



T-ES(2016)RFG-ARM-1

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

ARMENIA

(Replies sent by UNHCR-Armenia)

Replies registered by the Secretariat on 18 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?

As of December 2015, according to UNHCR statistics there are 518 children in Armenia (asylum seekers and refugees) of whom 246 are female and 272 are male. Currently, there are no unaccompanied refugee/asylum-seeker children currently identified in Armenia.

There are also many children among the approximately 15,000 persons displaced by the conflict in Syria to Armenia who are in a refugee-like situation in Armenia and have displacement-related needs. However, on numerous occasions, UNHCR has noted with some concern that disaggregated data for this group is not readily available.

- 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;

According to our estimates, the data will be approximately the same as mentioned above, considering departures versus new arrivals/births. No reports of sexual exploitation or sexual abuse are available. However, UNHCR is of the opinion that there may be such cases among displaced children in Armenia, who are not identified.

- 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;

As far as UNHCR Armenia is aware, there were no child victims identified either by State actors or by international organizations and NGOs working with refugee and migrant children.

In terms of challenges faced, to identify such cases, there is a) no legislative basis defining the roles and responsibilities of State actors in the identification of victims of sexual exploitation and sexual abuse among refugees and migrants, either at the border or on the territory and during the asylum procedure; furthermore, b) there is limited awareness among the respective authorities as to the crimes and in terms of practical expertise and skills in identification of victims, and c) there is an observed societal perception that children are safe in Armenia and cannot fall victim of sexual exploitation and sexual abuse due to the protection offered by families, communities etc. Since many of the refugee children are also ethnic Armenians, they would be perceived also as equally well protected.

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.

There is no legal basis for the age determination of refugee and asylum-seeking children and in practice there have been no cases where any age determination process was tested or applied. In the past five years, the State Migration Service has identified and processed only one unaccompanied minor. In that case, the obstacle was to engage the local Guardianship and Trustee Commission and an age assessment was not made.

- 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;

UNHCR is not aware of any data collection in this respect and therefore is not aware of any inter-agency coordination and response.

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

UNHCR is not aware which State institution is responsible for the collection of the above data. Data on refugee and asylum-seeking children in Armenia is maintained by the State Migration Service, while data on child protection incidents would be held by the Ministry of Labour and Social Affairs.

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;

The Council of Europe may, in particular, be interested to note the findings and recommendations of the UN Special Rapporteur on the sale of children, child prostitution and child pornography, who visited Armenia in 2015 and identified a number of risk factors related to asylum-seeking and refugee children (see paras 25 and 37 of the report), as well as recommendations for further efforts to address and close the protection gaps in this area.

In 2015, the National Assembly adopted amendments to the Law on Refugees and Asylum-Seekers, which introduced additional procedural safeguards for unaccompanied and separated children seeking asylum in Armenia, including inter alia the appointment of a Representative who will represent the best interests of the child during the asylum procedure. Furthermore, there is an obligation under the same Law on Refugees and Asylum, that the State Migration Service shall take measures to determine the child's identity and undertake tracing, and that appropriate placement shall be made, in consultation with the Family, Women and Children Rights Protection Units of the Ministry of Labour and Social Affairs.

The construction of a new custom-built reception centre for asylum-seekers – which has been recommended as a preventive measure by the Special Rapporteur on the sale of children, child prostitution and child pornography - is still under discussion. While land has

been identified for the purpose there is currently no promise of funding for the construction.

To address the current gap in awareness-raising and specialized training (which were not so far initiated by the asylum authorities or other State agencies working with refugee children), UNHCR's NGO partner, the Armenian Red Cross Society has, in 2015, developed and printed information leaflets on sexual and gender based including specific section on children. The leaflets explain the types of violence (physical, sexual, psychological, neglect, etc.), symptoms of violence within children, ways to help and contact information. The leaflets have been disseminated among the relevant stakeholders. By the end of 2016, Save the Children International Organization will organize capacity building activities for refugee oriented NGOs on child protection and on refugee issues for the child oriented organizations. Regular trainings on sexual and gender based violence for UNHCR staff, lawyers, border guards, State Migration Service and other involved agencies.

- 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 public attitude, as well as cultural background make it difficult to raise awareness on sexual and/or domestic violence. Many cases of sexual violence and sexual abuse may be unreported due to culture and family traditions as well.

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;

As noted above, the Law on Refugees and Asylum provides a legal basis for the accommodation, representation and guardianship, consideration of best interests, and interpretation for unaccompanied and separated asylum-seeking children. The State Migration Service is currently in the process of drafting standard operating procedures on appointing legal representative/guardian for separated/unaccompanied children and Save the Children has been fully engaged in the drafting process to ensure that the document is in compliance with the international standards and is in child's best interests.

However, there have not been any unaccompanied or separated asylum-seeking children identified in Armenia in 2016, since the adoption of amendments to the Law, to test the practical application of these legal provisions.

It should be noted that these provisions of the law do not specifically deal with the situation of victims of sexual exploitation and/or sexual abuse, and that they relate specifically to the category of unaccompanied and separated children, rather than children within the family.

While Guardianship and Trusteeship Committees are established, and Women, Children and Family Protection Units are set up, there are no State facilities in place to cater for the specific needs of migrant and asylum-seeking children victims of sexual exploitation and/or sexual abuse.

Efforts to strengthen the national child protection system are underway, including with the introduction of a State referral system, and UNHCR and its partners have been advocating for the mainstreaming of refugee children within this system.

To address the current gaps in response, Save the Children International Organization, within its Agreement with UNHCR in 2016 will identify emergency cases, explore possible referrals and/or organize proper care. Child psychologist (funded by UNICEF, working with UNHCR persons of concern) is also full time available for responding the psychological needs of traumatized children.

- 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 Law on Refugees and Asylum – without specifically mentioning victims of sexual exploitation or sexual abuse - provides for the placement of an unaccompanied or separated child in appropriate accommodation.

All asylum-seekers are entitled to legal aid in accordance with the Law on Refugees and Asylum.

- 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.

[UNHCR is not aware of any such cooperation - Armenia has not ratified the Lanzarote Convention.]

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.