



T-ES(2016)RFG-DEN

## 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

### DENMARK

(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;

In 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.

In the period from 1 July 2015 to 30 June 2016, 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 police and prosecution service do not collect data on victims of sexual exploitation and abuse that can be disaggregated by the victims status as an asylum seeker in Denmark.

However, in the specific period July 2015 to 30 June 2016, three minor girls<sup>3</sup> were identified by the Danish authorities (the Danish Immigration Service) as victims of human trafficking forced into prostitution or sexual exploitation. The three girls were unaccompanied asylum seekers.

It is important to emphasize that 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).

- 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;

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. This obligation to identify vulnerable children in need of special support applies to all children regardless of the nature of their special needs. Special centres are provided for unaccompanied minor asylum seekers.

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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.

<sup>3</sup> Statistical data from the Danish Centre against Human Trafficking

The Danish Immigration Service does not collect data on victims of sexual exploitation and sexual abuse.

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.

- 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 Danish Immigration Service does not collect data on victims of sexual exploitation and sexual abuse.

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

The Danish 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.

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

In Denmark, measures to prevent abuse of asylum seeking and migrant children are not limited to cases of sexual exploitation or abuse. Rather, the Danish legislation requires that measures are taken to address the needs of all children in vulnerable situations.

Thus, in accordance with Section 154 of the Social Services Act, any person who learns or becomes aware that a person under the age of 18 is being neglected or abused by his/her parents or other persons involved in his/her upbringing, or is living under conditions endangering his/her health or development, is obliged to notify the local authorities.

In addition, public service providers such as e.g. asylum reception centre staff and professionals associated with asylum centre operators e.g. teachers, health care professionals, social workers etc., are subject to stricter obligations to notify the municipal authorities if they become aware of circumstances that give rise to the presumption that a person under the age of 18 may need special support or may have been exposed to abuse. Public service providers are generally trained in detecting and responding to children in need of special support.

In cases where asylum seeking and migrant children under the Danish Immigration Service's provision are in need of special support – e.g. in case of sexual exploitation or

abuse – the centre operator is obliged to notify the local authorities immediately and in cooperation with the local authorities to initiate the appropriate response.

If a minor is suspected to be a victim of human trafficking, the centre operator will contact the Danish Centre against Human Trafficking who will carry out an initial identification of the victim. The Danish Immigration Service will subsequently make the formal identification and grant Victims of human trafficking-status to the said person who meets the requirements.

Victims of human trafficking (children as well as adults) have access to additional services in terms of extended health care, legal assistance and accommodation arrangements compared to other foreign nationals under the Danish Immigration Service's provision.

Unaccompanied minor asylum seekers who fall under the Danish Immigration Service's provision are, as a general rule, accommodated in special children's centres. The staff of these centres is trained to cater to the specific needs of vulnerable children.

Regarding minor asylum seekers whose application have been denied as well as other minors who are to be returned to their country of origin or former country of residence, the Danish Immigration Service offers assisted voluntary returns. The Danish Immigration Service and the International Organization for Migration operate a joint program on the assisted voluntary return of unaccompanied minors. Unaccompanied minor asylum seekers returning voluntarily under this program are offered re-integration assistance upon arrival to their country of origin or former country of residence.

- 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.

The Danish Immigration Service does not collect data on victims of sexual exploitation and sexual abuse and has no coordinated approach regarding prevention of sexual exploitation and sexual abuse of minor asylum seekers.

#### 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?
  - 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;

Under the Action Plan to Combat Trafficking in Human Beings 2015-2018, the fourth in a series of consecutive action plans, the Danish authorities ensure that national efforts to combat trafficking in human beings continue. The Action Plan also offers a nationwide coordinated effort in offering support to victims of human trafficking.

The Action Plan primarily focuses on the following areas:

1. Preventing trafficking in human beings in Denmark and internationally
2. Victims of trafficking are sought out and identified
3. Victims of trafficking are offered individually tailored and coordinated support
4. Traffickers are prosecuted
5. Partnership and coordination

The Action Plan concerns all individuals currently residing in Denmark as a result of human trafficking and currently subjected to exploitation. The persons eligible for support under this action plan includes men, women and children who have been assessed to be victims of human trafficking either by the Danish Immigration Service or the Danish Centre against Human Trafficking.

There is no coordinated child protection approach between the Danish immigration authorities to cater for the specific needs of minor asylum seekers and other minors who are victims of sexual exploitation and sexual abuse.

However, all minors who fall under the provision of the Danish Immigration Service are provided with appropriate health care and social measures initiated by the asylum reception or accommodation centre operator and/or the local authorities. Health care and social measures may be subject to prior approval by the Danish Immigration Service, but in general minor asylum seekers and other minors under the Danish Immigration Service's provision have access to the same level of support as children residing legally in Denmark.

If the asylum reception or accommodation centre operator or the Immigrations Service is not capable of meeting the needs of the specific child, these authorities may request a professional assessment of the needs and situation of the child from the local authorities (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. The local authority shall submit the case to the Immigration Services and ask for the approval to initiate the needed measures. The same rules and regulations and hence the same possibilities to provide help apply to the asylum-seeking children as to other children residing in Denmark.

Special support and care for children and their parents in Denmark is regulated by the Act on Social Services. The local (municipal) authorities are responsible for social measures and have a general obligation to monitor the living conditions of all children and young people residing within the municipality.

