



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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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**

### **LUXEMBOURG**

**(Replies sent by the State)**

Replies registered by the Secretariat on 30 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;

Between the 1<sup>st</sup> of July 2015 and the 30<sup>th</sup> of June 2016, 766 minors have sought asylum. 111 on these 766 minors were unaccompanied minors.

None of these children are victims or presumed victims of sexual exploitation and 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;

If the Direction of Immigration detects clues or indications of exploitation and sexual abuse, the police is directly contacted. The police refers to the public prosecutor. 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.

### **Please also explain how the age is determined in case of doubt.**

When there are reasons for serious doubts about the person concerned being minor, we may decide to conduct an age assessment. That concerns only asylum seekers and unaccompanied minors. In practice, 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 an 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.

- 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;

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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.

Interaction exists between all the actors to act in the best interest of the child.

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

The “Direction de l’Immigration” collects data on immigration, asylum seekers and unaccompanied minors.

### **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;

At the beginning of the procedure, the asylum seekers are informed on the fundamental rights of men, women and children in Luxembourg. Since 2016, the project “Welcome to Luxembourg, consists in helping asylum seekers, through educational tools, to learn about the values and principles of the society in Luxembourg. Socio-educational care is offered in certain centers for asylum seekers, organized by the NGOs “Planning familial” and “Eltereschool”.

For every unaccompanied minor a guardian (Administrateur ad hoc) is designated by the judge. The guardian assists the minor in all administrative and judicial matters. Unaccompanied minors also get a tutor (tuteur), often member of the staff of an NGO, who assists them in matters of everyday life.

- 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.

Agents of Immigration are trained to interview unaccompanied minors and to identify needs. Files of unaccompanied minors are treated with a special care.

Language and –civic instruction-trainings are provided systematically at asylum seekers’ centres where people stay 6 to 8 weeks before they get assigned a durable lodging. The number of offered trainings is permanently raised, in order to reach the most possible 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?

The OLAI, “Office luxembourgeois de l’accueil et de l’Intégration”, organizes the assistance of the victims, in close cooperation with the Ombudsman’s office, the NGO “Maison de la porte ouverte”, specialized in the work with children and adolescents with needs for psychological help, and the network of the state’s children’s homes, “Staatlech Kannerheemer” offering specialised institutions for minors needing psychological help.

- 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;
- 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);
- 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.

#### **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.

In Luxembourg, cooperation exists not only between governmental agencies but also with NGO's, as the state opted decades ago to have big parts of the social work organized by NGO's, with public funding. We consider that the private sector is better armed to find fast and innovative solutions than state agencies, whose initiatives might sometimes be slowed down by formal requirements of budget and procedures.

#### **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.

A specific service of the Ministry of Education, Children and Youth is taking care of the schooling of immigrant children, to make sure they learn one of the official languages of Luxembourg and thus become able to express themselves and to make use of their rights.