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## LANZAROTE CONVENTION

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

### FOCUSED QUESTIONNAIRE

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

### AUSTRIA

(Replies sent by the State)

Replies registered by the Secretariat on 15 September 2016

## DATA (Lanzarote Convention, Chapter III)

- 1) How many migrant and asylum-seeking children (accompanied and unaccompanied)<sup>1</sup> are in your country as a result of the refugee crisis?
- a) Please provide estimates, if exact data is not available, for the period between 1 July 2015 and 30 June 2016,<sup>2</sup> and specify how many of these children are victims or presumed victims of sexual exploitation and sexual abuse;
- 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) und 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) und 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) und Syria (14). Of the second group the top three countries were Afghanistan (1.596), Somalia (254) and Pakistan (196).

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. Therefore there is 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.

- b) 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;

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<sup>1</sup> 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.

<sup>2</sup> If figures for this period are not available, please provide the most recent annual data.

Upon arrival, asylum seekers are required to take part in an initial interviewing process consisting of three separate conversations. In this procedure the topic sexual violence is discussed likewise. 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.

Thereby it has to be noted that asylum seekers often do not make reports about cases of sexual violence, this can mainly be reasoned out 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 center, 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.

In case of doubting the age of asylum seekers the Federal Office for Immigration and Asylum will arrange an age assessment procedure. This procedure 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 ongoing asylum procedure of the individual.

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. In some cases the sexual violence was the reason for a police operation. 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).

- c) 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;

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.

- d) Identify the institution(s) responsible for the collection of above data.

The data above was collected by the Federal Ministry of the Interior.

PREVENTION (Lanzarote Convention, Chapter II)

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

Austria is a Federal State. Once registered by federal agencies, asylum seekers are handed over to the regions ("*Länder*").

There are minimum standards for the primary care of asylum seekers throughout the whole of Austria:

- Single women and their children must not be accommodated in the same room with men who they are not related with.
- Every room has to be lockable.
- Regional and general emergency numbers have to be displayed in the facility in a language the residents understand.
- There is a telephone round-the-clock emergency service for emergencies that is available to all residents.
- If there are 50 or more residents in a facility, an employee from the organisation that runs the facility has to be present round-the-clock.

Apart from that, the regions have developed the following strategies:

The Municipality of Vienna offers information modules or welcome workshops, which also contain modules for unaccompanied minor refugees and refugee families, for the purposes of an integral integration from the first day on. The latter also contain modules on youth protection, children's rights, health, as well as questions regarding sexuality. From the perspective of MA 11 (= the municipal department no 11 which is responsible for families and youth), these modules have proven effective and fulfil a preventive function with regard to the objectives of the Lanzarote Convention. At the same time, the MA 11 has been organising programmes, working groups and further training programmes already for a long time in order to be able to identify victims of child trafficking and sexual exploitation in a timely manner and to offer them appropriate support measures. In this context, the Special Crisis Centre of MA 11 ("*Drehscheibe*") for unaccompanied minors and those affected by forms of trafficking in human beings is of particular importance.

Unaccompanied minor refugees are particularly in danger of becoming victims of sexual abuse and exploitation. Therefore the following prevention measures are foreseen for this group:

- Around the clock care in specialised flat-sharing communities,
- Surveillance of the care quality by the MA 11,
- Socio-pedagogical support, including sex education, prevention of violence, gender-conscious pedagogy,
- Native speakers,
- Complaint management for the minors.
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For minor refugees in a family association there are the following prevention measures:

- House Rules, available in different languages, have to be signed by the refugees,
- Visitors are not permitted between 22 and 6 o'clock,
- Information of the police in case of threatened violence and banning the perpetrator from the facility,

- Information evenings every two weeks (interpreters are present) where the house rules are discussed.

In Lower Austria, unaccompanied minors are accommodated in special facilities with educational care, separated from adult foreigners. Exceptions are made for relatives. Asylum seekers under the age of 14 years are taken care of in special facilities for that age group. Currently there are 38 accommodations for unaccompanied minor foreigners in Lower Austria. The facilities are run by NGOs and regularly visited by the organisations in charge of the care of the minors. In this context it is also possible to have a separate one-on-one conversation on the prevention of sexual offences.

The organisations are obliged to offer a daily structure (e.g. German courses, where possible integration in local schools, labour market). This dense support network allows to react immediately to sudden changes in behaviour of a minor or other abnormalities. If an organisation reports such changes, a psychologist is involved.

