minors live in Refugees' Reception Centre in Rukla. Sometimes the age of a minor is not known and he/she is temporary, till establishing that asylum seeker is below 18 years old, accommodated in the Foreigners' Registration Centre which is not suitable for children.</p> <p>On 20 October 2015 the Parliament of Lithuania adopted Law on Fundamentals of the Protection of the Rights of the Child No. XII-1965 with the provisions which determine that when the age of a victim of sexual exploitation and sexual abuse is uncertain and there are reasons to believe he/she is a child, the protection and assistance measures provided for children shall be accorded to him or her pending verification of his or her age.</p>
Luxembourg	The applicant is invited to go to the hospital in order to undergo X-rays. Skeletal age is determined from the development stage of bones. First of all, a wrist X-ray is carried out and if the bones maturation is noticed, then 2 other X-ray pictures will be done: collar bone X-ray and a dental X-ray (orthopantomogram). Besides, a medical expert examines physically the applicant, and issues a medical report stating an estimation of the age of the applicant.
Malta	In cases where age is in doubt, a psycho-social approach is adopted to determine age. Medical tests may be used but only as a last resort.
Republic of Moldova	
Monaco	

Montenegro	<p>Foreign nationals generally do not have identification documents. The identification is made even more difficult by the lack of prescribed procedures and/or protocols for assessing the age of the minor.</p> <p>The practice so far, is that the police officers, in most cases, respected the testimony of minors: in cases where it is not possible to determine their exact age, the police accepts as valid the information that is communicated by the minor.</p> <p>Identification and determination of the age of a minor is done with full respect of the right to human dignity and integrity of the child, it does not approve inappropriate and intrusive nature of the medical techniques for age estimation, and the controversial nature and large deviations of some methods based on skeletal maturity or teeth mineralization.</p>
Netherlands	<p>The age of possible victims is determined in the following manner: if an unaccompanied minor has no documents to prove its age, the IND, together with the Marrechausse/Police, can carry out a visual inspection. They might conclude to follow the minor in its declared age (minor); or they might conclude majority and offer the possibility to the minor to determine its age. This means undergoing a radiological examination (photo of wrist and if necessary of the collar bones). If the unaccompanied minor refuses such an examination, than the IND will conclude majority.</p> <p>Legal provisions of age assessment are laid down in the Aliens Act Implementation Guidelines. Age assessment is possible since 1999. In addition, the Asylum Procedures directive states that Member States are expected to assume minority if doubts about the age of the applicant remain after the examination.</p>
Poland	<p>In case of doubts about the age of the child, it is recommended to perform medical research, especially general examination, left wrist X-ray and dental examination. This kind of examination can be performed only with the permission of the child's guardian. All information about the method of examination, consequences of refusal and results of examination are communicated in the mother tongue of the victim. Presumption of minority applies until the results of examination are obtained.</p>
Portugal	<p>To determine the age of unaccompanied minors, the Immigration and Border Service (SEF) can resort to medical expertise, through non-invasive examination (dental and wrist x-rays), assuming that the applicant is minor if founded doubts remain.</p>
Romania	<p>In those cases unaccompanied minors must be informed that their age will be determined through a forensic examination. The respective representative should give consent for that purpose. The refusal to conduct expert examination does not determine the rejection of the application for international protection.</p>
Russian Federation	<p>In the asylum procedure benefit of doubt is a guiding principle for cases where there is a doubt on the age of the applicant.</p>
San Marino	<p>The age of victims is identified on basis of their current documents, medical records, the evidence of the parents and accompanying persons, official databases.</p>
Serbia	
Slovak Republic	<p>The police department is authorized to initiate a medical examination to determine the age of an unaccompanied minor in case of doubt. The result of the medical examination is drawn up by a doctor as an expert opinion. If the result of the medical examination is not sufficient enough to determine whether the person is an adult or a minor, the person is deemed a minor in further proceedings. Provided the person in question refuses to undergo a medical examination, he/she is considered an adult for the purposes of further proceedings (Aliens Act no. 48/2002 Coll).</p>
Slovenia	<p>The minor as well as his/her legal guardian is issued a written notice in a language they understand, on the possibility of age determination. Notice contains essential information about the mode of examination and on the consequences of the established age as well the consequences of the rejection of examination.</p> <p>If the doubt regarding the age of the minor arises, competent authority can order expert medical opinion to determine the age. Examination in order to determine the age can be performed only in accord with the minor. If the minor refuses the examination without any reasonable argumentation, he/she shall be presumed adult. If, after the completion of medical examination, there is still doubt on the age of the minor, he/she shall be presumed a minor.</p> <p>Decision on the rejection of the request of a minor for international protection shall not be based solely on the fact that the minor has refused the examination to determine his/her age (International Protection Act).</p>



