



T-ES(2016)RFG-NED-2-rev

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

THE NETHERLANDS

(Replies sent by the State)

Replies registered by the Secretariat on 23 November 2016
Revised replies to question 1 registered by the Secretariat on 19 December 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?
 - 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;

To answer your question on the amount of asylum-seeking children that have entered the Netherlands between 1 July 2015 and 30 June 2016 we have prepared the chart below. The presented numbers represent all children that have applied for asylum (1st time applicants) and those who have applied for family reunification.

We are not able to present separate numbers on accompanied and unaccompanied children. These numbers include persons from countries within the EU.

1st time applicants and family reunification	2015			2016										Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June		
Total children, all nationalities	173 5	211 0	261 0	327 0	2320	172 0	130 0	955	595	530	565	620	18.330	

Source: CBS (Statline), 4-10-2016

Please find below the numbers on asylum-seeking children that were placed in a protected shelter because they were victims of human trafficking and/ or human smuggling, or because of their vulnerability for human trafficking and/or other vulnerabilities. The reason why they were placed in a protective shelter is not registered. For more information on this protected shelter see other answers.

Influx protected shelter	2015				2016									Total
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
Unaccompanied minor asylum seekers (AMA's)	10	10	10	10	10	<5	10	10	<5	10	10	<5	90	

Source: COA, 4-10-2016, rounded to nearest 10. Numbers 1 to 4 are shown as <5.

- 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;
- 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;

^[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.

In the following question 1.b and 1.c are answered.

The Netherlands identifies (possible) victims in the following manner: Signs of (possible) exploitation (human trafficking) could be signaled by various actors within the chain of organizations that together make out the immigration chain. All co-workers within this chain of organizations are therefore trained to identify signs of human trafficking.

In the asylum center of Ter Apel various organizations have also developed a protocol on how to act if one of them identifies a possible victim of human trafficking. Crucial within this protocol is the sharing of information with one another. In the protocol the Police (AVIM), Immigration and Naturalization Office (IND), Nidos Foundation (Dutch guardianship institution for unaccompanied minor asylum seekers), the Central Agency for the Reception of Asylum Seekers (COA), Legal Aid Board, Dutch Council for Refugees, Repatriation and Departure Service (DT&V), and CoMensha (the coordination center for victims of human trafficking) all join forces.

All signs of human trafficking are also reported to Team Trafficking and Migration Crime (TMM). TMM is part of the department Aliens Police, Identification and Trafficking (AVIM) of the police. TMM assesses whether there are sufficient leads for a criminal investigation and subsequent conviction. In addition, the signals are reported to the Expertise Centre for Human Trafficking and Human Smuggling (EMM).

Concerning the identification of situations or victims of child abuse, including sexual abuse: professionals working in sectors such as health care, youth care, education and justice, including those working in the immigration chain, have to work according to the statutory 'Reporting Code Domestic Violence and Child Abuse'. If these professionals identify signs of sexual abuse, they should successively follow these five steps:

- 1- Identifying the signs;
- 2- Peer consultation and, if necessary, consultation with the Advice and Reporting Centre for Domestic Violence and Child Abuse or an injury specialist;
- 3- Interview with the persons involved;
- 4- Assessing the violence and child abuse;
- 5- Reaching a decision: arranging or offering assistance, or, if the professional is not able to do this, reporting a case (to the Advice and Reporting Centre for Domestic Violence and Child Abuse or to the police).

When a report has been filed to the Advice and Reporting Centre for Domestic Violence and Child Abuse, this agency may undertake further research into the situation of the child(ren) concerned. Eventually it may decide to organize voluntary assistance or care to the involved child(ren) and family members, to request the Dutch Child Care and Protection Board to undertake further research, or to file a report or complaint to the police.

Since 1 July 2013 a mandatory reporting protocol for domestic violence applies to all locations of the Central Agency for the Reception of Asylumseekers. This protocol is in line with the national reporting code on domestic violence and child abuse. Each location has a responsible functionary who supervises an adequate application of the

code.¹ In addition, the juvenile court is empowered to take a protective measure under the Hague Convention for children who do not (yet) have asylum status.

The Netherlands does not make a distinction between victims of sexual exploitation/abuse prior to the entry on our territory (Group 1) and after entry (Group 2). The Dutch residence permit for victims of human trafficking is open to both, victims that were exploited outside the Netherlands and victims that were exploited within the Netherlands. Hence, no data is available on the size of both groups of victims.