In Upper Austria, unaccompanied minor foreigners are taken care of in specialised facilities. The personnel is trained in enlightening children and adolescents in matters of sexuality, sexual abuse, exploitation and violence. The aim is to strengthen the empathy and the capacity to resolve conflicts constructively and without violence. In every facility there is a psychologist trained in noticing changes in behaviour. Minors can turn to them to tell them whatever experience. There are regular events to sensitize the caretakers. The topic "sexuality" was last dealt with on 24 May 2016.

Minors that are accompanied by their parents, are taken care of by their parents. The facilities must have lockable rooms, separate bed rooms (except for families), lockable shower and toilet facilities, separate shower and toilet facilities for men and women (except for families). There is also one facility for female refugees. A further facility for women and their children is planned. In case of observed/assumed sexual offences, the caretakers have to inform the victims about their possibilities, the child and youth welfare authority and the asylum department at the regional government. On 12 July 2016 the topic "sexuality and dealing with the opposite sex" was discussed at an event for private facility providers.

In Salzburg, asylum seekers are residing in different types of accommodation, being closely supported and monitored by public administration staff and contracted social workers. Unaccompanied under age asylum seekers are residing in specialised accommodation for minors only and are supported by staff having a special eye on their needs. However, the staff does not undergo any special training regarding sexual abuse as this is a core part of the education and training at the local University of Applied Science from which the majority of staff has received their education. In case of an immediate threat by other minors living in the same accommodation or in other similar scenarios, the state of Salzburg permanently provides several places for under age refugees only.

In Carinthia, accompanied minor refugees live in organised accommodations together with their relatives. Unaccompanied minor refugees are taken care of by the child and youth welfare authorities in specially equipped accommodations with a 24-hour care and socio-pedagogical support. There is a regular exchange between the accommodation

providers, the residents, the caretakers and the authorities involved. The Governor of Carinthia regularly holds asylum summits with the actors involved to discuss current developments, problems and challenges with a view to find quick solutions. The actors involved are well connected with each other and communicate with each other regularly which ensures a preventive cooperation.

In Tirol, there are workshops about sexual integrity and sexual education in the refugee homes. Independent organizations (Ombudsman, child and youth advocate offices Tirol) visit the facilities.

In Vorarlberg, there are currently efforts going on to implement a modular training curriculum. The curriculum is designed for the target group of unaccompanied minor foreigners (UMF). It should also refer to the topic fields trauma, violence and abuse. In the field of the UMF, training on the subject violence and preventing violence takes place constantly. In addition, there is supervision and coaching for employees and values trainings for the UMF with the aim to sensitize all involved parties and bring information and elucidation into the care facility. All professionals employed in the field of the UMF are required to have an education in accordance to the Child and youth care Law (Sec. 36 para 1 KJH-G, LGBl.Nr. 29/2013).

Unaccompanied minor refugees are accommodated in facilities adapted to their needs and are looked after by skilled employees.

- a) Highlight in particular the measures (e.g. awareness raising material, specialised training, screening of professionals, etc.) which have proven to be effective;

Special workshops for children and adolescents on the mentioned topics take place regularly. The offered workshops are especially dedicated to raise awareness around sexual violence issues and also emphasize prevention techniques.

Social workers are thereby trained by clinical and health psychologists through workshops where they learn how signs of abuse can be recognized and the steps which have to be taken in case abuse is occurring.

Particularly during the initial interviewing process asylum-seekers are informed that psychologists are available any time and how to request help if needed.

For children and minors in general, specific buildings are available for a safe housing. Unaccompanied minors are provided a caregiver ('Remuneration-Mother' or 'Remuneration-Father'), who is able to speak their mother tongue. Those caregivers provide supervision and structure for the daily routines of unaccompanied minors. However social workers are still present continually.

In addition to the special support program for minors, a kindergarten with educational staff is available. The team of the "Women's and Families' House" supervises and supports the children intensely – so signs of abuse are recognized promptly and psychologists' support can be requested.

Besides a strong demand-oriented cooperation with youth welfare/child and youth welfare of the district commission Baden has been established.

