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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

### GERMANY

(Replies sent by the State)

Replies registered by the Secretariat on 4 October 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?

Foreign children and adolescents, i.e. persons under the age of 18 years, 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 (*Sozialgesetzbuch – SGB*)). The attached table shows the number of children seeking asylum for 2015 and the first half year 2016. In addition, unaccompanied minors immigrate to Germany who do not seek asylum. No further data are available regarding the number of unaccompanied under-age children who have come to Germany as refugees.

	minor asylum seekers	<i>of which: accompanied</i>	<i>unaccompanied</i>
2015	149,619	127,356	22,263

	minor asylum seekers	<i>of which: accompanied</i>	<i>unaccompanied</i>
2016, Jan-Jun	134,615	116,706	17,909

- 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;

Over the course of the year 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.

It is not possible to make any statements regarding the proportion of under-age refugees among the victims of sexual abuse of children and adolescents registered by the police for the year 2015. The residence status of victims has begun to be recorded only in the year under report 2016. It will be possible to provide specifics in this regard in all likelihood in mid-2017.

Inasmuch as the Federal *Länder* provided information in this regard, the tendency was that rather few cases of sexual abuse of children, respectively the sexual exploitation of children, tended to be known to the law enforcement authorities. On this, a few notes by way of providing an example:

<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.

In *Brandenburg*, a total of three cases of sexual abuse of five non-German children aged between 6 and under 14 years became known in the period from 1 July until 31 December 2015, of which three children were Syrian nationals and one child held Serbian and one child held Macedonian citizenship. In the period from 1 January 2016 until 30 June 2016, there was a total of four cases of sexual abuse, respectively sexual coercion (sections 174, 176, 177 of the Criminal Code (*Strafgesetzbuch – StGB*)), of which two were children aged from 6 to under 14 years and two were adolescents aged from 14 to under 18 years. Three victims originated from Syria and one from Serbia.

In *Lower Saxony*, the means have been introduced since 1 March 2016 to record, in the specialist application of the public prosecutor's offices of Lower Saxony (*Niedersächsische Fachanwendung der Staatsanwaltschaften*), crimes involving refugees (both in the sphere of perpetrators and in that of victims). An evaluation of these data has obtained the following results for *Lower Saxony* for the period from 1 March 2016: 6 injured parties in proceedings for the sexual abuse of children pursuant to section 176 of the Criminal Code (StGB), 2 injured parties in proceedings for aggravated sexual abuse of children pursuant to section 176a of the Criminal Code (StGB), 3 injured parties in proceedings concerning sexual coercion/rape pursuant to section 177 of the Criminal Code (StGB), 1 injured party in proceedings for the sexual abuse of persons who are incapable of resistance pursuant to section 179 of the Criminal Code (StGB).

The Federal *Land of Saxony* researched in its Police Information System for Saxony (*Polizeiliches Auskunftssystem Sachsen*) crimes against sexual self-determination in the perpetration period from 1 January 2016 until 30 June 2016 involving victims under the age of 18 years, for whom the entry field "specifics regarding the victim" records the value "asylum seeker/refugee." Since it was possible to record this value only from 2016 onwards, no such data are available for the year 2015. Accordingly, the prosecution of cases of sexual abuse was recorded of 4 boys aged 7, 8 (2x) and 11 years and of 2 girls aged 11 and 5 years. One case involved aggravated sexual abuse of children against three boys aged 6, 9 and 12 years. Finally, one criminal offence of sexual coercion of a 14-year old girl and a further criminal offence concerning the dissemination, acquisition, and possession of pornographic material involving adolescents, with the victim being a 14-year old girl, were recorded.

In the *Land of Hesse*, this type of information regarding the victims currently is not being reliably recorded in the statistics kept by the public prosecutor's offices, but one case was recorded involving a sexual attack of two under-age persons against each other, which occurred in a youth welfare centre; such welfare centres are under obligation to notify unusual incidents.

In *North Rhine-Westphalia*, the category recording the specifics of a victim "refugee" has been introduced to the police statistics since 1 January 2016; since then, 35 under-age refugees have been recorded as purported victims sexual violence.

In the *Rhineland-Palatinate*, a total of 24 criminal investigation proceedings have been launched since the recording of such cases in the police statistics, beginning on 1 September 2015 until 30 June 2016, in which the purported victims were under-age refugees.

At present, no information is available regarding the outcome of these proceedings.

