



T-ES(2016)RFG-SVK

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

SLOVAK REPUBLIC

(Replies sent by the State)

Replies registered by the Secretariat on 30 August 2016

DATA (Lanzarote Convention, Chapter III)

- 1) How many migrant and asylum-seeking children (accompanied and unaccompanied)¹ are in your country as a result of the refugee crisis?

The question cannot be answered comprehensively due to the fact that with respect to the extent of the refugee crisis in the Slovak Republic it is difficult to differentiate migrant and asylum-seeking children who are present in the territory of the Slovak Republic as a result of the refugee crisis from other migrant and asylum-seeking children.

Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship defines an unaccompanied minor as 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.

There is no definition of "accompanied children" in the legislative framework of the Slovak Republic. 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).

- a) Please provide estimates, if exact data is not available, for the period between 1 July 2015 and 30 June 2016,² and specify how many of these children are victims or presumed victims of sexual exploitation and sexual abuse;

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.

Within the period between July 1, 2015 and June 30, 2016, none of the migrant and asylum seeking children was identified as a victim or a presumed victim of sexual exploitation and sexual abuse.

Source:

Bureau of Border and Alien Police of the Presidium of the Police Force, Ministry of Interior of the Slovak Republic
Central Office of Labour, Social Affairs and Family

¹ 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.

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

- 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;

No distinction is being made between victims of sexual exploitation/abuse in terms of Group 1 and Group 2 as indicated in the enquiry.

In line with the Aliens Act no. 48/2002 Coll., the police department is authorized to initiate, if necessary, a medical examination to determine the age of an unaccompanied minor in case of doubt (i.e. not applicable in cases when the person is obviously a minor). The result of the medical examination to determine the age of the person 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 under the Aliens Act. Provided the person in question refuses to undergo a medical examination, he/she is considered an adult for the purposes of further proceedings.

Border police officers are being 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 Alien Police.

A more thorough examination is carried out in the facility migrant children are placed in. In case the child is an unaccompanied minor, the Bureau of Border and Alien Police or the local Police Force department without further delay reports to the authority of socio-legal protection of children and social guardianship in order to place the child in the Children's Home for Unaccompanied Minors Medzilaborce. Every unaccompanied minor has access to social personnel and a psychologist and a case conference is organized in the presence of an interpreter to communicate with the child in a language he/she understands and speaks.

Besides language barrier, reluctance of the child to confide (caused by fear, shame, etc.) has been identified as the main challenge in identification.

- 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;

With regard to information above, none of the migrant children in the Slovak Republic has been identified as a victim of child abuse/exploitation. In addition, the extent of the refugee crisis in Slovakia compared with other state parties remains small.

Protection of victims of human trafficking is provided in accordance with distinct regulations. If the victim of human trafficking is an unaccompanied minor, the authority of socio-legal protection of children and social guardianship in cooperation with other

entities ensure that the child is placed in the Programme for Support and Protection of the Victims of Human Trafficking.

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.

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

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 in the Slovak Republic.

As to collecting data on migrant and asylum seeking children in the Slovak Republic, 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.

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 Medzilaborce are collected by the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

Data on crimes related to sexual exploitation and sexual abuse are collected by the Presidium of the Police Force. 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.

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?

In line with the protection of family unity, accompanied migrant and asylum-seeking children are placed in the detention facility in Sečovce or in the residential facility in Opatovská Nová Ves. Unaccompanied minors are accommodated in the Children's Home for Unaccompanied Minors Medzilaborce. In response to the issue of runaways from the facility, the latter is planning to take measures to reinforce surveillance over the children in order to ensure their protection.

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

Although not focused in particular on migrant and asylum-seeking children, several measures have been taken to tackle violence against children, including sexual abuse and sexual exploitation.

Within the implementation of the National Strategy for the Protection of Children against Violence (approved by the resolution of the Government of the Slovak Republic no 24/2014), multidisciplinary trainings have been carried out on the topic of secondary victimisation – institutional violence and identification of CAN/CSA syndrome in 2015 and 2016. Participants of the trainings encompass police officers, social workers, prosecutors, employees of children's homes (including the Children's Home for Unaccompanied Minors Medzilaborce), schools and school facilities, centres for pedagogical-psychological counselling and prevention, centres for special pedagogical counselling etc.

The Central Office of Labour, Social Affairs and Family issued a multidisciplinary Guide to CAN syndrome covering the issues of identification of signs of maltreatment, abuse and neglect and the competences and procedures of the professionals.

