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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

FINLAND

(Replies sent by the State)

Replies registered by the Secretariat on 30 September 2016

**Revised replies to question 2 registered by the Secretariat on 7 October 2016
Revised replies to question 1, 3, 5 registered by the Secretariat on 23 November 2016**

These replies have been collected by the Unit for Human Rights Courts and Conventions in the Legal Service of the Ministry for Foreign Affairs from the relevant national authorities. In addition, certain Ombudsmen and non-governmental organisations have been provided a possibility to give a statement on the matter.

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?
 - 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;

The Government notes that in Finland, all asylum seekers under 18 years of age who have arrived in Finland without their parents or a de facto custodian are considered as unaccompanied minor asylum seekers. This definition has its basis in the practice of (*inter alia*) Finnish Immigration Service.

During 2015 Finland received asylum applications from 3.024 unaccompanied and 4.610 accompanied minor asylum seekers. Between 1 July and 31 December 2015, in all 2.828 unaccompanied minor immigrants arrived in Finland.

Between 1 January and 31 August 2016 the amount of unaccompanied minor asylum seekers was 295. Between 1 January and 30 June 2016, the corresponding number of unaccompanied minor immigrants was 244.

Thus, a total of 3.072 unaccompanied minor immigrants arrived in Finland during the period under review.

There exists no exact data on the number of victims or presumed victims of sexual exploitation or sexual abuse as no statistics on asylum grounds is gathered. Estimations are also difficult to give. The asylum authorities are, however, worried about the amount of unaccompanied minor asylum seekers that have disappeared during the asylum process even though the numbers of these cases have still been relatively small - 70 cases between January 2014 and March 2016.

Between January 2014 and November 2016, a total of 27 minors have been referred to the National Assistance System for Victims of Trafficking, 25 of them entered Finland as asylum seekers. 10 out of these 25 minor asylum seekers were suspected to have been sexually exploited. The exploitation had taken place outside Finland. Only one non-asylum seeking minor has been identified as a potential victim of trafficking for sexual purposes. This exploitation had also happened abroad. The National Assistance System has expressed concern for the fact that potential victims of trafficking for sexual

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.

purposes, who have been trafficked in Finland, are not being identified, whether Finnish or foreign nationals.

- 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;

The Government notes that every interview by the Finnish Immigration Services of a minor asylum seeker includes also finding out about possible sexual exploitation. As part of the asylum procedure, the Finnish Immigration Service interviews all unaccompanied minors. During the interview, all minors are also asked about possible sexual abuse against them. Because all asylum matters are secret by law, the Finnish Immigration Service does not compile any statistics on the grounds presented for asylum applications.

There are suspicions that some minor asylum seekers have been victims of sexual exploitation prior to their entry into Finland. However, if the victims have not themselves disclosed this to the authorities, the identification of such exploitation has been problematic. A common feature in this respect is the shame that the victim feels and, thus, the reluctance to speak about the issue.

The Finnish Immigration Service aims to identify also any signs of trafficking in human beings at an early stage and to refer the possible victims to assistance and services they need. By referring the (possible) victims to such services further abuse can be prevented.

As to the age determination, according to the Aliens Act (301/2004), it is possible to carry out a medical age assessment to establish the age of an alien applying for a residence permit if there are reasonable grounds for suspecting the reliability of the information the person has given on his or her age. The medical age assessment is carried out by the University of Helsinki, Department of Forensic Medicine. Two experts shall draft a joint statement on the assessment. At least one of the experts shall be an employee of the University of Helsinki, Department of Forensic Medicine. An expert may be an approved medical practitioner or an approved dentist with the necessary competence. The most common methods include radiography and teeth and wrist age examinations performed by clinical research.

The performance of an examination requires that the person to be tested has given an informed consent in writing of his or her own volition. The written consent of his or her parent or guardian or other legal representative is also required. Before obtaining consent, the applicant and the applicant's parent, guardian or other legal representative shall be given information on the importance of age assessment, the examination methods used, potential health effects, and the consequences of having and of refusing an examination. Anyone who refuses to undergo an examination is treated as an adult if there are no reasonable grounds for refusal.