Spain	<p>"In the event that the State Security Forces locate an undocumented foreigner for whom it cannot be firmly established that they are a minor, they will give them, by way of social services trained in the protection of minors, the immediate attention they need, in accordance with the established legislation on the legal protection of minors. They will immediately alert the Public Prosecutor's Office, who will provide age assessment, for which appropriate health institutions will conduct any necessary tests with priority." (Article 35.3 of Organic Act 4/2000 on the Rights and Freedoms of Foreigners in Spain and their Social Integration).</p> <p>The procedure to assess the age involves medical examinations conducted by specialised medical professionals. Prior to rendering her/his consent, the minor is informed by the police officer and the professional about the scope and the nature of the tests respectively.</p> <p>Organic Act 4/2000 and the Framework Protocol on unaccompanied minors provide that, in case of doubt, a child's age must be assessed by several medical examinations. In theory, the whole procedure consists on the aforementioned examinations and an individual interview conducted by the competent Public Prosecutor. The Public Prosecutor's Office is responsible for the whole procedure and the determination of the age in the light of the results.</p> <p>Among others, the age assessment procedure is considered to be problematic for the following reasons:</p> <ul style="list-style-type: none"> <li>- Various health institutions have stated that the results of the procedure are not sufficiently concluding and accurate. To the contrary, these medical examinations present a significant margin of error (GARAMENDI GONZÁLEZ, Pedro M.; BANON GONZÁLEZ, Rafael; PUJOL ROBINAT, Amadeo; AGUADO BUSTOS, Fernando F.; LANDA TABUJO, María Irene; PRIETO CARRERO, José Luis y SERRULLA RECH, Fernando, Recommendations on the methods for assessing the forensic age of unaccompanied foreign minors. Good practice Consensus Document by the Legal Medicine Institutes of SPAIN (2010), Revista Española de Medicina Legal. 2011; 37(1): páginas 22-29; accessed by November 14th 2016). Thus, it is likely that some children are considered to be over 18 years old and excluded from the child protection system due to the lack of accuracy of this age assessment procedure. In some cases, these children/teenagers end up in detention centres for adult migrants or are removed to their countries of origin without an individual assessment of their situation. In addition, these medical examinations are considered to be highly intrusive and harmful for the child's psychological integrity. In some cases, the age assessment procedure may be repeated several times during the child's stay in Spanish territory.</li> <li>- Even though Organic Act 4/2000 establishes the age assessment procedure for those cases in which the age of the child cannot be determined with certainty, the procedure is being carried out systematically by the Public Prosecutor's offices. Children carrying an official passport or being capable to obtain it also undergo the aforementioned medical examinations. The Spanish Supreme Court has prohibited implementing the age assessment procedure indiscriminately (Supreme Court's judgment num. 452/2014. September 24th, 2014) but it is still being applied this way so far.</li> <li>- Thirdly, some bad practices regarding the implementation of the age assessment procedure have been detected. In general, the procedure is not carried out with sufficient guarantees and according to the best interest of the child principle. Frequently, there is no presence of an interpreter to obtain an informed consent by the child. In addition, the procedure or the results are often not duly notified to a lawyer or a specialised NGO that could assist the child.</li> </ul>
Spain Replies sent by SICAR.cat Programme, Catalan section of Adoratrices	<p>If an asylum-seeker, adult or minor, does not have any identification documents to prove his or her age the staff must have a conversation with the person about how old s/he is. The case officer at the Swedish Migration Agency will currently inform the person about the option to go to a doctor and do a medical age assessment (in practice a wrist or dental X-ray). The doctor will then estimate the person's approximate age. The medical assessment is voluntary. The Swedish Migration Agency can change its assessment of the person's age if the person submits approved identification documents or shows how old the person is in some other way.</p> <p>The procedures on age assessment are currently under review: The National Board of Forensic Medicine will review methods for age assessment and will be studying how the neighbouring Nordic countries and some other EU countries, working with medical age assessments. By 15 November 2016, the National Board of Forensic Medicine will report for the government, among other things how medical age assessments are made.</p> <p>Application of the "firm body of evidence principle": a method of evaluating the plausibility of the alleged minor status of an applicant claiming to be an unaccompanied minor. Overall assessment of the evidence both for and against the declared age: authentic identity documents (strong evidence), assessment of the statements relating to the age claimed (strong evidence), assessment of the statements concerning the reasons for the non-production of identity documents (strong evidence), assessment of the result of a basic bone X-ray (weak evidence) and assessment of the physical appearance of the applicant (very weak evidence). The evaluation of the minor status of an applicant without any valid identity document is carried out if any doubts arise immediately at the time of the submission of the application. Where minor status is visibly credible, investigations are not appropriate. The scientific method known as the "four pillar" approach (morphological examination, bone X-ray of the wrist, dental status and tomography of the clavicle) is an alternative way of assessing minor status. However, case law does not attach greater value to this approach than to the basic bone X-ray. When the alleged minor status is not plausible in the light of the firm body of evidence principle, a right to be heard is given to the applicant, who may submit identity documents or evidence at any time in support of his or her allegations. The applicant may also challenge the conclusions of the authority in an appeal against the final decision. Where uncertainty remains, the applicant is given the benefit of the doubt.</p>