- 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;

Whether an under-age refugee was a victim of sexual exploitation or of sexual abuse prior to entering Germany will become known to the police only if the crime is reported to it. This also applies to under-age refugees who become victims of sexual exploitation / of sexual abuse in Germany – this fact will become known to the police only if charges are filed. The public prosecutor's offices do not maintain any statistics that would allow an analysis to be performed broken down by the criminal offences involved, as sought by this question. Likewise, the police offices of the *Länder* do not distinguish between persons of Group 1 and Group 2 such that this would be suited for a statistical analysis. Inasmuch as sexual exploitation is involved, one *Land* has reported that the victims are identified by police controls performed in the red-light district milieu, respectively in the course of the police evaluating websites for indications of children and adolescents working as prostitutes.

In some instances, the *Länder* reported that the social workers active in the collective accommodations will also identify victims of sexual crimes. Thus, for example, the victims of sexual exploitation and sexual abuse may be identified in the context of the first interview, for example, which the social services as a general rule will hold with every refugee immediately upon admittance. Depending on the circumstances, this may be done in the context of the initial medical check-up. However, where no indications of violence or abuse are apparent, then an identification of such cases will generally only be possible if the victims or their relatives provide the corresponding information. The early and prompt recognition of victims poses a particular challenge since in most cases, this type of intimate and painful experience will be reported only in a context in which intensive relationship-building has already taken case.

As concerns the determination of the age of victims, a procedure has been introduced for the authorities that addresses the involvement of under-age persons. Where there are doubts as to a refugee still being a minor, it is possible to promptly initiate an age analysis from a physician or a dentist.

- 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 decisive factor, in particular with a view to unaccompanied minors, continues to be the improved recording of data. A major step has been taken in this direction by the Act on the Improvement of the Exchange of Data (*Datenaustauschverbesserungsgesetz*), which entered into force on 5 February 2016 and which created the statutory basis in

the Asylum Act (*Asylgesetz*) for establishing the identity also of the persons under the age of 14 by taking a photographic image.

Furthermore, upon anyone stating that he or she is seeking asylum, filing an application for asylum, illegally entering the country, or illegally taking abode in the country, and where this involves unaccompanied under-age children and adolescents (persons under the age of 18 years), the youth welfare office (*Jugendamt*) responsible for taking these minors into preliminary care and the youth welfare office that will be finally responsible are recorded in the Central Register of Foreigners (*Ausländerzentralregister*) (cf. section 3 (2) No 9 of the Act on the Central Register of Foreigners (*Gesetz über das Ausländerzentralregister – AZRG*)).

The specific aid and assistance offered to persons affected by sexual abuse is determined by the municipalities in which these persons are housed – these offerings are shaped depending on the specific needs given in the individual municipalities.

It is to be noted at this juncture that in processing these cases, as a matter of principle the origins of the victims are not distinguished. The law enforcement authorities will ensure, as a matter of principle, that for each and every individual case, the authorities involved (investigation bodies, youth welfare offices, and the foreigners' authorities) will proceed in a coordinated fashion. On the basis of the Police Acts of the *Länder*, there is the opportunity, subject to the pre-requisites set out in these Acts, to transmit personal information to youth welfare offices and to other governmental bodies. Depending on the circumstances, interpreters/translators will be involved or the competent foreigners' authorities. In other words, the tried and proven mechanisms serving to protect victims as are established in the individual *Länder* will be set in motion. In this context, the police, respectively the public prosecutor's offices, will work together intensively with the bodies that conceivably will be responsible such as the youth welfare offices, administrations of cities or municipalities, and the foreigners' authorities in order to ensure that suitable and targeted measures protecting the best interests of the child can be taken.

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

The Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*), the reception centres, and the foreigners' authorities are responsible for recording under-age asylum seekers. The competence for pursuing investigations under criminal law based on charges being filed lies with the public prosecutor's offices of the *Länder*.

Moreover, the Federal Government reports annually to the Bundestag on the implementation of the Act on the Improvement of the Accommodations, Provision for and Care of Foreign Children and Adolescents (*Gesetz zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder und Jugendlicher*), in the context of which data are likewise collected.

At the level of the *Länder*, the cases are recorded in the police crime statistics pursuant to a standardised procedure. The data provided as an answer to Question 1 are

transmitted by the public bodies designated in section 6 of the Act on the Central Register of Foreigners (*Gesetz über das Ausländerzentralregister – AZRG*).

