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## **LANZAROTE COMMITTEE**

Committee of the Parties to the Council of Europe  
Convention on the protection of children against sexual  
exploitation and sexual abuse

**Follow-up given by Parties to the Special Report on “Protecting children  
affected by the refugee crisis from sexual exploitation and sexual  
abuse”**

**Compliance report concerning Recommendation 7**

Adopted by the Lanzarote Committee on 10 March 2022

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## Executive Summary

In March 2016, the Council of Europe's Secretary General called for a series of priority actions to protect children affected by the refugee crisis. In this context, the Lanzarote Committee mandated its Bureau to decide on the need to make urgent requests for information on the basis of Rule 28 (Special reports and urgent situations) of its Rules of Procedure.

On the 3<sup>rd</sup> of March 2017, the Lanzarote Committee adopted the Special report Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse, as an outcome of the urgent monitoring round that had been launched for that purpose. The Special report focused on how Parties to the Lanzarote Convention were protecting children affected by the refugee crisis from sexual exploitation and sexual abuse.

To follow-up on the Special report and its recommendations, in 2018, the Committee requested Parties involved in the urgent monitoring round to provide information on the follow-up given to the 5 urge recommendations. The evaluation of the follow-up given to the 5 urge recommendations was adopted by the Lanzarote Committee on the 6<sup>th</sup> of June 2019.

Subsequently, the Committee asked the Parties involved in the urgent monitoring round to provide information on the follow-up to the 10 recommendations considering that Parties should act. This compiled information (hereafter Compilation information 2020) allowed for a first preliminary assessment of the Parties' practices and legislation with respect to the 10 "consider" recommendations, taking into account specific requirements. This first preliminary assessment was presented to the Parties at the 27<sup>th</sup> plenary meeting of the Lanzarote Committee in June 2020. The Parties were then given a second opportunity to provide information on the follow-up to the same 10 recommendations considering that Parties should act (hereafter additional information).

The present draft compliance report was prepared on the basis of the Compilation of information 2020, the compiled additional information sent by the Parties.<sup>1</sup> It is important to note that the conclusions of compliance/partial compliance/non-compliance have been drawn without the possibility to verify the extent to which legislation and measures are being applied in practice, nor whether children affected by the refugee crisis are actually benefitting from existing services. It has also not been possible to assess the extent to which mechanisms for data collection with a specific focus on children affected by the refugee crisis who are victims or presumed victims of sexual exploitation and sexual abuse are effective.

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<sup>1</sup> The 41 Parties that are concerned by this report are: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey and Ukraine.

The report covers the situation in the 41 states, which were Parties to the Convention at the time the urgent monitoring round was launched. Parties, which have ratified the Lanzarote Convention at a later stage may take into consideration the recommendations, promising practices and other findings presented in this report for information and subsequent relevant action.

The majority of the Parties to the Convention have implemented one or more measures to address the requirements of Recommendation 7. Specifically, 17 Parties are in partial compliance and 16 Parties are in full compliance with the requirements. Some of these Parties have in place promising practices that could inform further developments and advances in other Parties.



In some Parties, data collection on sexual exploitation and sexual abuse, specifically focusing on children affected by the refugee crisis, is collected in the framework of national mechanisms, in other Parties, there are specific data collection mechanisms, usually managed by the migration authority in the country.

There is space to improve existing data collection mechanisms and establish these, in Parties that have not yet done so. Improvements concern the possibility to register relevant disaggregated data; the inclusion of different groups of children affected by the refugee crisis; the identification and removal of obstacles for data collection; as well as, adhering to data protection requirements.

8 Parties have been considered non-compliant with Recommendation 7.

**Table 1. Comparative information on fulfilment of Recommendation 7**

Country	Data collection mechanism in place	Removal of obstacles to data collection	Data protection requirements in place
★ Albania	Yes*	No	No
★ Andorra	Yes	Yes	Yes
Austria	No	No	No
Belgium	Yes	No	No
Bosnia and Herzegovina	Yes	No	No
★ Bulgaria	Yes	Yes	Yes
★ Croatia	Yes	Yes	Yes
★ Cyprus	Yes	Yes	Yes
Czech Republic	No	No	No
★ Denmark	Yes	No	No
★ Finland	No	No	No
★ France	Yes*	Yes	Yes
Georgia	Yes*	No	No
Germany	Yes	Yes	Yes
Greece	No	No	No
★ Hungary	Yes	Yes	Yes
★ Iceland	Yes	No	No
★ Italy	Yes	Yes	No
★ Latvia	Yes	Yes	Yes
Liechtenstein	Yes	No	Yes
Lithuania	Yes	No	No
Luxembourg	Yes	No	Yes
Malta	Yes	No	No
★ Republic of Moldova	Yes	Yes	Yes
★ Monaco	Yes	Yes	Yes
Montenegro	Yes	No	No
Netherlands	Yes	Yes	Yes
North Macedonia	No	No	No
Poland	Yes	Yes	Yes
Portugal	No	No	No
Romania	Yes	No	No
Russian Federation	Yes	Yes	Yes
San Marino	No	No	No
Serbia	Yes	No	Yes
Slovak Republic	Yes	No	No
★ Slovenia	Yes	Yes	Yes
Spain	Yes	No	No
★ Sweden	Yes	Yes	Yes

 <b>Switzerland</b>	Yes	Yes	Yes
 <b>Turkey</b>	Yes	Yes	Yes
<b>Ukraine</b>	No	No	No

\*Yes, to a limited extent.

## Methodology

### Recommendation R7

The Lanzarote Committee:

considers that Parties should put in place effective mechanisms for data collection with a specific focus on children affected by the refugee crisis who are victims or presumed victims of sexual exploitation and sexual abuse and review the possible removal of obstacles to the collection of such data, in particular, where they exist, legal restrictions to do so, with due respect for the requirements of personal data protection (R7).

Following the adoption of the Special Report and after the assessment of the 5 urge recommendations, the Committee asked Parties involved in the urgent monitoring round to provide follow-up information on the 10 recommendations considering that Parties should act. On a first phase, Parties provided relevant information to assess their compliance with recommendations, which was compiled in the Compilation information 2020. An individual assessment was carried out of the replies of each Party, taking into account specific requirements.

Based on this assessment, an analytical document was prepared and sent to the Parties. Subsequently, Parties were given the opportunity to submit additional information concerning other measures in place, which showed compliance with the requirements identified for the assessment of Recommendation 7.

The requirements identified to assess Parties' compliance with Recommendation 7 are as follows:

- 1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*
- 2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*
- 3. The State indicates relevant data protection requirements which have been considered/observed.*

Full compliance with Recommendation 7 was determined if the Party: a) has in place at least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse with a specific focus on children affected by the refugee crisis; b) has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles; and c) indicates relevant data protection requirements which have been considered/observed.



In the cases where Parties identified a data collection mechanism on victims or presumed victims of sexual exploitation and sexual abuse, but it *did not focus specifically on children affected by the refugee crisis*, these were considered as non-compliant with Recommendation 7. Requirements two and three have only been acknowledged, when in reference to a data collection mechanism as specified under requirement one.

Where Parties have taken measures to grant specific focus to children affected by the refugee crisis within a comprehensive and nationwide data collection mechanism on children who are victims or presumed victims of sexual exploitation and sexual abuse; where they have proceeded to effectively removing obstacles concerning related data collection, in particular legal restrictions; and where Parties described how they have proceeded to ensure compatibility between data protection and data collection on children affected by the refugee crisis, these were considered as promising practices.

The present report takes into account both the Compilation information 2020 and related analytical document, as well as the additional information submitted by Parties. The aim is to assess compliance, whilst providing a comprehensive picture of what national practices and legislation are in place.

For ease of reference, a comparative table summarising the findings of this report has also been prepared.<sup>2</sup> The table colours have been determined as follows:

- Full compliance (green) – the Party is in conformity with all the requirements of the Recommendation, corresponding to fulfilment of obligations under the Convention;
- Partial compliance (yellow) - the Party is in partial conformity with the requirements of the Recommendation, corresponding to fulfilment of obligations under the Convention;
- Non-compliance (red) – the Party does not address any of the requirements of the Recommendation, corresponding to fulfilment of obligations under the Convention.
- Promising practice country (star) – the Party fulfils one or more requirements of the Recommendation *or* has applied additional measures, in a manner that is considered a promising practice.

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<sup>2</sup> This table can be found at the end of the Executive Summary.

## Country results

### ALBANIA

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Albania had provided information from the General Directorate of State's Police. Specifically, the State Police has in place a system for collecting and processing statistical data on all criminal offenses identified and dealt with by central or local police structures, with special sections in the statistical format in order to identify whether the victim is a "child" and if it is "foreign", but there are no special systems in place for this category of children.