Sweden	<p>The procedures on age assessment are currently under review: The National Board of Forensic Medicine will review methods for age assessment and will be studying how the neighbouring Nordic countries and some other EU countries, working with medical age assessments. By 15 November 2016, the National Board of Forensic Medicine will report for the government, among other things how medical age assessments are made.</p> <p>Application of the "firm body of evidence principle": a method of evaluating the plausibility of the alleged minor status of an applicant claiming to be an unaccompanied minor. Overall assessment of the evidence both for and against the declared age: authentic identity documents (strong evidence), assessment of the statements relating to the age claimed (strong evidence), assessment of the statements concerning the reasons for the non-production of identity documents (strong evidence), assessment of the result of a basic bone X-ray (weak evidence) and assessment of the physical appearance of the applicant (very weak evidence). The evaluation of the minor status of an applicant without any valid identity document is carried out if any doubts arise immediately at the time of the submission of the application. Where minor status is visibly credible, investigations are not appropriate. The scientific method known as the "four pillar" approach (morphological examination, bone X-ray of the wrist, dental status and tomography of the clavicle) is an alternative way of assessing minor status. However, case law does not attach greater value to this approach than to the basic bone X-ray. When the alleged minor status is not plausible in the light of the firm body of evidence principle, a right to be heard is given to the applicant, who may submit identity documents or evidence at any time in support of his or her allegations. The applicant may also challenge the conclusions of the authority in an appeal against the final decision. Where uncertainty remains, the applicant is given the benefit of the doubt.</p>
Switzerland	<p>The procedures on age assessment are currently under review: The National Board of Forensic Medicine will review methods for age assessment and will be studying how the neighbouring Nordic countries and some other EU countries, working with medical age assessments. By 15 November 2016, the National Board of Forensic Medicine will report for the government, among other things how medical age assessments are made.</p> <p>Application of the "firm body of evidence principle": a method of evaluating the plausibility of the alleged minor status of an applicant claiming to be an unaccompanied minor. Overall assessment of the evidence both for and against the declared age: authentic identity documents (strong evidence), assessment of the statements relating to the age claimed (strong evidence), assessment of the statements concerning the reasons for the non-production of identity documents (strong evidence), assessment of the result of a basic bone X-ray (weak evidence) and assessment of the physical appearance of the applicant (very weak evidence). The evaluation of the minor status of an applicant without any valid identity document is carried out if any doubts arise immediately at the time of the submission of the application. Where minor status is visibly credible, investigations are not appropriate. The scientific method known as the "four pillar" approach (morphological examination, bone X-ray of the wrist, dental status and tomography of the clavicle) is an alternative way of assessing minor status. However, case law does not attach greater value to this approach than to the basic bone X-ray. When the alleged minor status is not plausible in the light of the firm body of evidence principle, a right to be heard is given to the applicant, who may submit identity documents or evidence at any time in support of his or her allegations. The applicant may also challenge the conclusions of the authority in an appeal against the final decision. Where uncertainty remains, the applicant is given the benefit of the doubt.</p>

"The former Yugoslav Republic of Macedonia"	Under the Standard Operating Procedures (SOP) for unaccompanied foreign children, the assessment of the age of an unaccompanied foreign child that does not possess identification documents is a key question that should be answered through an interview because the child's status and the future actions that need to be taken depend on it. If, during age assessment, the guardian and the professional team have a dilemma about whether the person is a child or an adult, in accordance with the best interests of the child, it is always assumed that the person is a child until proven otherwise.
Turkey	In the event that there is a doubt about the age of a victim of a crime, courts can order accomplishment of a medical expertise based on scientific methods. Nevertheless, even a victim cannot prove his or her age, if there is possibility that he- or she can be minor, he or she will be protected as a minor by courts and administrative authorities.
Ukraine	
<b>Other States and Other Stakeholders</b>	
Armenia Replies sent by the Police and State Migration Service	
Armenia Replies sent by UNHCR Armenia	There is no legal basis for the age determination of refugee and asylum-seeking children and in practice there have been no cases where any age determination process was tested or applied. In the past five years, the State Migration Service has identified and processed only one unaccompanied minor. In that case, the obstacle was to engage the local Guardianship and Trustee Commission and an age assessment was not made.
Azerbaijan	
Estonia	
Ireland	
Norway	The age assessment procedures consist of medical age assessment, observations of the minor through the asylum process and other information such as ID documents. The medical age assessment consists of dental examination with x-ray, radiological examination of left wrist and a conclusion on age made by a paediatrician.
United Kingdom	



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