The age of possible victims is determined in the following manner: If an unaccompanied minor has no documents to prove its age the IND, together with the Marrechausse/Police, can carry out a visual inspection. They might conclude to follow the minor in its declared age (minor); or they might conclude majority and offer the possibility to the minor to determine its age. This means undergoing a radiological examination (photo of wrist and if necessary of the collar bones). If the unaccompanied minor refuses such an examination, than the IND will conclude majority.

Legal provisions of age assessment are laid down in the Aliens Act Implementation Guidelines. Age assessment is possible since 1999. In addition, the Asylum Procedures directive states that Member States are expected to assume minority if doubts about the age of the applicant remain after the examination.

The data collection: The signals of human trafficking from COA are centrally collected and shared once a month with the EMM. With the help of various information systems the EMM attempts to analyze the collected information. This could lead to research proposals for investigative services. If there are insufficient indications that could lead to a research proposal or investigation, the signals are registered in a theme registry, where they are kept for five years. Because of this registration of signals, information from one signal could be associated with other signals in the future.

Moreover, CoMensha gathers data on all victims of human trafficking in the Netherlands. The police and other investigative agencies are required to report all alleged victims to CoMensha. Also other various parties who come into contact with alleged victims are asked to report these victims to CoMensha, for instance youth care providers.

These and other data are used by the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. The National Rapporteur reports to the government about the nature and extent of trafficking and sexual violence against children in the Netherlands. She monitors the effects of the policies conducted in these areas and makes recommendations to improve the approach to human trafficking and sexual violence against children. The following reports of the National Rapporteur contain more information on (the policy towards) vulnerable migrant and asylum-seeking children in the Netherlands:

- [Vulnerability up close. An exploratory study into the vulnerability of children to human trafficking \(2016\)](#)

¹ Inspectorate of Security and Justice (2015). 'Meldcode voor huiselijk geweld en kindermishandeling'. The Hague, p. 11.

- [Mensenhandel. Naar een kindgericht beschermingssysteem voor alleenstaande minderjarige vreemdelingen \(2015\)](#) [Dutch].

For an overview of the Dutch policy and practice in tackling sexual violence against children:

- [On solid ground. Tackling sexual violence against children \(2014\)](#).

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

Institutions that are responsible for the collection of the data above are: Team Trafficking and Migration Crime (TMM), the department Aliens Police, Identification and Trafficking (AVIM) of the police, the Immigration and Naturalization Office (IND), Nidos Foundation, the Central Agency for the Reception of Asylum Seekers (COA), Legal Aid Board, Dutch Council for Refugees, Repatriation and Departure Service (DT&V), Identification and Human Trafficking (EVIM), JADE Foundation, and CoMensha.

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;

UAM are, by definition, in a vulnerable position. This applies all the more for unaccompanied minors who are victims of human trafficking or are threatened to become a victim of human trafficking. Because of this, the Netherlands offers protected shelters for this specific group. This specialize shelter was opened in 2008 after the disappearance of Indian unaccompanied minors in 2004 and Nigerian 'girls at risk' in 2006 to provide protection to categories of unaccompanied minors who run the risk of falling victims of exploitation.

Nidos Foundation

Immediately upon the entry of an UAM into the Netherlands or upon finding an UAM without legal residence by the authorities, an UAM is brought into contact with Nidos Foundation. Nidos is responsible for the guardianship of UAM. Nidos submits an application for guardianship to the court to this end. When the guardianship is granted, the responsibility for the child rests with Nidos. Nidos is authorized to represent the UAM interests during the asylum procedure and may be assisted by a lawyer in this procedure.

In April 2016, a new working method was developed which, in short, focuses on multidisciplinary risk assessment. The goal of this risk assessment is to determine if the minor can be expected to file a complaint, cooperate with an investigation, or is able to tell his or her story. This multidisciplinary risk analysis is executed by several organizations: Nidos Foundation, the Central Agency for the Reception of Asylum Seekers (COA), JADE Foundation, the Centre of Expertise of Aliens, Identification and Human Trafficking (EVIM) and the Immigration and Naturalization Office (IND). These organizations intensively work together to, for example, survey medical, physical, cultural, and religious factors. The multidisciplinary risk analysis is also an instrument to determine what kind of help, care, shelter, etcetera the minor needs. Furthermore, the

results of the analysis can (potentially) function as evidence in the immigration and criminal procedures.

- 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.

Despite the increased influx of asylum seekers there is continuous attention for signals of human trafficking within the organizations that together form the immigration chain. Initiatives like the before mentioned protocol, multidisciplinary risk assessment, etc. were taken in the past year as a means to signal victims of human trafficking within the chain of organizations involved in the immigration procedure.