The Central Office of Labour, Social Affairs and Family within its cooperation with the Slovak Catholic Charity informed the children's homes representatives about the issues of trafficking in human beings on the national meeting of children's homes' directors on June 30, 2015. The session included screening of a movie and a lecture "Two little girls" as well as distribution of related informative materials. The activity was conducted by personnel of the Slovak Catholic Charity Bratislava. Screening of the movie, interactive lecture and a discussion were realized also in one of the children's homes for 15 child residents.

Seven children's homes, including the Children's Home for Unaccompanied Minors Medzilaborce have had expert staff trained in prevention of trafficking in human beings. The staff educate children and young adult residents in the facilities designated for the realization of measures of socio-legal protection of children and social guardianship. In 2015 – 2016 up to 51 activities have been carried out in the facilities in collaboration with members of the Police Force, representatives of the Ministry of Interior of the Slovak Republic and the International Organisation for Migration, with 720 child and young adult participants.

In 2015 a training called "Human trafficking: exchange of information and problem-solving application practice" was held by the Information Centre for Combating Human Trafficking and Crime Prevention for 34 police officers of the National Unit for Combating Illegal Migration of the Bureau of Border and Alien Police of the Presidium of the Police Force. The training built on the preceding training "Trafficking in Human Beings: Identification, Victim Assistance and Investigation" conducted in 2013.

Also in 2015, 300 police officers were trained in the combat against human trafficking by trainers from the education department of the Directorate of Border and Alien Police Sobrance. 54 out of the 300 were novice officers (recent graduates of Police Force secondary schools or officers transferred from another department) who undertook 9 courses. The remaining 246 police officers within the Directorate of Border and Alien Police Sobrance participated in 13 working meetings.

The Ministry of Interior of the Slovak Republic in cooperation with the Judicial Academy of the Slovak Republic organized a nationwide educational event "Trafficking in Human Beings", the primary target group being judges and prosecutors and the secondary target group being senior judicial officers, judicial candidates, future prosecutors and assistants of the Supreme Court of the Slovak Republic.

Centres for pedagogical-psychological counselling and prevention are encouraged, besides other activities, to carry out preventive programmes focused on sexual violence against children and trafficking in human beings.

- 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.

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?

Regarding migrant and asylum-seeking child victims in the context of refugee crisis, no distinctive proceedings have been implemented (in the light of the situation in the Slovak Republic described above).

- 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;

The general procedure is established as follows: Minor foreigners accompanied by a legal guardian are generally placed in the territory of the Slovak Republic in the Police Detention Centre for Aliens Sečovce established by the Police Force and adapted for placement of families with children. Accompanied minors are detained in accordance with Act No. 404/2011 Coll. on Residence of Aliens, as amended, by which Slovakia transposed the Directive 2008/115/EC of the European Parliament and of the Council. 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 in which a family with children is placed meets all sanitary conditions and is equipped so as to prevent danger to life or injury to health. All members of a family are always placed in the facility together unless there are serious reasons for their separation.

Care and support for persons who have applied for asylum in the Slovak Republic is ensured by the Migration Office of the Ministry of Interior of the Slovak Republic, in the scope of Act No. 480/2002 on Asylum and on amendments and supplements to certain acts. Minor asylum seekers who come accompanied by parents or close relatives, are after quarantine acts in detention asylum facility in Humenné transferred to residential asylum facility together with the vulnerable groups of asylum seekers, such as single women, single women with children, seniors and persons with physical or mental

disabilities. Currently, these persons are placed in the asylum facility in Opatovská Nová Ves. There are protected areas and a camera system within the asylum facility, to ensure protection of these groups of asylum seekers.

Under the current Slovak legislation, a minor without a legal guardian cannot be detained and placed in a Police Detention Centre for Aliens. Unaccompanied minors are provided with immediate care by a competent authority of social and legal protection of children and social guardianship which protects the rights and legitimate interests of unaccompanied minors immediately after a notice by the Police Force about finding an unaccompanied minor in Slovakia.

Measures of socio-legal protection and social guardianship for unaccompanied minors present at the territory of the Slovak Republic are regulated by the Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship and on amendments and supplements to certain acts. All measures taken in cases of unaccompanied minors are carried out with respect to culture, language, religion and country of origin specificities. Authorities of socio-legal protection of children and social guardianship also proceed in line with the internal norm Realization of Measures of Social and Legal Protection of Children and Social Guardianship in Cases of Unaccompanied Minors.