According to the NGOs, namely Central Union for Child Welfare experiences of abuse come up in connection with the normal operation of the reception and asylum system. No special arrangements are in place. **Central Union for Child Welfare** points out also that an initial interview with a social worker is organised at the unit for unaccompanied minors (see below). During this interview, the social worker records information on the child and their background that is needed for arranging their care and attention. The tasks of the representative, the social worker and the staff of the group home are explained to the child. Possible experiences of sexual abuse may come up at the initial interview with a social worker. In addition to this interview, a child's special needs or traumatic experiences may emerge in the course of the daily work or at the public health nurse's office. Telling someone about sexual abuse often requires a trustful relationship that is formed between a child and an adult over time, and sexual abuse does not necessary come up at a single meeting that maps the child's experiences.

In this connection, **the NGOs, namely Save the Children Finland** has also drawn attention to the experience of the children and youth that have arrived in Finland, which should be used to help identify the diverse problems and trauma, such as sexual exploitation and abuse, encountered by children.

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

The Finnish Immigration Service as well as, for example, the police and the child welfare authorities obtain data concerning the above.

The National Assistance System for Victims of Human Trafficking collects data on minors who have been identified as potential or actual victims of trafficking in human beings.

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;
 - 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 Government notes that as mentioned above, every interview of a minor asylum seeker includes also finding out about possible sexual exploitation. The officials of the Finnish Immigration Service interviewing minor asylum seekers receive training on encountering children and to find tools how to examine the asylum grounds in an age appropriate way in an interview. The officials also receive training on, e.g., trafficking in human beings, which helps to recognize the possible victims.

Furthermore, in accordance with the Act on the reception of persons seeking international protection and recognising and helping trafficking victims (746/2011) all unaccompanied minor asylum seekers are assigned a representative in Finland and they are accommodated in group homes and supported housing units intended for children and they have a right to receive social and health services they need. If the asylum seeker is suspected to be, e.g., a victim of trafficking in human beings, he/she is referred to the national assistance system for victims of trafficking in human beings.

According to the Act on the Promotion of Immigrant Integration (1386/2010; section 27), the care for and upbringing of unaccompanied minors or young persons who have been issued with a residence permit or admitted to Finland under a refugee quota must be organised in a manner appropriate to their needs. The necessary services can be organised in family group homes, by using supported family placement or otherwise in an appropriate manner. The municipality of residence of the immigrant child or young immigrant is responsible for supporting them and organising the services that they need. As an inhabitant of the municipality the unaccompanied child or young person is entitled to receive all services available to the other inhabitants. Children or young persons living without a guardian are entitled to support services until the age of 21 years or until they have a guardian in Finland. Young immigrants may be provided with the same services as young persons in after-care under the Child Welfare Act (417/2007).

Unaccompanied minor asylum seekers who have been issued with a residence permit live in family group homes. Children and young persons living in family group homes are permanent inhabitants of the municipality in question and thus entitled to the same services as the other inhabitants. Family group homes have, e.g., the same staff sizing as child welfare institutions. The director responsible for the care and upbringing duties of a family group home and the employees performing these duties must be qualified under the Act on Qualification Requirements for Social Welfare Professionals (272/2005). All persons employed for the minimum of three months per year are background checked for a possible criminal past.

A representative is appointed for all children who have been issued with a residence permit under a refugee quota and all children victims of trafficking in human beings who have a residence permit if they reside in Finland without a guardian. The representative oversees that the children receive the care and services to which they are entitled.

The staff of family group homes or the representatives has not been given any explicit instructions for identifying or combatting sexual abuse. However, such know-how is part of the basic skills of professionals, and the theme will be addressed in future occasions to be arranged for family group homes.

Children of compulsory school age and pre-primary education age are entitled to education. According to the Basic Education Act (628/1998), the local authority shall have an obligation to arrange basic education for children of compulsory school age residing in its area and pre-primary education during the year preceding compulsory schooling. This obligation covers all children residing in the area of a local authority, including those seeking international protection.

According to Section 29 in the Basic Education Act, a pupil participating in education shall be entitled to a safe learning environment. The education provider shall draw up a plan, in connection with curriculum design, for safeguarding pupils against violence, bullying and harassment, execute the plan and supervise adherence to it and its implementation.