For the recognition of possible signs of human trafficking, the Dutch immigration service (IND) also developed a list of indicators that has been brought to the attention of its personnel. Furthermore, the IND also uses the list of indicators on the website www.wegwijzermensenhandel.nl. This website contains information that helps professionals to find the right support for victims of human trafficking.

Valuable lessons were learned during the 'Koolvis' operation. During this operation, several institutions worked together to track down and dismantle the organizations behind the human trafficking of Nigerian woman. This included the Dutch authorities, law enforcement, Europol and Interpol, as well as law enforcement authorities from countries like, Nigeria, Belgium, the UK, the US, Spain, Germany, France, and Italy.

However, research by the Inspectorate of Security and Justice in February 2016 concluded that the identification and registration process of asylum seekers was not executed carefully enough in the Netherlands. The contribution to the fight against human trafficking was at best being realized at a minimum.² A follow-up investigation by the Inspectorate in April states that a number of adjustments have been made, but that it is too soon to conclude that human trafficking is being addressed in an adequate manner.³ The National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children stresses that it is important to identify and address all signs of human trafficking within the migration flows thoroughly.

The main measure to protect unaccompanied minors against human trafficking is the protected shelter. The protected shelter was introduced in 2008, after previous described comprehensive human trafficking network came into sight. In the protection shelters - among others - welfare workers, guardians, and human trafficking investigators work together under one roof. The purpose of the protected shelter is twofold: on the one hand protection against possible human trafficking, and on the other hand the supervision of unaccompanied minors so that they can be 'disconnected' from human traffickers.

² Inspectie Veiligheid en Justitie (2016) De identificatie van asielzoekers in Nederland.

³ *Tweede Kamerstukken 2015/2016 19637, nr. 2187.*

After a critical report by the Inspectorate of Security and Justice and the Inspectorate for Youth Care⁴ the Minister of Migration asked the executor of the protection shelter to develop improvement measures. These measures have meanwhile been implemented.⁵ The National Rapporteur on Trafficking in Human Being and Sexual Violence against Children states that it is important that these measures will be monitored and will indeed lead to improvement of the protected shelter.

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;
 - b) Indicate also what measures have been taken to protect the children concerned from further exploitation/abuse and to assist the victims in seeking redress (please highlight any differences between Groups 1 and 2 of children as outlined above);
 - c) Underline any lessons learnt from specific challenges (in reporting suspicion of sexual exploitation and abuse, in tailoring assistance to the victims, etc.) that had to be faced to improve protection.

While children await a decision in their asylum procedure, the responsibility for their safety lies with the organizations that together form the chain of organizations of the immigration procedure, e.g. IND, COA, Nidos, etc. In the foregoing we have described the measures that have been taken by these organizations to ensure the children's safety.

Once a positive decision is taken in the asylum procedure and the children are given a residence permit, the responsibility for the children's safety lies with the municipality in which the child is living. In the Netherlands, municipalities coordinate the care needed for all children within its borders. Municipalities are responsible for sufficient offer of shelter and care for all minors and are responsible for guiding them to the appropriate care. Municipalities are also responsible for the Safe Home Centers, aimed at supporting victims of domestic violence and child abuse. Municipalities are also responsible for the legal child protection measures, such as guardianship or supervision. These facilities and measures do not specifically apply to migrant children, but to all children in need.

⁴ Inspectie Veiligheid en Justitie en Inspectie Jeugdzorg (2016) De kwaliteit van de beschermde opvang voor alleenstaande minderjarige vreemdelingen.

⁵ *Tweede Kamerstukken 2016/2017 27062 nr. 103.*

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;

The Hungarian Ministry of the Interior, the Dutch Ministry of Security and Justice and the Belgian NGO Payoke have collaborated in the project: Referral of and assistance for victims of human trafficking in Europe (Ravot). The Ravot Project aimed at developing a transnational referral mechanism among Hungary, Belgium and the Netherlands, for referral, assistance and safe return of victims trafficked for the purpose of sexual and labor exploitation. An online platform is created that can be used for professional and academic purposes. The project also aimed at developing a better understanding and trust between non-governmental organizations and the relevant authorities in the field of human trafficking. As part of this project a manual has been developed that describes what kind of support for victims of human trafficking exists in the three countries. A website has been built where the different national referral mechanisms of the three countries are shown in a flowchart. You can also find an interactive map on the website on which the relevant organizations are represented in the three countries. See: <http://www.ravot-eur.eu/nl/>

Another example of successful cooperation is the development of the Benelux brochure. The Benelux brochure is a brochure in which the referral mechanisms of Belgium, Luxembourg and the Netherlands are explained. In this brochure practical examples illustrate the scope of cross-border cooperation. The brochure also contains contact details of organizations that have a role in tackling human trafficking and in supporting victims.