Officers of the local police check in on the refugees on a regular basis. Awareness raising material has been issued by the Ministry Of Interior in the form of a flyer (see link below) that comes multilingual and also uses illustrations. [http://www.refugee-guide.at/files/Asylwerber-Folder\\_D\\_0715\\_Endfassung.pdf](http://www.refugee-guide.at/files/Asylwerber-Folder_D_0715_Endfassung.pdf)

The mentioned flyers deal with social and cultural interactions including children's special rights and safety. The police also give lectures based on the flyer's content. The Manual „Human Trafficking, Identifying victims in asylum procedures“ developed by IOM (International Organization for Migration) is also used.

- b) 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.

It is important to create a comprehensive awareness of these issues in order to demonstrate that in theory anyone can be affected by this issue and that appropriate precautions or preventive measures are therefore crucial. Staff awareness is undoubtedly of great importance.

To improve cooperation with refugees, the police help them to re-learn to build trust to the police force since many of the refugees have had very bad experience with uniformed forces.

Therefore one big issue in police-related lectures is the characterization of police work in Austria and ground rules of the constitution.

The sensitization, qualification and further education of the expert staff on the side of support should be developed systematically and expanded. The same applies to information, elucidation and transparency of possible aid for the victims.

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

- 3) 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?

In Austria there is a close cooperation between the authorities involved in cases of sexual abuse and sexual exploitation (child and youth welfare authorities, police, public prosecution services, courts, asylum accommodation) and victims' protection organisations.

The police authorities have to inform the child and youth welfare authorities of any case of sexual abuse or sexual exploitation. The police can ban an endangerer from the victim's environment (*„Betretungsverbot“*). This prohibition is automatically forwarded to the violence protection center in the region (Sec. 25 para. 3 Sicherheitspolizeigesetz).



The violence protection center then contacts the victim and offers psychosocial support and legal assistance.

Victims' protection organisations are also involved in planning the necessary measures in a specific case. There are also victims' protection organisations that organise supervision for those dealing with victims. During the refugee crisis they turned to various institutions involved in the work with children, e.g. the Red Cross.

If there are signs and notices regarding sexual violence or abuse of a child, a hazard evaluation and risk assessment has to be performed by the child and youth welfare authorities (based on the Child and youth care Law, Sec. 22 B-KJHG). When the hazard evaluation results in a risk for the concerned child, appropriate protective measures have to be taken (Sec. 26 B-KJHG).

During the care, restrictions can be applied and control agreements with the parents of the children can be made. If the agreement is not complied with, an application for the transfer of custody to the competent court is made. There is no difference between children seeking asylum or entitled to asylum on the one hand and children with Austrian or EU-citizenship on the other hand.

Victims can be transferred to another facility, even in another province (for example with information block in the population register). In this case it is important to find a facility that is suitable concerning the origin of the victims.

The specific challenges in dealing with minor refugees as victims of violence and abuse were also discussed at the interministerial working group on assistance in proceedings ("*IMAG Prozessbegleitung*") on 15 September 2016 under the leadership of the Federal Ministry of Families and Youth with participation of the Federal Ministry of Justice, the Federal Ministry of Education and Women and numerous victims' support organisations. In addition, the regions have developed the following approaches:

In Vienna, the MA 11 set up a Coordination Unit in autumn 2015 in order to provide targeted care services to children, particularly unaccompanied minor refugees who fled to Austria. In cooperation with other departments of the Municipality of Vienna (particularly the *Fonds Soziales Wien*), a series of care instruments have been installed so as to offer them sufficient protection as well as good integration possibilities.

Consequently, unaccompanied minor refugees receive care in socio-pedagogical flat-sharing communities according to the standards of the Vienna Child and Youth Services Act 2013 or alternatively, by specially trained foster or host parents. Furthermore, work priorities relating to risk assessment, the exercise of child custody and asylum representation have been defined.

The employees of MA 11 have undergone training in special training programmes for the care of refugee children (with special emphasis having been placed on issues such as dealing with traumas, intercultural problems, recognising exploitation or sexual abuse and similar issues). Moreover, the Municipality of Vienna is operating a specialised Crisis Centre ("*Drehscheibe*") for unaccompanied minors and those who are affected by forms

of human trafficking. This Centre collaborates with different associations and organisations specialised in these areas (such as the NGO for victims of trafficking in human beings (LEFÖ Association) or the International Organisation for Migration, for example). On top of that, the scope of interpretation services has been significantly extended (in this context, a video interpretation programme for crisis situations has proven particularly successful).