## 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?

The implementation of protective measures and the measures protecting the rights of children in refugee accommodations is incumbent on the *Länder* and municipalities, respectively the parties responsible for the accommodations. In the context of the federal initiative “Protection of women and children in refugee accommodations,” the Federal Ministry for Family, Senior Citizens, Women and Youth (BMFSFJ) and UNICEF have joined forces with a broad network of partners to create and publish “Minimum Standards for the protection of children, adolescents, and women in refugee accommodations” (<http://www.bmfsfj.de/BMFSFJ/gleichstellung,did=226884.html>). These minimum standards are a first in that they create a uniform basis throughout the Federal Republic for improving the protection accorded to children, adolescents, and women against violence, while also improving their access to educational offerings and psycho-social support in refugee accommodations. They are intended as guidelines for the creation and implementation of protective concepts in any form of refugee accommodation. The following partners contributed to developing the Minimum Standards: the workers’ welfare association Arbeiterwohlfahrt, the association active throughout Germany to take coordinated action against human trafficking Koordinierungskreis gegen Menschenhandel e. V., the umbrella organisation of social welfare organisations Paritätischer Gesamtverband, the association of Catholic German charitable organisations in Germany Deutscher Caritasverband e. V., the German Institute for Human Rights, the foundation for children and adolescents Deutsche Kinder- und Jugendstiftung, the Red Cross of Germany, the welfare organisation Diakonie Deutschland of the Protestant Church, the Turkish-islamic union of the institution for religion Anstalt für Religion, the coordination centre for women’s shelters Frauenhauskoordinierung, the crime-prevention foundation Stiftung Deutsches Forum for Kriminalprävention, the Independent Commissioner for Matters of Sexual Abuse as well as UNICEF, Plan International Deutschland, and Save the Children.

Moreover, as part of the federal initiative “Protection of women and children in refugee accommodations,” funds provided by the Federal Ministry for Family, Senior Citizens, Women and Youth (BMFSFJ) were deployed in a total of 25 facilities throughout Germany to fund additional positions for coordinators protecting against violence; their task is to implement concepts of protection in the facilities and to serve as the contact for the youth welfare offices, social welfare offices, and employment agencies, as well as for counselling centres and women’s shelters. Those of the accommodations that have received funding for an additional coordination position must ensure, on the one hand, that they implement standards of protection in all of the accommodations for which their institution is responsible that correspond to the minimum standards mentioned above. On the other hand, they will likewise serve as consultative facilities in order to allow standards of protection to be observed and established also across the institutions responsible for such facilities. In this way, the facilities have the opportunity to benefit

from this programme regardless of whether the institution responsible for them is the *Land*, a private party, or a municipality.

One example of this is the *Land of Mecklenburg-Western Pomerania*. An initial reception centre run by the *Land* has put in place an additional function in which a coordinator for the protection against violence has been working since 1 April 2016. The coordinator serves as contact for the residents, the team, and the management of the facility and supports the latter in developing holistic concepts for the protection against violence, both for the facility in question and for the other facilities operated by the *Land*.

Moreover, the Federal Ministry for Family, Senior Citizens, Women and Youth (BMFSFJ) has launched a subsidy programme together with the KfW Group of banks by which construction measures can be funded serving to implement protective concepts benefitting women and children in refugee accommodations. This includes, *inter alia*, residential units that are lockable as well as separate sanitary facilities for each gender.

Furthermore, the Federal Ministry for Family, Senior Citizens, Women and Youth (BMFSFJ) is planning to put in place a provision applying at the level of federal law obligating the institutions responsible for refugee accommodations to develop, apply, and regularly monitor protective concepts. At present, talks are under way with the federal *Länder* on this topic.

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

aa) At the level of the *Länder*, a range of different measures is being taken as regards the accommodation of refugees that serve, on the one hand, to ensure a high general degree of safety in the facilities by the preventative avoidance of conflicts, and on the other serve to assist the residents in dealing with their specific situation by recognising special needs early on.

(1) Thus, security personnel is deployed in the initial reception centres to ensure the safety in these facilities. *Baden-Württemberg* has emphasised that the operators of the initial reception centres cooperate closely with the local police. The facilities are regularly inspected and patrolled to ensure their safety. A police facility is located on the site of each reception centre operated by the *Land*. Moreover, independent safety consultants were appointed for the initial reception centres. Their tasks include, *inter alia*, the active assistance of the security firms regarding the selection of their staff as well as recommendations concerning education and ongoing professional training. As a rule, security companies will also be deployed by the other reception authorities in the context of preliminary accommodations in order to ensure the safety of the accommodation facilities. In many cases, the *Länder* reported that employees are required to submit a police certificate of good conduct.