The National Board of Education approved the National Core Curriculum for Basic Education in 2014. The basic values, according to the National Core Curriculum, are, among other things, that basic education is based on the perception that childhood has an absolute value, that each child is unique and precious just the way he/she is, that each child has the right to grow to his/her full potential as a human being and a member of society. Each child has the right to good education and success in the school work. It is also stated that the starting point for provision of education, guidance and support is attendance to a good and safe school day.

The NGOs, namely Central Union for Child Welfare considers also that regular training should be organised for the staff of reception centres and units for minor asylum seekers on bringing up and identifying sexual abuse. It is also important to ensure that sufficient sexual education and advisory services are available for young migrants and asylum seekers. Providing children and young people with more information about their rights and inviolability is an important factor in the prevention of re-victimisation.

Save the Children Finland draws also attention to the length of asylum procedures as one of the reasons that increase the risk of children being sexually exploited or abused. **Save the Children Finland** has also named a number of (other) ways to prevent the risk, such as the provision of child-friendly material describing in a child-sensitive way the situation that the children are in and of their rights.

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;

The Government refers to its reply to questions 2.a) and b), which concern also the question of protection.

Furthermore, **the Government** notes that, for example, the threshold for the possible minor victims of trafficking in human beings to be referred to the national assistance system for victims of trafficking in human beings is as low as possible. The victim receives appropriate assistance and support through the assistance system. **Central Union for Child Welfare** points out that this does not, however, mean that a child would have to move out of the unit for minors, as in these situations the unit receives support from experts of the assistance system. The support provided for children is planned according to their individual needs. **According to the Central Union for Child Welfare**, in

the first six months of 2016, seven children were admitted to the assistance system. **Central Union for Child Welfare** states that according to the estimates of the assistance system, about one half of these children had experienced sexual abuse.

The NGOs, namely Central Union for Child Welfare considers that in practice, support and care for asylum-seeking children who are victims of sexual exploitation/abuse are always provided within the framework of the reception system and that level of measures taken to cater for the needs of victims of sexual exploitation or abuse and support provided for them varies in different locations and units as there exists no national system for victims of sexual abuse. However, according to the **Central Union for Child Welfare**, particularly in case of unaccompanied minors, a child's special needs can be catered for as these children are accommodated in dedicated units for minors, in which they receive more comprehensive health and social services than adults at reception centres. The units for minors are responsible for providing the children with age-appropriate attention, care, education and support. The Finnish reception system as such prevents abuse, as unaccompanied minors are accommodated in separate units.

- 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 Government refers to its replies to Questions 2.a) and b) as well as 3.a). The measures described contribute also to the protection of the children from further exploitation/abuse.

- 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 Government notes that a challenge that can be mentioned concerns the children who have disappeared during the asylum process from the reception centres and who are, thus, particularly vulnerable to exploitation. According to the authorities, such disappearances can be sought to be prevented, *e.g.*, by creating confidential relationships with an adults, safe accommodation intended for minor asylum seekers and a quick and efficient asylum process (see also the replies to Question 2 a)).

The significance of an experience of trustful environment has been brought up also by **NGOs, namely Central Union for Child Welfare**. According to **Central Union for Child Welfare**, disclosing experiences of sexual abuse may be very difficult and cannot be done unless the child finds the environment trustful. Creating a trustful relationship is a long process. In units for minors, each child and young person has a personal key worker, which may promote the creation of a trustful relationship and relating difficult experiences. The staff working with children needs training in skills of encountering a child. Skills are needed in creating a sufficiently trustful and safe environment for a young person that allows him or her to relate traumatic experiences. In the asylum system, skills are also needed that provide the staff members with sufficient methods for encountering the stories of traumatised young people. The employees additionally

need to be adequately supported by professional guidance to process these situations. Interpreters also need training for situations where customers relate their traumatic experiences.

Another challenge that has been brought up by the **NGOs, namely Central Union for Child Welfare** is that adequate information on the situation of children who arrive in Finland with their families and parents at reception centres is not available.

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.

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.

The Government notes that no trends can be distinguished at least in the sexual exploitation and sexual abuse of children. The situation today seems to be the same as during earlier years. Some minor asylum seekers have experienced such violence in their home countries and some others possibly during their travel to Finland. These incidents are taken into account as possible grounds for international protection. However, the minority of the interviewed asylum seekers report such incidents.