The psychological services offered by MA 11 have developed trauma-pedagogical tools for the care of refugee children (for example, see: [https://www.youtube.com/channel/UCf4ArRYBA2ecLVrOo8Z6\\_Ug](https://www.youtube.com/channel/UCf4ArRYBA2ecLVrOo8Z6_Ug)), and the employees of MA 11 have undergone extensive training in the use of the latter. Furthermore, the Municipality of Vienna is operating socio-pedagogical institutions for the care of heavily traumatised refugee children, and also the scope of psychotherapeutic and psychological treatment offers has been significantly extended.

Moreover, the employees of MA 11 have been particularly trained in the use of victim protection instruments provided for by Austrian legislation (for example, within the framework of the Code of Criminal Procedures or the asylum proceedings).

In Lower Austria, there is no coordinated child protection approach, but the specific needs of the migrant and asylum seeking children are individually considered. Lower Austria accommodates and cares for the unaccompanied minors in special facilities separated from adult asylum seekers resp. in specialised facilities or suitable private care persons (caregivers). Psychotherapy is available.

In Upper Austria, in case of violence, sexual abuse or sexual exploitation, victims can be transferred to another facility, even in another province. The perpetrator is transferred to another facility in case he/she was not already put in pre-trial-detention or prohibited to enter the premises by the police. In case of criminal offences within the family victims are encouraged to report the crime to the police. If the victim does not report the crime to the police, the facility provider is requested to either report the crime or consult a doctor.

In Vorarlberg, unaccompanied minor foreigners are mostly accommodated in child and youth facilities. The examination of the necessary measures is carried out in individual cases. It's being attempted to offer all the young people language courses in the facilities. The duration, quality and intensity of these courses vary. Children of compulsory school age will be incorporated into the regular school system.

During the asylum seeking process the children are represented by an authorized agency up to the end of the procedure or to the age of majority.

The children have the opportunity to make use of specialized medical assistance (also psychological help) in acute crisis (self-endangering and foreign danger) during the procedure for seeking asylum. Therefore there is a cooperation between the Child and youth care facilities and a certain hospital. Additional therapeutical accompaniments can be granted only in justified cases and after previous financial clarification.

These offers are also available after the positive end of the procedure for seeking asylum.

It's being attempted not to accommodate the minor unaccompanied girls in a large quartier. In other experiences of abuse (perpetrator outside of the facility) there is a cooperation with the victim protection and the police.

- a) 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;

Generally, the Child and Youth Welfare Authorities are entrusted with the custody for unaccompanied minor migrants and asylum seeking children and it caters for the children's specific needs.

Asylum seekers are informed that psychological support is available in order to work on their specific needs as victims. Furthermore interpreters are available for the meetings between psychologists and asylum seekers. Additional health practitioners and services are available when needed. Thereby the offered separated housing in designated buildings contributes to the atmosphere of protection for children. The offering of a complete daily activity schedule and care program should moreover be promoting the "healing process" of past experiences. If assessed helpful to concerned minors, switching to another reception center will be enabled.

Unaccompanied alleged minors who are migrants or asylum seekers are specifically protected by procedural provisions in the asylum proceedings: After lodging an application minors are represented ex officio by legal advisors during the asylum procedures. Once their application is admitted, the locally responsible youth welfare service becomes the legal representative. During all procedures unaccompanied alleged minors receive a needs based shelter, adequate care and practical provisions (e.g. trainings).

Two projects can be mentioned in this context:

- Trainings of Federal Office for Asylum and Immigration in cooperation with UNHCR (Project "Bridge")

Currently these trainings concerning adequate dealings with traumatized and vulnerable applicants (including unaccompanied minors) are in the preparation stage. The overall project is planned until 2019 and it will involve the Federal Office for Asylum and Immigration (BFA), the Federal Administrative Court (BVwG), the Constitutional Tribunal (VfGH) and the Higher Administrative Court (VwGH) and specifically involved interpreters.

- Trainings for the identification of victims of THB in asylum procedures (Project „IBEMA“)

This currently running project (planned duration until 2019) is a cooperation among UNHCR, IOM, the Federal Criminal Police Office, the Federal Ministry of the Interior and the BFA. Its main focus lies in extensive trainings in order to raise awareness for the identification of victims of trafficking of human beings. The target group consists of officials of the Federal Office for Asylum and Immigration, judges at the Federal

Administrative Court who are responsible for asylum cases and legal advisors who are prescribed by law to support asylum seekers. In addition, a corresponding training booklet was developed.