(2) In *Baden-Württemberg*, the asylum seekers have at their disposal the independent social welfare consultation services and the procedure consultation services in the initial reception centres, which serve as contacts for the asylum seekers and will support them in any particular needs for protection they may have, or will refer them to other,

qualified consultancy services. The residents are looked after intensively by the social services, allowing any problematic matters to be recognised early on. The *Land of Mecklenburg-Western Pomerania* reports that the team of caregivers consists of social workers, social education workers, or professionals with comparable qualifications who have many years of experience in looking after the residents of collective accommodations and have the corresponding partial qualifications, among other things in the law, psychology, and education. In *Lower Saxony*, the first interview will already address the topic of protection of children and the protection against violence and will comprehensively educate the interviewees. The same applies to *Hamburg*, where unaccompanied under-age refugees are also informed explicitly in this context regarding their rights as concerns physical integrity and sexual self-determination.

The situation is similar in the other federal *Länder*. Thus, *Brandenburg* has created a coordination office for the shelters available and counselling offerings for women and children who are affected, also as refugees, by violence. The task of this coordination office is to record the special needs of women and children refugees and to see to it that the counselling centres reflect these needs in their offerings. In *Lower Saxony*, awareness is raised among the contact persons working in the reception centres for refugees and the staff looking after the refugees regarding the protection of children against sexual exploitation and sexual abuse. They are made aware that child refugees and unaccompanied, under-age refugees are at threat of being targeted for purposes of sexual abuse and thus might become victims of sexual exploitation.

In the *Saarland*, psycho-social care is provided to women and their children by the expert counselling function (*Fachberatungsstelle*) run on the site of the Land reception centre by the welfare organisation of the Protestant Church, Diakonisches Werk. In a case of specific need, assistance and support is organised for victims of violence. Where required, further treatment can be arranged with a female psychotherapist running her own practice. It is possible to perform therapy with the assistance of specially trained female interpreters speaking the native language of the clients.

(3) As regards the structural conditions of the facilities, the Ordinance on Minimum Requirements for the Nature, Size, and Equipment of Collective Accommodations (*Verordnung über Mindestanforderungen an Art, Größe und Ausstattung von Gemeinschaftsunterkünften*) established by the *Land of Mecklenburg-Western Pomerania* should be reported. According to this ordinance, residents have available, in addition to the individual residential area, communal kitchens, as well as communal spaces and exterior facilities for recreational activities. Where children and women are residents of communal accommodations, a minimum of one playroom is to be provided for that has a sufficient size and is correspondingly equipped, as well as sanitary facilities separate for the genders that are lockable, or areas to which women and children may withdraw.

Furthermore, it can be reported that *Lower Saxony* has 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 serves to protect children and women against abuse and violence in the initial reception centres of the *Land*. The



concept is implemented by the *Land* reception authority (*Landesaufnahmebehörde*) and includes the following features, without this list being conclusive:

- In all accommodations, a strict separation of the genders for the shower and WC facilities has been implemented that is also manifested by the spatial arrangement of these sanitary facilities.
- All shower spaces are monitored by the security service.
- Female contact persons are available in nearly all accommodations who work in the field of security, social services, and also as interpreters; the other accommodations will have one female contact person in at least one of these fields.
- The emergency telephone number for the police is prominently displayed in the accommodations.
- The facility has established contact to the police.
- The number of the telephone hotline for women affected by violence likewise is prominently displayed in the accommodations.
- Informational material regarding the system of assistance in place has been distributed (counselling centres for people affected by violence, women's shelters, pregnancy counselling services).

bb) Furthermore, the police have a broad range of preventative programmes in place serving to prevent crimes. Thus, the "Work Group for police crime prevention of the *Länder* and the Federation (*Programm Polizeiliche Kriminalprävention der Länder und des Bundes – ProPK*)" created a poster in September 2015 to be hung throughout all refugee accommodations throughout Germany which provides pointers on how to react to an emergency ("*Im Notfall: So verhalten Sie sich richtig!*"). The poster sets out the most important rules for proper conduct in emergencies using pictograms. Besides these graphic representations, the recommended conduct is also set out in German, English, French, and Arabic. Moreover, the ProPK work group also published the brochure "Preventing Abuse" ("*Missbrauch verhindern*"). This is primarily intended to raise awareness with parents and the parties responsible for raising children for the issue of sexual abuse of children and to impart to them the competencies for action. The operators of refugee accommodations or other actors in the sphere of assisting refugees are notified, as a matter of principle, of the checklist of minimum standards serving to protect children against sexual violence in refugee accommodations ("*Checkliste – Mindeststandards zum Schutz von Kindern vor sexueller Gewalt in Flüchtlingsunterkünften*") published by the Independent Commissioner for Matters of Sexual Abuse of Children.