Information from the Ministry of Internal Affairs specified that the Responsible Authority (RA) is the mechanism set up for the implementation of the National Referral Mechanism (NRM) in relation to all cases of potential victims/victims of trafficking identified and referred under this Mechanism, in accordance with the Standard Operating Procedures (SOP). Members of the RA make sure that any information about potential victims/victims of trafficking is transmitted to the secretary of the RA. Data entry in the Information System for the Victims of Trafficking is done only by the secretary of the RA. Only the data of those cases for which the information comes in the form required by the SOPs, is recorded. Statistical data have been collected on the number of victims broken down by sex, age and type of exploitation, as well as data on the nationality of the victims and the type of assistance and protection received.

No additional information has been submitted.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No relevant information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

No additional information has been submitted.

Based on the information received, Albania is in partial compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined by the following reasons: a) it is unclear whether there is a relevant mechanism targeting children affected by the refugee crisis, other than those who have been trafficked; b) it is unclear whether the State has identified and considered removing any obstacles to the collection of data collected through the Information System for the Victims of

Trafficking; and c) it is unclear whether there is observation of relevant data protection requirements concerning the already specified system.

## **ANDORRA**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, complemented by the additional information, Andorra provided information on the Immediate Activation Protocol (PAI), which targets all children who are victims of exploitation or sexual abuse, including those affected by the refugee crisis. The protocol activates intervention with children and the collection of data.

Article 71, on the Registry on Maltreatment of Qualified Law 14/2019, of February 15<sup>th</sup>, on the rights of children and adolescents states that:

1. "The Ministry of Social Affairs will create a unified registry of child and adolescent abuse to prevent or intervene in cases of child abuse. The registry should perform statistical functions.
2. The function of the abuse registry is to centralise all notifications and information that the administration or service knows of or detects concerning child abuse.
3. The creation, operation, function and other rules concerning the recording of abuses are carried out by decree.
4. The management of information in the abuse registry must guarantee confidentiality, and that access, use and transmission of this data comply with regulations. However, it is not necessary to have the consent of the interested parties in order to assess the individual, family or social situation of the child concerned, provided that it is done in the best interests of the child."

The Specialised Service for Attention to Children and Adolescents (SEAIA) and lawyers from the Ministry of Social Affairs, Housing and Youth are currently working on the creation of the Andorran Registry of Child and Adolescent Abuse (RAMIA). At this moment the Legislative Decree is being drawn up for publication in the Official Bulletin of the Principality of Andorra, in the following months.

The aim of the registry is to collect information on all situations of maltreatment, including sexual abuse and/or sexual exploitation of children and adolescents. In the case of children affected by the refugee crisis, an additional annotation will be made.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

In the additional information provided, Andorra provided information that such obstacles are addressed in Law 14/2019, which obliges to accomplish the creation of RAMIA, for the collection of data.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

The Annex to the Decree will establish the data for collection and will be in accordance with the Data Protection Agency. For cases of sexual abuse or sexual exploitation, there is a specific requirement, as referred to in Recommendation 31.

Based on the information received, Andorra is in full compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **AUSTRIA**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In the additional information submitted, Austria provided information that the Austrian case management application (called "Verfahrensautomation Justiz" or "VJ") supports all courts and public prosecutors' offices in keeping the registers of more than 66 different types of proceedings, including all criminal law proceedings. The VJ supports internal access control and logging mechanisms and includes (name) search and administration functions. The VJ application data is processed in the data warehouse and is used for statistics/evaluations of the offences, including offences against victims of sexual exploitation and sexual abuse. If the data is available in the VJ, the data warehouse can provide detailed statistics (amount of prosecution offices/court cases per criminal code paragraph, age of the victims, etc.). There is no "special" data field for the refugee status available yet, however the existing data is detailed and can be filtered based on various other parameters. As part of the strategic digitisation initiative "Justice3.0" a long-term redesign of the case management is intended, which will require adequate financial resources, but could provide potentially better support with regard to statistics (i.e. more detailed data regarding the refugee status). Nevertheless, it will be necessary to fine-tune the demand for additional information/statistics in order not to overburden the judicial staff.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

In the additional information submitted, Austria provided information that the existing evaluation possibilities and mechanisms for data collection as well as the legal framework are sufficient, and no further actions are required. The GDPR, the national Data Protection Act ("Datenschutzgesetz", especially § 36 et seq.) and the national Criminal Procedure Code ("Strafprozeßordnung 1975", especially § 74 et seq.) restrict the collection/processing of (sensitive) data (data protection mechanisms), but they are not a legal obstacle to collect the required data or to process it.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

In the additional information submitted, Austria provided information that the GDPR and other national data protection laws (especially § 36 et seq. Data Protection Act ["Datenschutzgesetz"]; Criminal Procedure Code, especially § 74 et seq.) are applied in the handling of all personal data in criminal law proceedings. The Data Protection Act and Criminal Procedure Code do not provide for specific data protection provisions for refugees, but the existing legal framework is sufficient to collect/process the required data and to protect the data of the victims (including refugees).

The information provided for requirements two and three has not been taken into account, as the Party does not fulfil requirement one.

Based on the information received, Austria is non-compliant with the requirements of Recommendation 7.

## **BELGIUM**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In the additional information provided, Belgium indicated that general statistics on children in danger qualified as potential victims of THB are available. On the basis of the date of their entry into Belgium, the number of young people concerned can be identified.

The Secretariat of the National Commission for the Rights of the Child carried out a study from April to June 2017, completing the data collection phase of the specific survey on children in migration. The survey was carried out by means of self-administered questionnaires on tablets, drawn up from existing international surveys also used within the framework of the child rights indicators (PISA, HBSC) and included questions adapted to the specific situation of the target group.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No relevant information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

No relevant information has been submitted.

Based on the information received, Belgium is in partial compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reasons: a) it is unclear if the Party has identified and considered removing any obstacles to the collection of such data, or that there are no such obstacles; and b) it is unclear if there are data protection requirements in place.

## **BOSNIA AND HERZEGOVINA**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Bosnia and Herzegovina provided information that the protection of children exposed to sexual exploitation and sexual abuse within the refugee and migrant situation is undertaken by various actors including the Ministry of Security, Ministry of Human Rights and Refugees, police agencies, centres for social welfare and other local authorities, in cooperation with the UN agencies (IOM, UNFPA, UNHCR and UNICEF), Save the Children, World Vision, multiple NGOs, etc. Child Protection Officers in the reception centres ensure Child Protection Monitoring, for which appropriate mechanisms are in place for identification, care, referral, registration and reunification. In cooperation with relevant representatives of CSW and other organisations working in Temporary Reception Centres (TRC), they follow-up and support particularly vulnerable individuals. The protection services are aimed at preventing and adequately responding to violence, neglect and abuse and family separation, and equitable access to justice.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No relevant information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

No relevant information has been submitted.

Based on the information received, Bosnia and Herzegovina is in partial compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reasons: a) it is unclear if the Party has identified and considered removing any obstacles to the collection of such data, or that there are no such obstacles; and b) it is unclear if there are data protection requirements in place.

## **BULGARIA**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Bulgaria provided information that the State Agency for Refugees (SAR) of the Council of Ministers could provide information, which is available, to the child protection authority for data collection. SAR collects monthly statistics on the number of asylum seekers identified as vulnerable. In August 2018, SAR began collecting and reporting separate statistics for victims of psychological, physical and sexual violence (prior to this, victims of different forms of violence were all grouped into one category).

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

In Compilation information 2020, Bulgaria provided information that according to the law the State Agency for Refugees shall have the right to collect information about the applicants for international protection with a view to determining the State responsible for examining the application for international protection, establishing the identity thereof and clarifying the circumstances relevant to the application filed.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

In Compilation information 2020, Bulgaria provided information that the State Agency for Refugees shall create its own information bank under a procedure set out by its Chairperson and in compliance with the requirements for the protection of personal data.

Based on the information received, Bulgaria is in full compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **CROATIA**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Croatia provided information that in order to fulfil the requirement of putting in place effective mechanisms for data collection with a specific focus on children affected by the refugee crisis who are victims or presumed victims of sexual exploitation, in addition to the existing practices of collecting data on victims of criminal offences of sexual abuse and sexual exploitation of children and criminal offences against sexual freedom disaggregated by age, sex and kinship, as of 1 May 2019 the Ministry of the Interior of the Republic of Croatia has also been collecting data disaggregated by the special vulnerability criterion – applicants for international protection, persons granted international protection and irregular migrants.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

In the additional information submitted, Croatia provided information that the Ministry of the Interior collects data on victims of sexual exploitation and sexual abuse, in accordance with relevant laws and regulations and with respect to standards of protection of personal data.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

Same as above.

Based on the information received, Croatia is in full compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **CYPRUS**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In the context of Recommendation 37, in the additional information provided, Cyprus provided information that all cases of sexual abuse and or sexual exploitation of children are referred to the Children's House, since its establishment in 2017. All relevant statistics are kept in the Children's House.