- b) 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);

#### 1. Psychosocial and legal assistance in criminal proceedings

According to para. 66 subpara. 2 Code of Criminal Procedure (CCP), a person who might have been a victim of violence or dangerous threat, whose sexual integrity might have been violated or whose personal dependence might have been violated by a criminal offence (para. 65 subpara. 1 lit. a CCP) is entitled to obtain psychosocial and legal assistance upon request to the extent necessary to safeguard his/her procedural rights in greatest possible consideration of his/her personal involvement. Victims whose sexual integrity might have been violated and who are under 14 years old are granted psychosocial assistance in any case. In case of physical and sexual violence against children under the age of 18 years the victim's caregivers can also benefit from the psychosocial and legal assistance.

Psychosocial assistance encompasses the victim's preparation with regard to the criminal proceedings and the related emotional burden, and to accompany him or her to hearings as a witness. Legal assistance comprises legal advice and the victim's legal representation during the criminal proceedings, both provided by a lawyer.

In case the victim does not speak German, an interpreter will take part in the meetings between the victim and the psychosocial or legal assistance.

There is a difference between group 1 and 2 insofar as psychosocial and legal assistance in criminal proceedings can basically only be granted for criminal proceedings in Austria. Criminal proceedings are conducted in Austria when the crime was committed in Austria (territoriality principle) or on board of an Austrian ship or aircraft, no matter where it is located (flag principle). Besides the provisions on extraterritorial jurisdiction have to mentioned:

According to Section 64 para. 1 subpara. 4a of Criminal Code (CC) the provisions of Austrian law, regardless of the provisions of the law in the territory in which the offence has been committed, also apply to criminal offences which have been committed abroad, if they constitute, genital mutilation within the meaning of § 90 para. 3, kidnapping for ransom (§ 102), transfer to a foreign power (§ 103), slave trade [slavery] (§ 104), trafficking in persons (§ 104a), serious coercion under § 106 para. 1 subpara. 3, forced marriage (§ 106a), illegal adoption placements (§ 194), rape (§ 201), sexual coercion (§ 202), sexual exploitation of a vulnerable or mentally impaired person (§ 205), serious sexual exploitation of a person under the age of 14 (§ 206), sexual exploitation of a person under the age of 14 (§ 207), pornographic depiction of a minor under § 207a paras. 1 and 2, sexual exploitation of a person under the age of 16 (§ 207b), abuse of a

position of authority under § 212 para. 1, procuring engagement in prostitution and pornographic performances by a minor (§ 215a), transnational prostitution trade (§ 217) and

1. either the perpetrator or the victim is an Austrian national or has his/her habitual residence in Austria, or
2. the offence impairs other Austrian interests or
3. the perpetrator was an alien at the time the offence was committed, is staying in Austria and cannot be extradited.

As far as Austrian jurisdiction is not already established on ground of the aforementioned provisions, the general provisions of Section 65 of the CC may also apply (in case of offences committed abroad). Under this provision, Austrian nationals as well as foreign nationals caught in Austria who cannot be extradited on other ground than the character of their offence, are subject to Austrian jurisdiction also for offences committed abroad, provided that the principle of double criminality applies.

## 2. Psychosocial assistance in civil proceedings

Criminal proceedings against a victim's offender are often accompanied or followed by other civil proceedings and lawsuits, such as actions for asserting financial claims. According to section 73b of the Austrian Code of Civil Procedure a victim (as defined by section 65 subsection 1 lit. a of the Austrian Code of Criminal Procedure can request psychosocial assistance for civil proceedings related to criminal proceedings, to the extent necessary to ensure their procedural rights in greatest possible consideration of their personal involvement. According to section 7 of the Austrian Non-Contentious Proceedings Law (Außerstreitgesetz), this provision also applies to non-contentious proceedings (proceedings before civil law courts concerning legal matters such as guardianship, right of contact and of access, child support or adoption).

3. Victims' protection organisations help victims to request interim injunctions against the perpetrator.

## 4. Asylum seekers

The above-mentioned measures (cf. question 3a, e.g. psychological support, awareness workshops, etc.) are the services provided that allow for the protection of the children and also show the person concerned actions to seek redress. A distinction between Group 1 and Group 2 has not yet been encountered.