Under the umbrella of the federal initiative "Protection of women and children in refugee accommodations," to which the ProPK work group and the German Forum for Crime Prevention (*Deutsches Forum Kriminalprävention – DFK*) likewise contributed, minimum standards were developed for the protection of children, adolescents and women in refugee accommodations and were published. This publication is both a point of reference in the police-internal practice as well as in the cooperation with external partners.

Moreover, various projects have been put in place that will differ slightly depending on the region in which they have been implemented, serving the prevention and intervention in cases of sexual abuse of children with a migration background.

Thus, for example, the *Land of Brandenburg* has organised prevention events for children (grades 1 to 6) as part of the overall concept of "Police Prevention," specifically addressing the topic of "conduct vis-à-vis strangers." At these events, the police gives the children pointers on how to conduct themselves and reinforces their skills, *inter alia* in role-playing, in protecting themselves against such deeds. These events are also attended by those refugee children who attend a school. Efforts are also being made in *Brandenburg* to have unaccompanied under-age foreigners brought into gender-specific accommodations. Girls will be placed in facilities that correspond in particular fashion to their special needs for protection – both in terms of social education and in terms of the spaces.

A valuable contribution is made, moreover, by the sex education offered in the work with children and adolescents who are refugees, as are available for example from AIDS-Hilfe Dresden e. V. The institutions responsible for these awareness-raising measures report that many of the under-age persons entering the country are subject to an exceptional lack of knowledge, strong prejudice, and insecurity as far as sexual topics are concerned. As a consequence, this group of persons is particularly vulnerable to sexual attacks and attempts at sexual exploitation. Awareness-raising is an effective means of counteracting this.

cc) Furthermore, regional networks and work groups are in place with the actors from the most varies spheres who deal with the particular needs arising in the context of working with refugees and in which information and recommendations for action are shared on a regular basis; this is part of the approach taken both within the police and in cooperation with other governmental bodies to work as a societal whole. Thus, for example, the regional police stations in the *Land of Hesse* organise information events on the ground in order to overcome reservations and to inform of important legislative measures and the consequences of violations. Similar events in *Hamburg* were felt to be particularly effective where the presentations were given by native speakers instead of involving interpreters for German speakers.

dd) Where ongoing professional training is concerned, the German Judicial Academy (*Deutsche Richterkademie*) is the first point of reference. This academy is an institution providing ongoing professional training on a supra-regional level to judges, regardless of the type of court or level of the court at which they are active, and public prosecutors; the academy is sponsored by the Federation and the *Länder*. Conferences are organised there on a regular basis that address the protection of children and adolescents against sexual violence and exploitation, also on an interdisciplinary basis. Furthermore, the complex topic of international human trafficking is regularly deliberated on at conferences. Finally, the international collaboration in matters of criminal law – for which combating the sexual abuse and sexual exploitation of children as well as child pornography are major aspects – is a frequent and regular part of the conference programme.

Above and beyond this, the *Länder* offer ongoing professional training to the members of their respective departments on their own responsibility. Thus, for example, the institute for ongoing professional training in social education (*sozialpädagogische Fortbildungsinstitut*) of *Berlin-Brandenburg* offers special training programmes for specialist staff working with unaccompanied under-age foreigners; these programmes are directly oriented by the specific needs of the specialists.

Furthermore, ongoing professional training programmes are available in *Lower Saxony* that impart basic knowledge and framework conditions of protection accorded to victims and on the particularities of various groups of victims for the cooperation partners and the respectively involved professions as called for by Article 25 Directive 2012/29/EU of the European Parliament and the European Council of 25 December 2012. By way of supplementation, the expert division for the protection of victims (*Fachstelle Opferschutz*) serving the victims of crime in *Lower Saxony* has created the homepage <http://www.opferschutz-Niedersachsen.de/>, which is also available in an English-language version (<http://en.opferschutz-niedersachsen.de/>). This is a resource for specialists seeking materials for their work with refugees. Moreover, the website is currently in the process of being translated into Russian and Arabic in order to allow victims affected by crime to obtain information regarding their rights and to identify contact persons on their own.