In the context of Recommendation 7, Cyprus provided information that for statistical purposes so far only the country of origin and nationality of the child and parents were



recorded. The necessary additions will be undertaken in the near future so that the data collected can give information about the background of the child (i.e. refugee, unaccompanied minor etc.). Furthermore, the Social Welfare Services in cooperation with the Children's House are partners to the European Project "CAN-MDS II" Coordinated Response to Child Abuse and Neglect via a Minimum Data Set: from planning to practice, which will be implemented in the forthcoming months and will provide with a more specific and standardised approach in the data collection.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

In the additional information submitted, Cyprus provided information that there are no obstacles.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

In the additional information submitted, Cyprus provided information that all relevant data protection requirements have been taken into consideration based on the national legislation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data [Regulation (EU) 2016/679 and Law 125 (I)/2018].

Based on the information received, Cyprus is in full compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **CZECH REPUBLIC**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, the Czech Republic provided information that data concerning criminal proceedings in the Czech Republic are collected by both Police and the Ministry of Justice which collects the data coming from courts and public prosecutor's office. Therefore, two different statistical data exist and different indicators are collected. Currently, competent authorities are working on a new system of criminal statistics, which would improve the data collection in the Czech Republic, overall. For this reason, a working group composed of representatives of the Ministry of Interior, Ministry of Justice, Police, Prosecutor General's Office and other stakeholders, has been set up. One of the tasks of the working group is to ensure that the statistics are collected in accordance with the requirements of personal data protection. Currently, it is possible to indicate whether the offender or victim are foreigners, however, it is not possible to distinguish whether a victim is affected by the refugee crisis.

The authorities for the social and legal protection of children also fill in statistical records. These records contain data disaggregated by sex, age and health condition of the child in whom a suspicion of abuse for child pornography or prostitution was ascertained or proved in the given year. Suspicion of these forms of abuse may be ascertained within the regular activities of the respective authority, or on the basis of a notification by another person or authority, or on the basis of information provided by the child itself.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

In the additional information submitted, the Czech Republic confirmed that there is no legal obstacle, which could limit data collection linked to sexual exploitation and abuse.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

In the additional information submitted, the Czech Republic provided information that the collection, storage and sharing of data are regulated. The information is not specific to children affected by the refugee crisis.

The information provided for requirements two and three has not been taken into account, as the Party does not fulfil requirement one.

Based on the information received, the Czech Republic is non-compliant with the requirements of Recommendation 7.

## **DENMARK**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Denmark provided information that all persons staying lawfully in Denmark are entitled to assistance pursuant to the Consolidation Act on Social Services. This includes support measures within the area of social services and child protection. The Act directly covers children, whose application of asylum is being processed. Children whose application for asylum has been rejected and therefore do not have legal residence in Denmark may under certain circumstances receive special measures pursuant to the principles of the Act.

The Danish Ministry of Social Affairs and the Interior collects national data about out-of-home placements with or without consent and notifications concerning children and adolescents who are neglected or in other terms do not thrive. Children and adolescents affected by the refugee crisis who have a foreigner number are also included in the statistics.

In the context of the Consolidation Act on Data Collection on Social Affairs, municipal councils are obligated to report data concerning all notifications and cases of out-of-home placements. In that matter, they have to state the reasons for the notifications and out-of-home placements, so these can be included in the national statistics. One of the categories in regard to reasons concern sexual assaults.

If the municipal council has reason to assume that a child or adolescent is in need of special support, the municipal council are obligated to conduct a child protection examination in order to clarify the needs of the child or adolescent. In case of violence or sexual abuse towards a child or adolescent, the examination must be carried out in a special Children's House.

All Children's Houses are required to register key information about the children and adolescents who come in the Children's House as well as information on the consultative advice provided. Registration is reported to the national database of Children's Houses, which The National Board of Social Services (Socialstyrelsen) is responsible for. In the additional information submitted, Denmark provided information that in the context of the Children's Houses it is possible to see the number of refugees under the age of 18 who have been in contact with one of the five children's homes and where a sexual assault has been suspected. The plan is to collect the data individually.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No relevant information has been provided.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

No relevant information has been provided.

Based on the information received, Denmark is in partial compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reasons: a) it is unclear if the Party has identified and considered removing any obstacles to the collection of such data, or that there are no such obstacles; and b) it is unclear if there are data protection requirements in place.

## FINLAND

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, complemented by the additional information, Finland provided information that according to the Finnish Child Welfare Act, authorities and persons employed by or in positions of trust for organisations such as social and health-care services and child day care, education services, youth services, the police service or in a reception centre and organisation centre have by law a duty to notify without delay, and not withstanding confidentiality provisions, the municipal body responsible for social services if, in the course of their work, they discover that there is a child for whom it is necessary to investigate the need for child welfare on account of the child's need for care, circumstances endangering the child's development, or the child's behaviour.

According to the Child Welfare Act, the municipal body responsible for social services must keep a register of child welfare notifications and requests for investigating the need for child welfare made instead of child welfare notifications, and their content.

In social welfare and public health service the starting point is that when suspecting child sexual abuse, notification to the police and child welfare notification are made immediately without delay. The statistical data is collected concerning the amounts of child welfare notifications and need for evaluations, but they are not separated according to the citizenship or background of the child. In the public health service, the information on the suspicion of child sexual abuse and related investigation is recorded in the patient record. The child-specific customer data/the patient information is kept secret.

Although there is no specific data collection mechanism with a specific focus in children affected by the refugee crisis, the provisions of the Child Welfare Act may be applied also in the context of proceedings involving children affected by the refugee crisis.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No specific information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

The collection, storage and sharing of data is also regulated (for example) in the Data Protection Act.

The information provided for requirements two and three has not been taken into account, as the Party does not fulfil requirement one.

Based on the information received, Finland is non-compliant with the requirements of Recommendation 7.

## FRANCE

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, France provided information about a specific [research-action study](#) initiated by the City of Paris and carried out by the Association Trajectoires, in order to improve its knowledge of Moroccan unaccompanied children present in the 18<sup>th</sup> neighbourhood (*arrondissement*) of the capital and to structure a related collective response. The report was drawn up on the basis of data collected during missions carried out in Morocco, Spain and France between December 2017 and April 2018, by a lawyer and a sociologist specialising in this topic. The target audience is made up of Moroccan children from 10 years old (or who see themselves as such), including those who are considered multiple drug users, engaging in criminal activities (theft, drug trafficking, etc.) and exposed to dangerous situations, including homelessness, prostitution and sexual violence.

The report highlights a major difficulty in providing care related to the extreme mobility of these children and young people, who have been able to transit through around ten European cities and benefit from various forms of support within the context of child protection. The report stresses that the organisation of change work concerning the social monitoring of these young people at national, European and Moroccan level constitutes a real avenue for improvement. The collection of data in the context of this study has led to effective actions within the community.

France also provided detailed information about the establishment of the so-called file for foreign nationals declaring themselves to be unaccompanied minors, in the context of Law No. 2018-778 of September 10 and Decision No. 2019-797 QPC of 26 July 2019. However, in the additional information submitted, France provided information that the data collected does not currently distinguish children denouncing sexual abuse.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

In Compilation information 2020, France provided detailed information on the evolution of the legislation allowing for the collection of information in this area, and in particular the validation by the Constitutional Council of the absence of legal obstacles to the creation of such a file (in reference to the data collected on unaccompanied children).

*3. The State indicates relevant data protection requirements which have been considered/observed.*

Same as above.

Based on the information received, France is in partial compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reason: the research-action study is a valid example of data collection, but it does not address the different groups of children affected by the refugee crisis, other than those who are unaccompanied *and* of Moroccan origin.

## **GEORGIA**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Georgia provided information that since 2015, the Ministry of Justice of Georgia as the Head of the Inter-agency Council on Combating Trafficking in Human Beings, set up in 2006, collects related statistics, including sexual exploitation, from different responsible Agencies into a single integrated database. The Ministry of Internal Affairs, the Office of the Prosecutor General and the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking proactively provide the Ministry of Justice with the following information:

1. Information on the human trafficking cases – number of investigations, prosecutions, cases sent to the court and convictions segregated by forms of exploitation;
2. Information on alleged perpetrators (prosecuted persons and convicted traffickers) – number, citizenship, age, sex and imposed sanctions;
3. Information on statutory victims of trafficking in human beings (status granted by the law enforcement under Criminal Procedure Code of Georgia) – citizenship, sex, age, type of exploitation, country where the person was exploited, the type of service provided from the State Fund (legal consultation, court representation, medical service, psychological assistance, shelter, crisis centre, compensation);
4. Information on victims (status granted by the permanent group under council on trafficking in human beings, when the person does not want to cooperate with the law enforcements) – citizenship, sex, age, type of exploitation, country where the person was exploited, the type of service provided from the State Fund (legal consultation, court representation, medical service, psychological assistance, shelter, compensation).