- c) 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.

## 1. Confidentiality

Due to the obligation to confidentiality, doctors' and psychologists' data/contents of meetings cannot be given to other parties. In general, it can be said that cultural differences and language barriers occasionally constitute a challenge. However the use of same-gender, native language speaking social workers is crucial in this regard.

## 2. Interpretation:

Interpreters have to be able to detect cultural and religious differences. They give important background information on the cultural habits of the victims' country of origin. However, there is a lack of interpreters for rare languages.

## 3. Taboos:

Sexual abuse and exploitation is a very delicate topic as this matter is a taboo in most of the victims' countries of origin. Especially sexual violence against women and girls is very difficult to detect because victims are ashamed. Children need to feel trust in order to be able to talk about sexual exploitation and abuse, especially if the offences are committed by a parent, a family member or a person the victim is dependent on. The fact that an interpreter has to be present makes it more difficult to establish a relationship of trust and therefore does not encourage children to talk about these events. Non verbal information material (cf. [www.zartbitter.de](http://www.zartbitter.de)) is crucial in order to build trust. Sometimes sexual violence is pushed into the background because of multiple war traumata and existential fears.

Therefore the extent of these criminal offences will probably only become known in the future when the persons concerned have gained the necessary internal and external certainty to talk about their experiences.

## 4. Difficulties of victims with involved agencies:

Due to the situation in some countries of origin it can be difficult for victims to distinguish between the authorities and the victims' protection organisations. For example, it turned out to be difficult for an NGO to explain their obligation to secrecy. Victims are often afraid of the police due to their experiences in the country of origin. They are also afraid because they do not know the laws in Austria, therefore information is vital to diminish their fears.

## 5. Different legal systems:

In one case reported by an NGO, the victim was a 12-year-old girl who came to Austria with her parents and her fiancé. The officers at the Asylum Center found out that the girl had sexual intercourse with her fiancé. Since sexual intercourse with a person under 14 years of age is a criminal offence in Austria, therefore a notification to the public prosecution service was filed. The family was referred to a victim protection organisation. It was a challenge to convince the family of the importance of child protection. For them being helped mainly meant to receive accommodation, food, clothes and obtain money for travel-expenses and education for their daughter. They were not able or willing to understand that the fiancé had committed sexual abuse. They

argued to be happy that they had been able to engage their daughter as she had been raped in the country of origin.

#### 6. Treatment:

In Austria there are relatively few psychotherapists who have enough experience in dealing with war traumata. There is a long waiting list for traumapsychological treatment due to the lack of native speaking psychologists/psychotherapists and sensitized interpreters.

#### 7. Training:

There are more intensive trainings and information for the employees of the care facilities required, which deal with the subject attitude and dealing with sexuality (See Ad 2 and 2a). In case of sexual violence, the care facilities should also be informed more intensively how to proceed in such cases and which standards are to be applied.

### COOPERATION (Lanzarote Convention, Chapter IX)

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

- a) Preventing and combating sexual exploitation and sexual abuse of children affected by the refugee crisis;

Both the Federal Ministry of Interior and the Federal Ministry of Justice are represented in the European Crime Prevention Network (EUCPN), where knowledge and best practices in preventing crime and increasing safety and security in EU Member States are shared and disseminated.

The Federal Ministry of Interior has 18 liaison officers, amongst others in Hungary, Albania, Georgia, Russian Federation, Ukraine, Moldova, Bosnia and Herzegovina who are especially valuable in cases with a cross-border-dimension.

- b) Protecting and providing assistance to victims;

There has not been a case of cooperation with other Parties to the Lanzarote Convention for the purpose of protecting and providing assistance to victims during the refugee crisis yet.

- c) Investigations or proceedings concerning the offences established in accordance with the Lanzarote Convention.

So far, there has not been a case of sexual abuse or sexual exploitation in the context of the so called "refugee crisis" involving other Parties of the Lanzarote Convention.

Austria is a State Party to the European Convention on Extradition (ETS No. 24) and the European Convention on Mutual Assistance in Criminal Matters (ETS No 30). In relation to other EU-Member States, Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States

and the Convention, established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union of May 29th, 2000 applies.

#### ANY OTHER ADDITIONAL INFORMATION

- 5) 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 and in guaranteeing their human dignity and physical and psychological integrity.

n.a.