A representative of the competent authority of social and legal protection of children and social guardianship participates in oral investigation into a misdemeanour at the department of border control. Such representative also gets acquainted with a list of documents and seized things and sees that the rights of the unaccompanied minor are secured during providing an explanation or during his/her presence at the Police Force department (interpreting, advice, meal, hygiene, rest time, etc.). Subsequently, the competent authority of social and legal protection of children and social guardianship files a motion for preliminary ruling with a court, upon which the unaccompanied minor is transferred to a facility for enforcement of court decisions which is the Children's Home for Unaccompanied Minors Medzilaborce. The motion for preliminary ruling shall be decided by the court within 24 hours after its delivery. Along with such motion, the authority of social and legal protection of children and social guardianship files a motion to appoint a guardian. The said measures secure the immediate care of the unaccompanied minor and the protection of its rights and legitimate interests.

Social work, expert diagnostics, assistance, education, specialised procedures targeting disorders of psychological or social development of the child, psychological counselling and special pedagogical assistance are provided in the Children's Home for Unaccompanied Minors Medzilaborce. Unaccompanied minors also have access to legal aid.

With respect to the general principle of the best interests of the child, Act No. 131/2015 Coll., amending and supplementing Act No. 480/2002 on Asylum and on amendments and supplements to certain acts altered the process of providing care for unaccompanied minors (minor asylum seekers and minor children with subsidiary protection) who now stay in the facilities of social and legal protection and social guardianship also during the asylum procedure. If an unaccompanied minor comes of

age during the asylum procedure he/she will be considered a minor. When an unaccompanied minor comes of age he/she may, after institutional care is terminated, apply for staying in a children's home until he/she reaches the age of 25.

Special measures are applied in cases of (presumed) trafficking in human beings. When investigating trafficking in human beings crimes under Article 179 of the Criminal Code Article 179 of the Act no. 300/2005 Coll., the Criminal Code, as amended, police authorities proceed in line with the best practice manual for investigators prepared and updated by the INTERPOL working group for trafficking in human beings. The manual is accessible to police investigators on the intranet site of the Ministry of Interior of the Slovak Republic. Part of the manual focuses on child victims and witnesses, covering the issues of identification of child victims of trafficking in human beings, methods of interrogation of children in case they agree to testify, and measures securing their safety.

Procedure of all parties involved in provision of assistance to victims of trafficking in human beings is regulated by a methodological tool. The tool gives special attention to procedures in cases when victims of trafficking in human beings are foreigners and minors.

If the victim of trafficking in human beings is a minor, the Centre of Labour, Social Affairs and Family in collaboration with the relevant authority of socio-legal protection of children and social guardianship and a partner organization of the Ministry of Interior of the Slovak Republic proceed to include the minor in a special program of assistance and protection of such victims. The particular authority of socio-legal protection of children and social guardianship acts as a coordinator in all other measures needed to be taken to ensure that the needs of child victims of trafficking in human beings are catered.

General principles applied in proceedings with children, regardless their status, are the principle of the child's interests, including hearing the views of the child and the principle of non-discrimination.

In order to protect minor victims and witnesses of crimes against their secondary victimisation, Section 135 of the Code of Criminal Procedure sets forth a special procedure of prosecuting authorities if a person younger than 18 years (the original age limit of 15 years changed with effect from August 1, 2013) is questioned as a witness in criminal proceedings about matters the recollection of which could, given his/her age, adversely affect his/her mental and moral development. Interrogation of such persons should be carried out very considerately and in terms of its content eliminating the need for its repetition in further proceedings. Such person shall be questioned again in further proceedings only when necessary and in the pre-trial proceedings only with the prosecutor's consent.

- 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);

Referring to information stated above, legislation amendments and policies adopted and practical measures being taken in cases of particular children aim also to prevent further exploitation/abuse and/or the risk of repeated trafficking in human beings.

Trainings of professionals, be it those conducted individually by ministries or multidisciplinary trainings on institutional violence and CAN/CSA identification, can also be understood as contributing to protection of children from repeated victimisation.

- 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.

In the scope of targeting violence against children in general, involvement of all stakeholders via regular meetings and exchange of information are the cornerstone of a coordinated approach. Within the implementation of the National Strategy for the Protection of Children against Violence a model of coordination meetings on the local level was launched in 2015.

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.

The Slovak Republic has become a Party to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse recently (the Convention became effective for the Slovak Republic on July 1, 2016). Due to this fact, no relevant examples can be provided so far.

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.