5. Police Cooperation and cooperation within the framework of mutual legal assistance on criminal matters – statistics segregated by number and countries of incoming and outgoing MLA and extradition requests, statistics segregated in number, countries and form of exploitation of outgoing police cooperation requests.

The segregated database has an additional cell to indicate any additional information about the Traffickers and/or the (statutory) victims of human trafficking. Whether the child victim or presumed victim of sexual exploitation is affected by the refugee crisis, such information is included in the mentioned cell.

Based on the database and the identified cases, the Ministry of Justice of Georgia makes analysis of the recent related trends, means and methods of exploitation in and outside of Georgia, profiles of the prosecuted and convicted persons, victims and statutory victims, as well as services provided to them.

The analysis of the profiles of victims and statutory victims of human trafficking shows that there were no children, affected by the refugee crisis, identified as (statutory) victims or presumed victims of sexual exploitation.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No specific information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

No specific information has been submitted.

Based on the information received, Georgia is in partial compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reasons: a) it is unclear whether there is a relevant mechanism targeting children affected by the refugee crisis, other than those who have been trafficked; b) it is unclear if the Party has identified and considered removing any obstacles to the collection of such data, or that there are no such obstacles; and c) it is unclear if there are data protection requirements in place.

## **GERMANY**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, complemented by the additional information, Germany indicated that there is a data collection mechanism as per the Asylum Act, which includes data on sexual offences concerning children affected by the refugee crisis who are victims or presumed victims of sexual abuse.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

Pursuant to section 8 (3) number 3 of the Asylum Act (*Asylgesetz, AsylG*) in the current version of 20 November 2019 (Federal Law Gazette I p. 1626), data collected under the Asylum Act may be transmitted to the law enforcement authorities for the purpose of criminal prosecution measures. Thus, if it is submitted in the course of asylum proceedings, or is otherwise evident, that children have been abused while fleeing their home country or in their home country, or have been victims of human trafficking, the data required for criminal prosecution may be transmitted to the prosecution authorities. Similarly, data concerning health care and support for asylum seekers may be sent to the public authorities entrusted with these tasks (section 3 (3) number 2 of the Asylum Act).

*3. The State indicates relevant data protection requirements which have been considered/observed.*

In Germany, it is permissible to use anonymised data, i.e. data that cannot be attributed to an individual, for the purpose of compiling statistics.

Based on the information received, Germany is in full compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **GREECE**

Greece provided no information on either round of assessment. As there is insufficient information to determine compliance, Greece is considered non-compliant with the requirements of Recommendation 7.



## HUNGARY

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, complemented by the additional information, Hungary provided a very detailed response concerning the different mechanisms for collecting data on children who are victims or presumed victims of sexual exploitation and sexual abuse, including different groups of children affected by the refugee crisis. An extract is provided here and the full text can be consulted in the relevant document.

Formerly, the Unified Statistics System of the Investigating Authorities and Prosecutors (ENyÜBS'13) had been collecting data on the circumstances of the victim's stay. From July 1, 2018, data collection has been conducted within the ENyÜBS'18 System along with the criminal proceedings, acts underlying the criminal proceedings, the defendants and the victims as observation units. Each segment belonging to the observation units has become interconnectable, thus creating a more complete, multifaceted data collection, and it has become possible to connect data on the criminal offences/victims with the defendants in its entirety. Within the framework of data collection, the information shall be provided on any act identified as a criminal offence as provided for by the Act C of 2012 on the Criminal Code during the criminal proceedings or as part of a criminal report, and in connection with which procedural and investigative acts had been carried out. Also, information on any offender or a natural person who may be associated with the relevant laws must be provided following the rules on the procedure.

The statistical System records data when the investigating authority or the prosecutor has taken a procedural decision underlying the provision of statistical data, and in connection with which the statistical information has been recorded. Therefore, the System is subsequent concerning the date and time of the recording of the data. Thus, it does not show how many criminal offences took place in a given year. Still, it instead shows the number of cases where legal decision has been made and taking this account, the number of cases in which statistical data were provided. It is also possible to query the victim's and the defendant's age, their nationality, their legal status of staying in Hungary, and the relationship between the defendant and the victim from the database.

In the view of the above written, neither the statistics system of ENyÜBS'13 nor the ENyÜBS'18 registered any criminal offences of sexual exploitation, sexual harassment or sexual abuse committed against a person under the age of 18 years, who has been affected by the refugee crises, between March 30, 2018, and June 20, 2018, as well as between July 1, 2018, and September 30, 2019.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

There is no legal obstacle that could limit data collection linked to sexual exploitation and abuse.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

Management of the data, which had come to the attention of aliens policing and asylum authority, is consistent with the requirements of protecting personal data.

Based on the information received, Hungary is in full compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **ICELAND**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Iceland provided information that it has reliable information on the number of asylum-seeking children and reported cases involving sexual exploitation and sexual abuse. Child Protection Authorities in Iceland have responsibilities to all children staying in the country, including migrant children, offering them the same level of protection. Iceland has formal mechanisms for data collection on all child protection cases in the country, including cases of sexual exploitation and sexual abuse. Iceland is currently working to improve data collection even further by developing a nation-wide electronic database. In January 2020 Iceland established a special Centre on Violence against Children, under the auspices of the Government Agency for Child Protection. One of the main focuses of the Centre will be data collection on all forms of violence, prevention and effective protection measures.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

Same as above.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

No specific information has been submitted.

Based on the information received, Iceland is in partial compliance with the requirements of Recommendation 7, and has in place promising practices, as per the

obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reason: it is unclear if there are data protection requirements in place.

## ITALY

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Italy provided information on different relevant mechanisms available. The Observatory for the fight against paedophilia and child pornography, established at the Presidency of the Council of Ministers by Law 38/2006, has among its tasks to acquire and monitor data and information relating to the activities carried out by all public administrations in the field of prevention and fight of the phenomenon of sexual abuse and sexual exploitation of children. Article 17, paragraph 1-bis, of Law No 269 of 3 August 1998, as amended by Law No. 38 of 6 February 2006, authorises the establishment at the Observatory of a database to collect, with the contribution of data provided by other central administrations, all the information useful for monitoring the phenomenon of sexual abuse and sexual exploitation of children. The Observatory's Database represents a unicum in the panorama of systems dedicated to knowledge on this specific topic because it succeeds for the first time in providing an information offer, in a single database, of data derived from several sources. To date, the database contains data provided by the Ministry of the Interior, the Department of Juvenile Justice of the Ministry of Justice and the Italian Statistical Office (ISTAT). With regard to the national data on sex offenders and victims collected by the Ministry of Justice, these data are distinguished between Italians and foreigners as regards both perpetrators and victims.

In addition, a centralised, computerised database on the phenomenon of trafficking is being implemented within the Equal Opportunities Department, able to carry out real-time processing. The new data collection system named SIRIT (Computerized system for the collection of trafficking information), is implemented by those bodies which are responsible of the projects of assistance and social protection of victims of trafficking and exploitation co-financed by the Department for Equal Opportunities according to art. 18 legislative decree\_286-98 and art.13 Law\_228-2003 (*See also the 2018 GRETA Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Italy*).

Data about the presence of unaccompanied foreign children is collected by the Ministry of Labour and Social Policies (Directorate General for Immigration and Integration Policies). The biannual [reports](#) include information on sexual violence against children.

Italy has also created a centralised database that collects information on all forms of child abuse and neglect. The database puts together information included in the different databases on child abuse created by the most relevant institutions and

research institutes. It is handled by the Department for Family Policies. The centralised database provides individual information on the crimes related to the different typologies of abuse related both to the victim of the abuse and the author. Considering individual information there is also that of nationality. The database is accessible by professionals working with children.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No specific information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

The information collected respects national legislation on data protection and the names of children are not disclosed. Moreover, the Department for Equal Opportunities handles the anti-trafficking database which contains data on victims of trafficking including children. A potential improvement of the system could be the integration of the two databases in order to have a more complete picture of cases of children victims of trafficking and abuse.

Based on the information received, Italy is in partial compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reason: it is unclear if the Party has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.

## **LATVIA**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, complemented by the additional information, Latvia provided information that the State Police prepares a report on juvenile delinquency, children victims of criminal offences, as well as the problems related to crime prevention. The report does not separate the number of the children affected by the refugee crisis who are victims of criminal offences, sexual exploitation or sexual abuse. Data on children who are victims of violence and abuse and who receive state-financed social rehabilitation are disaggregated by sex, age, type of services, and type of violence. None of the statistical information systems has a specific focus on children affected by the refugee crisis.

Numbers of children affected by the refugee crisis are included in the data collected by the Office of Citizenship and Migration Affairs. The state would like to point out that

there is a specialised information system – The Asylum Seekers’ Register – from which statistical selections based on target group of children affected by the refugee crisis who are victims or presumed victims of sexual exploitation and sexual abuse can be made. In this information system data on asylum seekers is collected by the Office of Citizenship and Migration Affairs.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

The state also confirms that no obstacles were found that could limit collection of data on children affected by the refugee crisis who are victims or presumed victims of sexual exploitation and sexual abuse.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

With regard to the protection of all stored data, the requirements of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) are being implemented.