The *Land* Criminal Police Office (*Landeskriminalamt*) of the Free State of *Saxony* implemented two two-day events in May and June of 2016 providing ongoing professional training to the employees of the operators of initial reception centres, imparting competencies in particular in the field of drug-related crimes and violent crimes. One of the focuses was formed by the topic of "Sexualised violence – the phenomenon, its prevention, and options for intervention" (*"Sexualisierte Gewalt – Phänomen, Präventions- und Interventionsmöglichkeiten"*).

As part of taking children and adolescents into care, the need to have professional specialists look after them is a particular challenge. These specialists must have both a high degree of inter-cultural competence and thus an increased awareness of the special circumstances in which young refugees find themselves, and moreover need to be trained in the recognition of mental illnesses and particular health risks that might give rise to the need to take medical intervention, while also having the wherewithal to assist the persons affected in obtaining the help they need. On this topic, a qualifying seminar for the employees of the general social welfare services of the youth welfare offices of *Saxony* was organised in cooperation with the German foundation for children and adolescents *Deutsche Kinder- und Jugendstiftung* in the context of the programme funded at the federal level, "Welcoming friends – alliances for young refugees" (*"Willkommen bei Freunden – Bündnisse for junge Flüchtlinge"*). This programme included, *inter alia*, a module on traumatisation. The offering of courses, which were also subsidised by the Free State of *Saxony*, are also available to the employees of the institutions responsible for the non-governmental youth welfare services.

- 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.

In the course of the preventative work done in connection with the migrant children and children seeking asylum affected by sexual abuse, the parties involved face a large number of challenges. The most significant among them will sometimes be the language barrier, which is overcome by interpreters and translators, but also by using pictograms or translations of the various prevention media. Another challenge is posed by the differences in the religious and social circumstances that exist, and which can sometimes be considerable. This requires intense awareness-raising efforts in order to promote inter-cultural competence both within the group of refugees themselves, and in the general population in order to reduce prejudice and to create an understanding for the forms of life of the respective other group of people. Only in this way will it be possible to obtain a level of trust allowing the protective offerings to actually be used.

Where unaccompanied minors are concerned, the decisive factor is that these must be identified promptly after arriving in the country, and then placed with the available protective measures. The Act on the Improvement of the Exchange of Data (*Datenaustauschverbesserungsgesetz*), which entered into force on 5 February 2016, is a significant step towards creating the legal pre-requisites in the Asylum Act (*Asylgesetz*) for establishing the identity also of the persons under the age of 14 by taking their photograph.

#### 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;

aa) Where unaccompanied minors are concerned, the responsible youth welfare office (*Jugendamt*) is under obligation to take into care the minor and to commence a clearing procedure.

This clearing procedure serves to clear up all questions that must be dealt with in order to establish the need for support that the unaccompanied minor may have. Once this need for support has been identified, the necessary steps will then be determined in an aid and assistance plan (*Hilfeplan*). The aspects the clearing procedure will deal with include, for example:

- The age of the minor,
- The minor's health, mental and physical condition,
- The minor's identity,
- The family members of the minor – as the case may be, the minor will be reunited with the family,
- The placement of the minor in accordance with his or her needs,
- Perspectives that the minor has for his or her future.

Upon the need for support having been established, the necessary steps will be recorded in an aid and assistance plan (*Hilfeplan*). The minor will subsequently be placed in accordance with his or her needs: as a general rule in a facility, social education residential group or, in individual cases, with a foster family.

These requirements are implemented as follows at the *Land* level: Thus, *Mecklenburg-Western Pomerania* reports, for example, that under-age refugees in initial reception centres and collective accommodations of the Land will be accommodated, as a matter of principle, only together with their families or other close relatives. Any under-age refugees coming to *Mecklenburg-Western Pomerania* as unaccompanied minors will be placed in accordance with the statutory requirements incumbent on youth welfare and will be provided the aid and assistance that follows upon their being taken into care.

Should any adolescents report that they have been the subject of sexual attacks, the *Saarland* has reported that they are afforded the opportunity to seek specialist counselling; adolescents affected will be placed in suitable institutions of youth welfare. In cases in which it is apparent that children and adolescents are traumatised, they will be placed as in-patients in a psychiatric hospital specialising in the treatment of children and adolescents and will be treated therapeutically.