Special support to a child is provided when the local authority considers the child to have special needs. The special needs may arise due to the child having been subject to sexual abuse or exploitation. Pursuant to Danish legislation the municipality is obliged to

provide a child with the needed support in accordance with the best interests of the child. Prior to a decision on the provision of social measures or assistance, the municipality shall have conducted a thorough assessment of the conditions and the needs of the child (child protection examination).

With regard to children who have been subject of sexual abuse or exploitation (or physical abuse) or where suspicion of such abuse exists, the child protection examination 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.

Upon the arrival of an unaccompanied minor in Denmark, a personal representative is appointed in order to serve the minor's interests. The personal representative is appointed as early in the process as possible and prior to any return decision and is engaged with the child throughout the whole process. The appointment ends when the child turns 18 years old. The procedure and appointment of personal representatives is described in the Danish Aliens Act Section 56 a (1).

The personal representative will offer support to the unaccompanied minor during the processing of the case, for example by accompanying the unaccompanied minor during the asylum interview, and will also support the unaccompanied minor on a more personal level. The role of a personal representative is aimed at offering more general support to children including assistance in relation to a decision as to their future.

The personal representative is independent and may not be affiliated with the immigration authorities, and can be a relative or other private individual. There is no specific educational requirement for the representative, but he/she must be suited to act in the best interests of the child.

In case of minors who are victims of trafficking regard must be had to this in the appointment of the personal representative.

- 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);

Reference is made to the remarks above regarding 2.a.

- 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.

The Danish Immigration Service does not collect data on victims of sexual exploitation and sexual abuse and has no coordinated approach to cater for the specific needs of minor asylum seekers and other minors who are victims of sexual exploitation and sexual abuse.

## 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;
  - b) Protecting and providing assistance to victims;
  - c) Investigations or proceedings concerning the offences established in accordance with the Lanzarote Convention.

Police officers, who work with investigations regarding cases of sexual assault against children, must go through a special caseworker training, which gives the police officers the necessary competencies to deal with these cases where children are the victims. Furthermore, the officers who conduct video interviews of children who have been exposed to sexual assault complete a special training regarding video interviewing of children. In this connection, it should be noted that these police officers, before beginning the training for video interviewers, must have completed training in expanded interviewing techniques, given that good interviewing competencies are a prerequisite for becoming a video interviewer. The Danish National Police would also like to note that in 2016 a review and upgrade of these trainings was conducted so that from now on investigators would have an additional competency when dealing with these types of cases.

Sexual assault committed against refugee and migrant children who come to Denmark as a result of the immigrant crisis is being investigated by the Danish Police in the same way as other cases of sexual assault against children. To this extent, if Danish police suspect that refugee and migrant children have been exposed to sexual abuse and/or human trafficking prior to their arrival in Denmark, Danish police will attempt to investigate and solve these cases.

Furthermore, the Danish National Police can inform you that, in general, Danish police cooperate with other countries, including member states who have agreed to the Lanzarote Convention, regarding prevention, investigation and fighting of sexual assault against children in the form of observation, pursuit, arrest and interview to the extent necessary. In concrete cases, Danish police cooperate particularly closely with the EU neighbour countries Sweden and Germany – both of which, like Denmark, have agreed to the Lanzarote Convention – as well as the other Nordic countries Norway, Iceland and Finland. This international police cooperation takes place, in particular, through liaison officers and according to bilateral cooperation agreements.

The Danish National Police's National Centre of Investigation (NCI) is responsible for the overall international police cooperation in this area and has, through this, a close cooperation with relevant police units in other countries, who work to fight trans-border human trafficking and sexual crimes. The participation of Danish police in international cooperation is today primarily rooted in the framework of EU cooperation, including Eurojust, EUROPOL, Frontex, CEPOL and Schengen, as well as the PTN (Police and Customs in the North) cooperation. Denmark also participates in INTERPOL cooperation, the Baltic Sea Task Force and in a number of other international cooperation



agreements, including cooperation between border police and coast guard units. Furthermore, Danish police participate in special cooperation agreements and projects regarding prevention and fighting of sexual crimes. From 2013-2015 NEC participated in the project SOMEK (Serious Offending by Mobile European Criminals), which concerned the improvement of the exchange of information regarding violent offenders and sexual offenders who travel to other EU countries. In 2016, NCI participated in the project "Operational Cooperation to Counter Transnational Child Sex Offenders".

The Danish National Police's Communication Centre sometimes receives warnings from Great Britain and the United States of America regarding persons who are convicted, in these countries, as paedophiles and are on their way to entering Denmark. Since 2013, NEC has also entered persons who are convicted of sexual assault against children in EUROPOL's Information System (EIS). These entries are sent once a year in connection with EUROPOL's project Recording Europeans Abusing Victims in Every Nation (RAVEN). The purpose of this project is to assist the member states and cooperating partners in detecting suspects and/or convicted child sex offenders upon relocation in the EU, identify links/crossovers between countries when they occur and initiate and foster international cooperation.

Additionally, Danish police participate in a number of actions concerning the fight against human trafficking and sexual exploitation of children within the framework of EUROPOL in the form of EMPACT priority B (Trafficking in Human Beings) and EMPACT priority G2 (Child Sexual Exploitation).

#### 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.