Based on the information received, Latvia is in full compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **LIECHTENSTEIN**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Liechtenstein provided information that due to the small size of the country and the manageable numbers of asylum applications, as well as, of children affected by the refugee crisis, Liechtenstein considers the current mechanisms for disaggregated data collection as adequate also regarding presumed victims of sexual exploitation and sexual abuse. If a suspicion in this regard arises during the asylum proceedings the competent authorities are informed immediately, and the respective data are collected with due respect for the requirements of personal data protection.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No specific information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

*See answer concerning requirement one.*

Based on the information received, Liechtenstein is in partial compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reasons: it is unclear if the Party has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.

## **LITHUANIA**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Lithuania provided information that if there are cases of sexual abuse or exploitation against children, it is always having to be notified to the State Childs Protection and Adoption Service (hereinafter Service), no matter where the abuse took place. The Service provides children with the necessary integrated assistance in a child-friendly environment in the Support Centre for Child Victims of Sexual Abuse (hereinafter Support Centre). This Centre collects annual data about all children, who suffered sexual abuse. This data set also includes information concerning the place where children came from (Lithuania municipality, country, refugee centre and etc.) and their legal status. This data is given to the Ministry of Social Protection and Labour. So far, Latvia did not identify any child affected by the refugee crisis, who has been a victim of sexual abuse or sexual exploitation.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No specific information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

No specific information has been submitted.

Based on the information received, Lithuania is in partial compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reasons: a) it is unclear if the Party has identified and considered removing any obstacles to the collection of such data, or that there are no such obstacles; and b) it is unclear if there are data protection requirements in place.

## LUXEMBOURG

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In the additional information submitted, Luxembourg has provided information that the government draws up statistics on victims of trafficking in human beings, including children, regardless of their status or origin. This does not involve personal data, but information about their gender, age, origin, the type of exploitation, their status, their nationality and detection concerning both presumed and identified victims.

Targeted data exchanges do, however, take place between the police and THB victim assistance services, subject to the informed consent of the victims concerned. This also applies between THB victim assistance services and National Reception Office (ONA) facilities.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No relevant information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

The processing of victims' personal data falls within the scope of Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, transposed at national level by a law of 1 August 2018 on the protection of individuals with regard to the processing of personal data in criminal matters and in matters of national security.

Within the scope of the directive, consent is not a legal basis for data processing. A legal text is required for the processing to be lawful; in this case the Code of Criminal Procedure. During investigations, access to data (and hence also the information in the criminal case file) is possible only in accordance with the rules of criminal procedure. In accordance with data protection rules, access is limited to the data subject and may not be requested by third parties. Child victims are not treated differently from adults as regards data protection. As some general protection measures exist for children, these may nevertheless affect the processing of their data.

Based on the information received, Luxembourg is in partial compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reasons: a) it is unclear whether there is a relevant mechanism targeting

children affected by the refugee crisis, other than those who have been trafficked; b) it is unclear if the Party has identified and considered removing any obstacles to the collection of such data, or that there are no such obstacles.

## **MALTA**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Malta provided information that the National Agency for Children- Agenzija Appogg - together with the National Agency for the Welfare of Asylum Seekers and the Director (Protection of Minors) hold statistics of all children they are in touch with. Research was carried out in 2018-2019 on the well-being of all foreign children residing in Malta, including migrant children affected by the refugee crisis.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No specific information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

No specific information has been submitted.

Based on the information received, Malta is in partial compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reasons: a) it is unclear if the Party has identified and considered removing any obstacles to the collection of such data, or that there are no such obstacles; and b) it is unclear if there are data protection requirements in place.

## **REPUBLIC OF MOLDOVA**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, complemented by the additional information, the Republic of Moldova provided information that the Bureau for Migration and Asylum (BMA) of the Ministry of Internal Affairs administrates databases on migrants, on persons included in the asylum system and stateless persons. All databases include children and their family members. The databases allow to distinguish persons according to their age group. To mention that in the last 5 years there were no cases of



unaccompanied minors/refugees or abused minors. However, the database allows the necessary information on such cases to be introduced.

The BMA ensures compliance with the provisions of Law no. 140/2013 on special protection of children at risk and children separated from parents”, which integrates the national system (including data collection) for protection of children, including those who are victims of sexual abuse/exploitation, which means that data collected on affected by refugee’s crisis who are victims of sexual abuse/exploitation are also included in the system provided by Law no. 140/2013.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

There are no obstacles to the collection of such data.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

The BMA system ensures compatibility between data protection and data collection on children affected by the refugee crisis according to BMA Order no. 88 of 15.12.2015 on Regulation on the security and protection of personal data processed within Information Subsystem managed by BMA and the Regulation on the processing of information containing personal data in the BMA Information Subsystem.

Based on the information received, the Republic of Moldova is in full compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **MONACO**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Monaco provided information that it makes a precise inventory of migrant children reported on its territory. There are, on average, less than ten per year. The average time of stay in the Principality is less than 24 hours, Monaco being neither a country of destination nor an immigration channel. Furthermore, during this brief time, no cases of abuse have been reported and no child has been reported victim to such abuse. Under these conditions, it did not seem necessary for the Monaco authorities to go further in collecting data and to set up a collection mechanism specific to refugee children who may have suffered sexual abuse.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

In Compilation information 2020, Monaco provided information that in the event that the Principality should one day be more exposed to the migratory crisis, the legislation currently being drawn up on the protection of personal data should not prevent such data collection. In line with the General Data Protection Regulation (GDPR) of the European Union, it provides for the processing of sensitive data, which remains possible if it is implemented by a legal person governed by public law and justified by a reason of public interest, or if it is carried out for archival purposes in the public interest, for scientific or historical or statistical research purposes.

On the other hand, the absence of a data collection system in no way inhibits the ability of the Principality to take care of an isolated refugee child, who will, on the advice of the Public Prosecutor's Office, be entrusted at the Children's Home (Princess Charlene), and will benefit from comprehensive care (educational / health / psychological) (see *Recommendations 13 and 31*).

*3. The State indicates relevant data protection requirements which have been considered/observed.*

Same as above.

Based on the information received, Monaco is in full compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **MONTENEGRO**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In the additional information submitted, Montenegro provided information that the directorate for asylum processes this data by recording it in the social anamnesis of the social worker and by establishing cooperation with the prosecutor's office or other instances, if necessary and in accordance with the legislation.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

Legislation in Montenegro does not recognise such obstacles.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

No specific information has been submitted.

Based on the information received, Montenegro is in partial compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reasons: a) it is unclear if the Party has identified and considered removing any obstacles to the collection of such data, or that there are no such obstacles; and b) it is unclear if there are data protection requirements in place.

## **NETHERLANDS**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, the Netherlands provided information on different available mechanisms for data collection. Signals of human trafficking from the Central Agency for the Reception of Asylum Seekers (COA) are centrally collected and shared once a month with the EMM (Expertise Centre for Human Trafficking and Smuggling). With the help of various information systems, the EMM attempts to analyse the collected information. This leads 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. So, the information in their system about these victims includes data about trafficking, including (if reported) exploitation and abuse.

There are also special Indicators developed to identify asylum seeking children that are placed in protective shelter, this includes (the amount of) victims of trafficking in human beings (sexual exploitation/abuse).

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

Continuously there are initiatives that contribute to better, more complete collection of data and/or removal of obstacles. For example, recently a project was started by CoMensha with four youth care organisations, who also pay attention to possible signals

of victims of trafficking, which entails research on the knowledge level, which resources/tools are used and difficulties. This will lead to new approaches and/or fixes, that will be implemented during the pilot. During the project it will also be examined what is/are the best way(s) of registration of problems of victims of human trafficking – including abuse/exploitation. Afterwards the knowledge gained, tools and other outcomes will be shared with/implemented by other organisations.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

Same as above.

Based on the information received, the Netherlands is in full compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **NORTH MACEDONIA**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, North Macedonia provided information that in order to obtain data on child victims of abuse and neglect, a system has been developed to collect data on violence against children by increasing the capacity of institutions to monitor the state of violence against children. In connection with this activity, during 2017, "Indicators for Monitoring the Situation of Child Victims" were developed as required by the National Coordinative Body for the Protection of Children from Abuse and Neglect, providing a unified model and procedure for collecting and analysing statistical procedures, in order to monitor the situation of all child victims. Based on the data obtained for child victims of violence, a situational report has been drafted. In order to determine the state of violence against children in the country, and in order to undertake the necessary measures and activities for providing protection to children and prevention and deterrence of violence, a comprehensive study on child violence has been drafted. The main objective of the study is the identification and assessment of the state response mechanisms for prevention, identification, reporting, referral and protection in cases of violence against children and providing recommendations for strengthening the child protection system and improving the protection of child victims to all forms of violence.