In this context, it is to be noted that the protection of victims is organised such that several actors provide it, meaning that, for example, the police, public prosecutor's office, foreigners' authority and authority providing services and payments, youth welfare offices, employment agencies, job centres, and specialist counselling centres all work together. *Lower Saxony* has emphasised that the cooperation is particularly close with the locally competent youth welfare office which ensures that the unaccompanied under-age refugees are immediately taken into care and which is also the contact partner where measures are required, in the field of youth aid, to help traumatised children and adolescents. The staff have close-knit collaborative structures with organisations such as "*Frauen helfen Frauen*" (women helping women), "*Pro Familia*" (advice centre for pregnant women), "*Lesben und Schwulenverband*" (Association of Gays and Lesbians), "*Kobra*" (consultancy organisation for women and enterprises) and many others. Moreover, anyone suspected of committing such an offence immediately will be relocated to a different reception centre run by the *Land* reception authority (*Landesaufnahmebehörde*).

bb) Coordinated action is taken by the child and youth welfare organisations, regardless of which nationality the children may have, since this is a task of local self-government pursuant to Book VIII of the Social Code (SGB VIII). Pursuant to the European Directive laying down standards for the reception of applicants for international protection (Directive 2013/33/EU of 26 June 2013), the states receiving such persons are to provide adequate support taking into account the particular situation of the persons applying for international protection. In order to recognise any need for protection as early as possible, the employees of the integration offices of the initial reception centres operated by the *Land* undergo the corresponding awareness-raising measures. In this context, they work together closely with the employees of the youth welfare office. It is ensured particularly that persons in need of protection will have access to medical care,

including any psychological care that may be suitable. Fundamentally, the regular institutional emergency centres and trauma emergency centres are available for these tasks.

cc) Where law enforcement is concerned, it is to be noted that the principles of affording protection to victims, which must be complied with in all cases of sexual abuse and sexual exploitation in order to safeguard professional police work (e.g. interviews by specially trained police officers, prevention of secondary victimisation, video interviews), apply generally to refugees / asylum seekers.

- 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);

The aid and assistance plan (*Hilfeplan*) mentioned above determines the specific measures and the particular placement that will comply with the needs of the party affected (e.g. trauma therapy or such like) – and will also determine the necessary preventative measures that should be taken (accommodation in a certain facility affording protection and such like).

Examples of measures that were taken in actual practice include the following:

- Spaces were equipped with alarms to ensure that, should they be entered by unauthorised persons, the security staff is alerted,
- Removal of the perpetrator and his/her family to a different rural district,
- Removal of the victim and his/her family to a different rural district
- Contact with the victims' organisations "WEISSER RING e.V." or "Mitternachtsmission," e.g. with the objective of placing mothers and children affected by violence in a protected flat, respectively in a women's shelter.

At the level of the *Land*, the actors are involved in a general dialogue across the boundaries of institutions as concerns sexual violence (abuse / exploitation) in refugee accommodations. The reports from *Baden-Württemberg* and *Saarland* may serve as examples: In the rural district of Reutlingen (Baden-Württemberg), a working group was formed in March 2016 with the involvement of the police, the municipal agency for public order (*Ordnungsamt*), the office of the county district commissioner (*Landratsamt*), intervention agencies, and others, for the purpose of preparing recommendations for action regarding the prevention of violence (including sexual violence) against children and women in refugee accommodations and regarding ways of dealing with such violence. Other rural districts have also instituted working groups or round-table meetings bringing together various actors, among them also the police.

In the *Saarland*, an inter-ministerial working group was formed for the sphere of protecting refugee children, "Land Youth Welfare Planning Plus" ("*Landesjugendhilfeplanung Plus*"), which is comprised of representatives from all of the authorities and institutions involved in this sphere of activities. The working groups will

develop strategies for action, for example, and measures serving to provide and care for unaccompanied under-age foreigners. Additionally, the "Atlas of Refugees in the Saarland" ("*Flüchtlingsatlas Saarland*") is available, an overview of data relevant in terms of integration policy that can be retrieved online. Where children or adolescents are subject to prostitution, their needs are covered by victim aid institutions such as ALDONA e. V. to take follow-on measures serving to protect the affected parties.

In order to protect the children affected from (further) exploitation / (further) abuse and to grant support to the victims, they will additionally be transferred to various counselling and care services such as the social counselling services for migrants (*Migrationssozialberatung*), youth migration services (*Jugendmigrationsdienst*), or integration pilots (*Integrationslotsen*).