For the same purpose, the civic association Macedonian Young Lawyers Association has prepared a comparative analysis of the legislation regarding protection of children against violence, which was presented before the National Coordinative Body for protection of children from Abuse and Neglect.

The recommendations, measures and activities originating from the above stated study and comparative analysis of the legislation have been incorporated by the National Coordinative Body for Protection of Children from Abuse and Neglect into the 2020-2025 Strategy on Protection of Children against all forms of violence including a 2020-2022 Action Plan, adopted by the Government in December 2019.

Whilst North Macedonia described an important monitoring mechanism in place, it does not seem to cover children affected by the refugee crisis.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No specific information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

No specific information has been submitted.

Based on the information received, North Macedonia is considered non-compliant with the requirements of Recommendation 7.

## **POLAND**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Poland provided information that The Border Guard has powers to identify, prevent and detect the crime of human trafficking (Article 189a(1) of the Polish Criminal Code) and slavery (Article 8 of the provisions implementing the Polish Criminal Code), which covers also the minor victims of sexual abuse against migrants or refugees. The bodies of the Border Guard have a right to process information (including personal and statistical data) in so far as necessary for the performance of tasks and the execution of powers related to preventing and fighting against crimes. The collection of data, in particular statistical data, on minors, including foreign children abused, for example, sexually, applies only to the victims of human trafficking within the meaning of the definition of human trafficking as included in Article 115(22) of the Polish Criminal Code.

The Office for Foreigners is a party to the *Agreement on standard procedures in identifying, preventing and responding to the cases of sexual violence or gender-based violence against foreigners staying in facilities for asylum seekers* entered into in 2008 by and between the Office and the UN High Commissioner for Refugees, Police Commander in Chief, La Strada Foundation and Halina Nieć Legal Aid Centre. The objective of the agreement is to strengthen and enhance the cooperation in the field of

identifying, preventing and responding to the cases of violence that may be encountered by foreigners taking advantage of social welfare provided by the Head of the Office for Foreigners. Pursuant to the agreement in question, each facility has its own Local Cooperation Team which meets at least once per quarter and is responsible for monitoring the current situation within the facility, the scale of violence risks and the situation of families with violence records, ensuring adequate security measures within the facility and its vicinity, identifying the cases of violence and providing an immediate adequate response. The actions of cooperation teams go beyond the scope of sexual violence and gender-based violence indicated in the Agreement as in reality the teams analyse, monitor and react to any cases of violence occurring in the facilities. Information on identified cases of violence is based on the minutes of the Local Cooperation Teams.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

In the additional information submitted, Poland provided information that in facilities for foreigners run by the Office for Foreigners, both its employees and other staff are obliged to comply with personal data protection requirements concerning children who are/may be victims of sexual exploitation. Pursuant to Article 12 of the accommodation and catering agreements, contractors are bound by the Data Protection Regulation 2016/679 of 27 April 2016. The staff of the facilities also comply with the Child Abuse Prevention Policy in Facilities for Foreigners run by the Office for Foreigners, developed in cooperation with the “Dajemy Dzieciom Siłę” Foundation, which sets out, among others, the principles of handling any personal data of children that are residents of such facilities.

It should also be stressed that in the course of the procedure for granting international protection, the authority conducting the procedure has the right to collect any information that can be used as evidence of persecution of the applicant, including information on possible sexual exploitation of the applicant who is a minor. There are no legal barriers to obtaining information of such type. One of the main sources of information confirming that sexual exploitation has taken place may be an interview with the minor applicant, which may be attended not only by the minor’s legal representative, but also by a psychologist, whose opinion may also be helpful in determining whether sexual exploitation has taken place.

The data thus obtained are protected under general provisions protecting all data collected in the course of the procedure for granting international protection, as well as under special provisions applying only to persons seeking international protection, prohibiting the disclosure of the applicant’s information to those who may have committed persecution, including persecution involving sexual violence.

As regards the Border Guard, it collects data to a limited extent – only in the context of child victims of trafficking in human beings in the area of sexual exploitation (e.g. in prostitution). However, the Border Guard does not collect protected personal data, but

collects data for statistical purposes, such as age, gender, nationality, area of exploitation.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

Please see above.

Based on the information received, Poland is in full compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **PORTUGAL**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Portugal provided information on its action for the prevention of violence against children and described some of the measures in place. The Party also provided information that the National Republican Guard (GNR) has effective data collection mechanisms, with legal restrictions to do so, taking into account personal data protection requirements. Similarly, the Portuguese Immigration and Border Service (SEF) has a data collection mechanism which fulfils all the legal requirements and obligations concerning database and personal data protection without compromising the operation of the mechanism. However, there is no specific mention of data collection mechanisms on children who are victims or presumed victims of sexual exploitation and sexual abuse and specifically with a specific focus on children affected by the refugee crisis.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No specific information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

No specific information has been submitted.

As there is insufficient information to determine compliance, Portugal is considered non-compliant with the requirements of Recommendation 7.

## ROMANIA

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Romania provided information that the National Authority for the Rights of the Persons with Disabilities, Children and Adoptions (NARPDCA) provides [annual statistics](#) on child abuse, neglect and exploitation, including sexual exploitation and sexual abuse. The Party listed the different categories that are used to disaggregate data, which does not yet include children affected by refugee crisis who are victims of abuse, neglect and exploitation, but this aspect will be taken into consideration at the next revision of the procedure.

Pursuant to Law no. 122/2006 on asylum in Romania, the category of vulnerable persons or persons with special needs includes minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders, persons who have been subjected to torture, rape or other serious forms of psychological, mental or sexual violence or persons in other special situations, similar to the ones mentioned above.

A mechanism for the identification of vulnerable persons among asylum seekers is implemented. There are the observation sheet forms that contain columns to be filled in with possible indications as to the possibility that the asylum seeker in question is part of a vulnerable category. The identification mechanism mentioned above is implemented by the Romanian Immigration Inspectorate together with the UNHCR, the NGOs, and other institutions as the authority for child protection.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No specific information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

No specific information has been submitted.

Based on the information received, Romania is in partial compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reasons: a) it is unclear if the Party has identified and considered removing any obstacles to the collection of such data, or that there are no such obstacles; and b) it is unclear if there are data protection requirements in place.



## RUSSIAN FEDERATION

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

As provided in the context of Recommendation 37, in Compilation information 2020, the Russian Federation provided information on the Order of the General Prosecutor's Office of the Russian Federation No. 83, February 20, 2015 "On Approval and Enactment of Federal Statistical Observation N 1-E" Information on Investigation and Inquiry" and N 1-EM "Information on the key indicators of investigative work and inquiries", as well as Instructions on drafting reports in compliance with forms of federal statistical observation N 1-E, 1-EM".

In the additional information submitted, the Russian Federation referred to the national system to collect data on grave crimes committed against minors (including crimes against sexual inviolability and sexual freedom). There are special statistical forms officially approved as the open data base regarding the types of crimes, including the data about sexual crimes against children. This is permanent open access [resource](#). There is no technical line in the digital form about the refugee children specifically on a permanent basis however, the issues of refugee children are subject to specific statistics for the migration service (part of the Interior ministry system). This agency keeps a record of refugee children, and if a crime is committed against a refugee child, all data on this refugee child is indicated and recorded in federal, regional statistics. As this is not a regular practice such a separate line does not exist in the digital forms about crimes in Russia. Meanwhile, on the basis of the mentioned record, the Ministry of Internal Affairs and the Investigative Committee prepare official information documents for internal records and upon requests (for example, members of the Russian delegation to the Lanzarote Committee), submit data to the office of the UN High Commissioner for Refugees, to the media, etc. Although this statistic record of refugee children is not related to the 2015 crisis since it has not affected the Russian Federation, the system in place as reported above seems to be appropriate to cover data collection needs, should they arise.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

In the additional information submitted, the Russian Federation provided information that there are no obstacles and legal restrictions for the collection of data on crimes against children affected by the refugee crisis, victims or presumed victims of sexual exploitation and abuse, there is a system of confidentiality and protection of personal data.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

In the additional information submitted, the Russian Federation provided information that with regard to the issue of the protection of personal data of refugee children who have become victims or presumed victims of sexual exploitation and sexual abuse, the following point should be taken into account. As noted earlier, the legislation of the Russian Federation provides refugee children with rights equal to those of children who are citizens of the Russian Federation. Art. 161 of the Criminal Procedural Code of the Russian Federation establishes the inadmissibility of disclosing data from a preliminary investigation in the case of a minor victim under the age of fourteen years without the consent of his legal representative is not allowed. Art. 241 of the Code defines the closed nature of the trial when considering criminal cases on crimes against sexual inviolability and sexual freedom of the individual.

Based on the information received, the Russian Federation is in full compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **SAN MARINO**

San Marino provided no information on either round of assessment. As there is insufficient information to determine compliance, San Marino is considered non-compliant with the requirements of Recommendation 7.

## **SERBIA**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Serbia provided information that in accordance with national legislation, there are special procedural and reception guarantees for the potential beneficiaries of international protection in vulnerable situation. That among other categories include minors, unaccompanied minors, and persons who were subjected to torture, rape, or other serious forms of psychological, physical or sexual violence.

In line with this provision of the Law, Commissariat for Refugees and Migration as reception authority established standard procedure for identification of the persons falling under defined categories. The procedure is in line with the methodology developed by the European Asylum Support Office and its practical tools. All persons identified as vulnerable category are referred to relevant services (investigation, prosecution, health and social protection, etc.) in accordance with national procedure.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No specific information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

All foreseen activities are properly documented and recorded in Commissariat's data information system with full respect of the Law on the Protection on Personal data.

Based on the information received, Serbia is in partial compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reason: it is unclear if the Party has identified and considered removing any obstacles to the collection of such data, or that there are no such obstacles.

## **SLOVAK REPUBLIC**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, the Slovak Republic provided information that the Ministry of Labour, Social Affairs and Family of the Slovak Republic carries out statistical surveys, the purpose of which is to obtain information on the implementation of measures of social and legal protection of children and social guardianship in the competence of state administration protection of children and social guardianship. The aim is to monitor the application and observance of children's rights and to use the results of the statistical survey for conceptual, legislative and methodological work in the field of child protection and prevention of socio-pathological behaviour. The report contains indicators relating to the number of cases for which social protection measures for children and social guardianship were carried out, indicators relating to the implementation of individual social protection measures for children and social guardianship in the reference year, including the reasons for implementing these measures.

The authority responsible for the statistics is the [Central Office of Labour, Social Affairs and Family](#), which is also responsible for publishing reports on their website. The form shall separately monitor the implementation of measures for unaccompanied minors ("UM"), committing crimes on UM, in particular, whether unaccompanied children have not been the victims of human trafficking. In particular, measures to help children mistreated, sexually abused and bullied are being monitored. The data are collected using the information system KIDS (information system in the competence of Offices of labour, social affairs and family) and can be monitored anonymously up to the level of the reporting unit (Offices of labour, social affairs and family, facilities of the social and

legal protection of children and social guardianship). At the end of each month, the facilities prepare a written report on the status of unaccompanied minors in the Centre for Children and Family (currently it is only Medzilaborce). The report pursues the following information: date of arrival in the territory and the establishment, country of origin, status of the position of unaccompanied minors, total number of unaccompanied minors at the end of the calendar month. The report also includes extraordinary findings, e.g. sexual exploitation and sexual abuse, suspected trafficking, or the date of departure of unaccompanied minors, stating the reason for the departure.

The National Coordination Centre for Resolving the Issues of Violence against Children (hereinafter as "NCC") which is an organisational part of the Ministry of Labour, Social Affairs and Family of the Slovak Republic, in cooperation with the relevant ministries and the General Prosecutor's Office of the Slovak Republic, has been working on a draft to update the National Strategy for the Protection of Children against Violence (document approved by Government Resolution No. 24/2014 and subsequently updated by Government Resolution No. 474/2017). The update of National Strategy on the Protection of Children against Violence was adopted on 18th December 2019 by the government of the Slovak Republic. Part of the updated material is to complement the tasks that need to be worked out by 2022. Under the strategic objective number 2 of the Strategy (Ensure systematic monitoring and evaluation of child protection systems against violence) have proposed a new task *Explore linking options, the establishment of a single and compatible child information database to identify in a timely manner the need to assist the child*. The aim of this task is to exchange information of individual departments in relation to data with information about the child, which is available to each department. The NCC, as gestor of the given task, has the ambition to create a working group within which information on the way of data processing and data compatibility within individual ministries will be summarised and evaluated. In 2020, the Ministry of Labour, Social Affairs and Family of the Slovak Republic will cooperate with the Ministry of Education, Science, Research and Sport of the Slovak Republic, Ministry of Justice of the Slovak Republic, Ministry of Interior and Ministry of Health of the Slovak Republic, as well as self-government and non-governmental organisations.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No specific information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

No specific information has been submitted.

Based on the information received, the Slovak Republic is in partial compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reasons: a) it is unclear if the Party has identified and considered removing any

obstacles to the collection of such data, or that there are no such obstacles; and b) it is unclear if there are data protection requirements in place.

## **SLOVENIA**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Slovenia provided information that the police, based on the provisions of the Police Tasks and Powers Act (which also determines the conditions and method of collecting data), have a centrally managed record of criminal offences. The record also includes victims of crime including victims of sexual abuse. The record does not contain data on the status of the victim (e.g. whether a migrant is a victim). The Slovenian police also have a register of child sexual exploitation materials: the register is not yet operational – installation of hardware and software is in process. The register will contain material (photos, videos, etc) relating to offences against sexual integrity of minors.

In the additional information submitted, Slovenia provided information that when requesting international protection, the applicant (asylum seeker) may indicate special needs or problems (for minors also by their legal guardian appointed by the state, if necessary). Special needs include victims of rape and sexual abuse. Before continuing the international protection procedure, an interview and medical examination of the applicant is carried out during which possible sexual abuse indicators are also being observed. If detected, the description of findings is entered in a special form and inserted into the applicant's file. The victim is to be offered required help (including psychological support) and the police would be informed (Arts. 2(22), 13(1), 14(1), 15(4), 45(5)(25), 86(2) and 115(1)(1) of the International Protection Act).

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

In the additional information submitted, Slovenia provided information that Police legislation, criminal procedure legislation and international protection legislation provide adequate legal basis for data collection on reported or detected suspicion of sexual abuse and exchange of data if necessary.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

In the additional information submitted, Slovenia provided information that the data collected from the applicant is blocked when a decision regarding the application is taken. This data can only be accessed if needed for criminal procedure or security of the state or with applicant's consent. The data is irreversibly destroyed after 50 years (Art. 115(2) of the International Protection Act).

Based on the information received, Slovenia is in full compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **SPAIN**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, complemented by the additional information, Spain provided information that the Asylum and Refugee Office, of the Ministry of Interior, is the competent body for the processing of applications for international protection. This Office collects information on the age and reasons for leaving the country of origin, including cases of sexual exploitation or abuse. Minors seeking international protection who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman or degrading treatment, or who have been victims of armed conflict will receive appropriate medical and psychological assistance and qualified assistance as required.

Any Unaccompanied Foreign Minor who has been located in the national territory will be registered in the Unaccompanied Foreign Minors Registry (RMENA). The General Commissariat of Foreigners and National Police Borders of the General Directorate of National Police handles the management and recording of data in the RMENA. The RMENA records, where appropriate, the recognition of the minor's asylee, protected or victim of trafficking status.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No specific information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

No specific information has been submitted.

Based on the information received, Spain is in partial compliance with the requirements of Recommendation 7, as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined for the following reasons: a) it is unclear if the Party has identified and considered removing any obstacles to the collection of such data, or that there are no such obstacles; and b) it is unclear if there are data protection requirements in place.

## SWEDEN

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, Sweden provided information that when someone reports a crime, information about the victim is being registered by the Swedish Police Authority. However, the police does not have a certain database (or equivalent) with information on victims or presumed victims of crime. Police activities and datasets focus on persons that can be suspected of crime. The Gender Equality Agency collects data relating to its work, but that does not distinguish between children affected by the refugee crisis and other children.

The Swedish Migration Agency can collect and process information on suspected sexual offenses within the framework of the examination of an application for a residence permit, including applications for asylum. Information provided in the context of such an application is protected by secrecy according to *The Public Access to Information and Secrecy Act (SFS 2009:400)*, which means a prohibition on disclosing information whether orally or by making an official document available or in any other way. The law also entails provisions that enables the secret information to be disclosed under certain preconditions.

When there is a suspicion of some suspected crimes, e.g. human trafficking, there is a possibility for the Migration Agency to make a police report and disclose relevant information. Information regarding sexual abuse of children, and other forms of abuse, may be disclosed if there are grounds for reporting suspected child abuse to the social services. If, within the framework of the investigation of a suspected crime, the police ask for information the law entails provisions that enables the secret information to be disclosed under certain preconditions.

The Migration Agency cannot, outside its mandate to examine applications for residence permits, collect and processes personal information on suspicions that someone has been subjected to sexual abuse. If the information is processed so that it can no longer be linked to an individual, it can be collected and stored. Statistics can be produced.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

Same as above.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

Same as above.