Inasmuch as claims to compensation of damages are involved, victims of sexual abuse / of sexual exploitation may be entitled to such a claim against the perpetrator pursuant to section 823 (1) of the *Bürgerliches Gesetzbuch* (Civil Code – BGB), in particular where the sexual exploitation / sexual abuse violated their physical integrity, their health, or their freedom. A corresponding claim to compensation of damages is also an option pursuant to section 823 (2) of the Civil Code (BGB) read in conjunction with the relevant national stipulations of criminal law (specifically sections 176 et seqq. of the Criminal Code (StGB)), and pursuant to section 825 of the Civil Code (BGB) (Inducing others to sexual acts). Pursuant to section 253 (2) of the Civil Code (BGB), the claim to compensation also comprises intangible damages (compensation for pain and suffering). These types of claims will be asserted by the legal representative of the child or adolescent, as a rule by the legal guardian appointed by the family court. In many cases, the youth welfare office is appointed legal guardian.

- 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 municipalities are responsible for providing the specific services. Where the challenges listed above are concerned, the qualification of the experts involved play an exceptionally important role.

In order to improve the protection of victims where human trafficking in minors is concerned, the Federal Ministry for Family, Senior Citizens, Women and Youth (BMFSFJ), working together with non-governmental organisations and experts, has drafted a concept for cooperation throughout the Federal Republic. The objective is to ensure that persons under age who are potentially affected, or who in fact are affected, by human trafficking have adequate protective measures and comprehensive help measures at their disposal. The cooperation concept applying throughout Germany concurrently is to contribute to effectively combating this crime. The draft of the cooperation concept is scheduled to be finalised and coordinated by the end of September and subsequently is to be presented to the *Länder* as a recommendation on how they might cooperate amongst themselves.

At the *Land* level, the aspects that may be problematic are regarded to be, *inter alia*, the lack of legal knowledge on the part of the unaccompanied under-age refugees, language barriers and other cultural backgrounds, low willingness to file charges, lack of trust in the police due to negative experiences made in the respective country of origin. Accordingly, the actors involved at this level regard the information, in a manner adequate for the target group, of the children who have fled their home countries and the children seeking asylum, along with their families, to be of utmost importance: Their rights must be explained to them, as must the functions and allocation of tasks between the government and the authorities implementing governmental policy (e.g. the police and youth welfare office), and they must learn of the opportunities they have to obtain help and support in the event of attacks and abuse, and how they can avail themselves of such opportunities.

#### 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 Federal Criminal Police Office (BKA) collaborates with the international initiative "Virtual Global Taskforce (VGT)," a strategic alliance of currently 13 police authorities, respectively police organisations dedicated to combat the sexual abuse of children committed via the internet and child pornography.

The *Rhineland-Palatinate* additionally has emphasised that the EASO (European Asylum Support Office) is an example of successful collaboration at the level of the European Union. At present, a handbook is being prepared on how to deal with refugees and, more specifically, with groups of persons requiring a particular degree of protection such as under-age persons.

#### 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.

In order to improve the protection accorded to children and adolescents who have fled their home countries, the Federal Ministry for Family, Senior Citizens, Women and Youth (BMFSFJ) has commissioned a risk analysis in the context of the activities under the Action Plan for the Protection of Children and Adolescents from Sexual Violence and Exploitation (*Aktionsplan zum Schutz von Kindern und Jugendlichen vor sexueller Gewalt und Ausbeutung*). In this analysis, the risk that refugee children run of becoming victims of sexual violence is analysed. Additionally, the corresponding protective measures are to be derived from the analysis. The interview partners are experts from a wide range of



fields who have contacts to child refugees, but also girls and boys from the age of 12 years (in which context the "story-telling" method is applied). The first results are expected to be presented in October 2016.

The *Länder* regard the collaboration of all bodies to be important that deal with children affected by the refugee crisis, since the protection of children and adolescents against sexual exploitation is a task involving every single sphere of society. The following areas are conceivable for this cooperation: *Land* reception authority (*Landesaufnahmebehörde*) (with collaborative efforts transcending the boundaries of divisions), volunteers both "on the ground" and at a remove from the actual location, youth welfare office, police, counselling centres / women's shelters, child protection league "*Kinderschutzbund*," psychiatric hospitals for children and adolescents, paediatricians, therapists specialising in the treatment of children and adolescents, schools, associations. The parties operating refugee accommodations, the staff providing care as well as volunteer helpers and private legal guardians must be made aware of the phenomenon of sexual exploitation and sexual abuse of children. This includes raising the awareness of staff in the accommodations, of the parents and other relatives of children, as concerns efforts by strangers to contact the children that might pose a risk, as well as information and awareness-raising efforts with the children themselves, in a manner adequate for their age, to allow them to properly assess risk situations and to provide them with strategies that may serve them in obtaining help.