Based on the information received, Sweden is in full compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **SWITZERLAND**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, complemented by the additional information, Switzerland provided information that employees of the State Secretariat for Migration (SEM), like other employees of the Confederation, are required to report to the prosecution authorities, their superiors or to the Federal Control of Finances, all crimes and offenses committed, of which they have become aware or which have been reported to them in the exercise of their function (art. 22a para. 1 of the law on the personnel of the Confederation [LPers; RS 172.220.1]). These crimes and offenses include acts of a sexual nature against children, the encouragement of prostitution, pornography and trafficking in human beings (arts. 182, 187, 188, 195, 196 and 197 of the Swiss Criminal Code of December 21, 1937 [PC; RS 311.0]). In addition and in order to collect quality data, the SEM conducts specific hearings of children and victims of exploitation in asylum proceedings.

For each person seeking international protection, the SEM indicates in the Central Migration Information System (SYMIC) whether this person has (potentially) been a victim of human trafficking or has been the subject of persecution based on sex, such as sexual exploitation or abuse. The SYMIC also allows to verify the age of the person and whether it is an unaccompanied child. This way, data relating to children who are (potentially) victims of human trafficking and/or sexual exploitation or abuse is collected.

Police crime statistics data can be filtered according to the type of offense, the age of the victims and their residence status. Thus, among the children identified as victims of sexual exploitation or human trafficking by the police, it is possible to know (in particular) how many of these people were in asylum proceedings.

Police crime statistics (SPC), prepared by the Federal Statistical Office (OFS), contain information on acts of a sexual violence, both against children and on acts of sexual violence where children are the perpetrators. The SPC carries out analysis in the context of crime prevention and deals with related issues.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

There are continuous initiatives that contribute to a better, more complete collection of data and/or to remove obstacles.



*3. The State indicates relevant data protection requirements which have been considered/observed.*

The transmission of relevant information is subject to the legal provisions applicable to data protection.

Based on the information received, Switzerland is in full compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **TURKEY**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, complemented by the additional information, Turkey provided information that the Council of Europe Convention on Action against Trafficking was incorporated into domestic law, approved by Law dated 30/01/2016 and no. 6667 and related regulations stipulated in the convention were incorporated into domestic law through the Law on Combatting Human Trafficking and Protection of Victims that entered into force on 16/03/2016. Through the Law, fundamental regulations in matters as preventing the crime of human trafficking and within the scope of this crime; and rules and procedures regarding identification procedure without exception of foreigner or citizen, among other, were enforced.

Within the process of identification and protection of victims of human trafficking, data is collected, among other, on child victims of human trafficking who are affected by the refugee crisis *and* on children affected by the refugee crisis who are identified to be victims of sexual exploitation and sexual abuse, which is gathered by the Provincial Migration Management Offices and stored by the Directorate-General of Migration Management of the Ministry of Interior.

Another mechanism where data on child victims of sexual exploitation and sexual abuse who are affected by the refugee crisis is collected is the Project of Security and Law Enforcement Processes (EKİP). Within this scope, processes regarding all children who are brought before police units with claims that they are subject to sexual exploitation and sexual abuse are carried out by the child's offices of law enforcement units regardless of the nationality or citizenship of the children. The inquiry documents that are prepared are submitted to Public Prosecutor's Offices to be used as the basis of the investigation that will be carried out and all data regarding the processes are gathered within the network of EKİP.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

Data collection in relation to victims is realised in line with the Law on Foreigners and International Protection No. 6458 and there are no legal or *de facto* barriers to collection of such data.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

The data entry procedure of the children who are identified as victims, is maintained in GöçNet database, according to Article 14 titled "Creating a database, privacy and sharing of the data" of that same Law. According to the article "*Privacy is fundamental in terms of the personal data collected of the victims. Within the scope of the procedure during combatting against human trafficking and protection of the victims, authorities and officials, cannot reveal any kind of private information, document and personal secrets that they obtained except from the authorities, cannot use to advantage of himself of the third parties. Personal information regarding the identity and security of the victim cannot be declared to anyone by any means, except from the procedure for identification and detection of the family members.*"

There are a series of legal limitations to sharing of data regarding child victims. In Article 157 of Criminal Procedure Code No. 5271, it is provided for that unless provided otherwise by the code and under the requirement to not harm the defence rights, procedural interactions during the investigation phase shall be kept as a secret. In Article 19 of the Regulation on Arresting, Detaining and Taking of Statements, it is stated that the identity and actions of children shall definitely be kept as a secret.

Based on the information received, Turkey is in full compliance with the requirements of Recommendation 7, and has in place promising practices, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **UKRAINE**

*1. At least one mechanism for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse has a specific focus on children affected by the refugee crisis.*

In Compilation information 2020, complemented by the additional information, Ukraine provided information on the Unified Information and Analysis System (EIAS "Children"), which gathers data about children, their status and needs. Specifically, it was created for accumulation, storage, accounting, retrieval and use of data on: orphans; children deprived of parental care; and children who are in difficult circumstances, including victims of different forms of violence.

The order of the Ministry of Internal Affairs of Ukraine dated April 27, 2020 No. 357 approved the Instruction on organising responses to statements and reports about criminal, administrative offenses or events and prompt informing in the bodies (units) of the National Police of Ukraine, (registered at the Ministry of Justice of Ukraine on May 15, 2020 No. 443/34726). This instruction defines the algorithm of actions for responding to statements and reports about criminal, administrative offenses, in particular those related to sexual freedom and sexual inviolability of children.

The order of the Ministry of Internal Affairs of Ukraine dated February 08, 2019 No. 100 approves the Procedure for maintaining a unified record in police bodies (units) of statements and reports about criminal offenses and other events (registered at the Ministry of Justice of Ukraine on March 5, 2019 under No. 223/33194). The particular category of crimes and offenses is those committed against children.

Ukraine further provided information collected by the State Migration Service of Ukraine, however it is not explicitly stated whether the different mechanisms described enable for data collection on children who are victims or presumed victims of sexual exploitation and sexual abuse *and* has a specific focus on children affected by the refugee crisis.

*2. The State has identified and considered removing any obstacles to the collection of such data, or confirms that there are no such obstacles.*

No specific information has been submitted.

*3. The State indicates relevant data protection requirements which have been considered/observed.*

The information contained in the child's electronic registration card is protected in accordance with the legal acts in the field of protection of information and personal data. The State ensures the protection of information and takes measures to organise work related to the protection of personal data when processed in the Data Bank in accordance with the legal acts in the field of information and personal data protection.

The information provided for requirement three has not been taken into account, as the Party does not fulfil requirement one.

Based on the information received, Ukraine is non-compliant with the requirements of Recommendation 7.

## Concluding remarks

This report covered the situation of 41 Parties, which were concerned by the Special Report Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse. Out of the 41 Parties, 17 are in partial compliance and 16 are in full compliance with the requirements of Recommendation 7 on mechanisms for data collection with a specific focus on children affected by the refugee crisis, who are victims or presumed victims of sexual exploitation and sexual abuse; including the possible removal of obstacles to the collection of such data and with due respect for the requirements of personal data protection. 8 Parties have been considered non-compliant with the requirements of Recommendation 7.

The information contained in this report provides different examples of how Parties have implemented Recommendation 7. In some parties relevant data has been collected in the context of national data collection systems and, in other cases, specific mechanisms have been set up, usually managed by the migration authority. Some countries are addressing the needs of specific groups of children affected by the refugee crisis, such as unaccompanied children and children who are victims of trafficking in human beings.

At least 11 Parties are collecting relevant data in the context of trafficking in human beings, namely Albania, Georgia, Italy, Luxembourg, the Netherlands, Poland, Romania, the Slovak Republic, Spain, Sweden, Switzerland and Turkey.

At least two Parties are collecting relevant data in the context of the *Barnahus* or Children's Houses, namely Cyprus and Denmark.

Some Parties have in place promising practices, which provide information on a variety of initiatives and can be of inspiration to other Parties. In Bulgaria, in 2018, the Agency for Refugees has begun, collecting and reporting separate statistics for victims of psychological, physical and sexual violence. Croatia has started, in 2019, to disaggregate data also by a criterion of "special vulnerability", including therein applicants for international protection, persons granted international protection and irregular migrants. In Italy, the Directorate General for Immigration and Integration Policies published biannual reports on unaccompanied children, including information on sexual violence against that group of children.

France has provided an example of a research-action study focusing specifically on unaccompanied Moroccan children, living in a neighbourhood in Paris. The Netherlands has also recently launched a research project with youth care organisations, which also pays attention to possible signals of victimhood of trafficking. The project entails research on the knowledge level, which resources/tools are used and which difficulties exist. This will lead to new approaches and/or fixes that will be implemented during the pilot. During the project it will also be examined what is/are the best way(s) of registration of problems of victims of human trafficking – including abuse/exploitation. Once the knowledge gained, tools and other outcomes will be shared with/implemented by other organisations.

Improvements to be implemented by Parties include:

- √ Assessing and improving the efficacy of already available data collection mechanisms and establishing new ones, where they do not yet exist;
- √ Adopting different methods for collecting data, both of a quantitative nature (i.e. statistics) and of a qualitative nature (i.e. focused research studies);
- √ Ensuring that there are no related obstacles for data collection;
- √ Following requirements for data collection.