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31 January 2018

## **LANZAROTE COMMITTEE**

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

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**List of decisions**

**20<sup>th</sup> meeting**

Strasbourg, 29-31 January 2018

Adopted by the Lanzarote Committee on 31 January 2018

The Committee of the Parties (hereinafter referred to as “the Lanzarote Committee” or “the Committee”) to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter referred to as “the Lanzarote Convention” or “the Convention”) held its 20<sup>th</sup> meeting in Strasbourg on 29-31 January 2018.

**During this meeting, the Lanzarote Committee:**

1. Took note of the opening address by Ms Snežana SAMARDŽIĆ-MARKOVIĆ (Council of Europe Director General of Democracy) who acknowledged the importance and value of the work carried out by the Lanzarote Committee and informed it about restrictions to the Council of Europe’s budget that might impact the Committee’s work.
2. Was informed on progress in the accession process by Tunisia.
3. As concern the “Special report further to a visit undertaken by a delegation of the Lanzarote Committee to transit zones at the Serbian/Hungarian border (5-7 July 2017)”:
  - Endorsed the recommendations contained therein (see Appendix);
  - Took note of some developments which took place further to the visit and were presented by the Hungarian authorities during the meeting (see Appendix);
  - Requested the Hungarian authorities to send information to the Secretariat ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) on actions taken to implement the recommendations before 31 January 2019, with a view to their consideration by the Lanzarote Committee at its first meeting of 2019.
4. Held an exchange of views on the procedure to carry out future possible on-the-spot visits and decided to resume its discussions at a forthcoming meeting on the basis of preparatory work (relating to, for example, a state of play of practices in other monitoring bodies, possible changes needed in the Rules of procedure, pros and cons on organising visits only to some Parties and not to all).
5. Reviewed and adopted the revised draft 2<sup>nd</sup> implementation report on the “Protection of children against sexual abuse in the circle of trust: The strategies”.
6. As concerns its 2<sup>nd</sup> monitoring round: “The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”:
  - Took note that the remaining two Parties which have not sent their replies to the questionnaire yet (the Netherlands and the Czech Republic) committed themselves to do so in a near future;

- Noted that 14 NGOs and other stakeholders have sent replies to the questionnaire or comments to replies sent by Parties and that comments from other NGOs and other stakeholders are expected in the near future;
  - Listened to a presentation of the [Guidelines for Implementation of Child Participation in the 2<sup>nd</sup> thematic monitoring round](#);
  - Appointed Ms Sandra FISCHEROVÁ (Slovak Republic) as Rapporteur to prepare observations on replies to question 10 (Production and possession of self-generated sexually explicit images and/or videos by children for their own private use) and Ms Anastasia ATABEKOVA (Russian Federation) as Rapporteur to prepare observations on replies to question 11 (Reference in law to ICT facilitated sexual coercion and/or extortion);
  - Took note that the observations on replies prepared by the above-mentioned Rapporteurs and those who volunteered at an earlier stage, i.e. Ms Kristina MARKU – Hope for Children CRC Policy Centre – for replies to question 8 (Legislation) and Ms Manuela TROPPOCHER – Austria – for replies to question 9 (Criminalisation) will be considered by the Committee at its 21<sup>st</sup> meeting (20-22 June 2018 – date to be confirmed).
7. Held de-briefings on the:
- [3<sup>rd</sup> edition of the European Day](#) on the protection of Children against Sexual exploitation and Sexual Abuse (18 November 2017);
  - 3<sup>rd</sup> meeting of the Ad Hoc Committee on the Rights of the Child ([CAHENE](#), Strasbourg, 22-24 November 2017);
  - European Commission’s Expert Workshop on the implementation of Directive 2011/93/EU with regard to children in migration (Brussels, 17 January 2018);
  - working lunch of the Chairpersons of the Council of Europe monitoring and advisory bodies with the Secretary General (Strasbourg, 18 January 2018).
8. Heard presentations from and exchanged views with:
- Ms Elda MORENO (Head of the Children’s Rights and Sport Values Department of the Council of Europe) on the “Start to talk” initiative (Child sexual abuse in sports);
  - Ms Anastasia ATABEKOVA (Russian Federation) on the interagency seminar held at the Peoples' Friendship University of Russia (Moscow) on 22 November 2017 in regard to the Lanzarote Convention implementation.

- Mr Bragi GUÐBRANDSSON (Iceland) on developments in the [PROMISE project](#) and the forthcoming celebrations of the 20<sup>th</sup> anniversary of the Barnahus model, during the next Nordic Congress on [“Safety for Children: New thinking – New approaches”](#) (Harpa Conference Centre, Reykjavik, 5-7 September 2018).
  - Mr Daniel PICAL (International Association of Youth and Family Judges and Magistrates - IAYFJM) on the forthcoming [World Congress on Justice for Children](#) (UNESCO House, Paris, 28-30 May 2018).
9. Took note of the recent activities of the Council of Europe’s Parliamentary Assembly presented by Ms Maren LAMBRECHT (Secretary to the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly).
10. Elected by acclamation for a first term of office, Mr George NIKOLAIDIS (Greece) as Chairperson of the Committee, Ms Christel DE CRAIM (Belgium) as Vice Chairperson of the Committee, Ms Vesna PETROVA (Bulgaria) and Ms Maria José CASTELLO-BRANCO (Portugal) as members of the Committee’s Bureau.
11. Re-elected by acclamation, for a second term of office, Mr Stevan POPOVIĆ (Serbia), as member of the Committee’s Bureau.
12. Decided to invite the [Internet Watch Foundation](#) as an observer to its forthcoming meetings.
13. Adopted the present list of decisions of the meeting.
14. Took note that the dates for its next meetings are:
- 21<sup>st</sup> meeting: 20-22 June 2018, Strasbourg (date to be confirmed)
  - 22<sup>nd</sup> meeting: 7-9 November 2018, Strasbourg (date to be confirmed)

In accordance with Rule 10, paragraph 5 of the Rules of Procedure and as the Lanzarote Committee has not decided otherwise, this list of decisions shall be made public.

In accordance with Rule 10, paragraph 6 of the Rules of Procedure, a full meeting report shall be submitted to the members, participants and observers of the Lanzarote Committee at a later stage.

## Appendix

### **Special report further to a visit undertaken by a delegation of the Lanzarote Committee to transit zones at the Serbian/Hungarian border (5-7 July 2017)**

#### **Recommendations endorsed by the Lanzarote Committee at its 20<sup>th</sup> meeting (29-31 January 2018) and follow-up given by the Hungarian authorities**

1. On 5-7 July 2017, a delegation of the Lanzarote Committee undertook an on-the-spot visit to the transit zones at the Serbian/Hungarian border in order to assess the situation of asylum-seeking children with regards to their protection against sexual exploitation and sexual abuse.
2. The delegation prepared a special report further to this visit [see document T-ES(2017)11] which included a series of suggested recommendations and addressed it to the Hungarian authorities.
3. The Hungarian authorities submitted comments to the report, some of which were integrated in a revised version of the report, which was sent to the Committee.
4. During its 20<sup>th</sup> meeting (29-31 January 2018), the Lanzarote Committee endorsed the recommendations of the special report as they appear below. It also took note of some developments which took place further to the visit and were presented by the Hungarian authorities during its 20<sup>th</sup> meeting. These developments are reproduced below.
5. The Hungarian authorities are requested to inform the Secretariat ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) of actions taken to implement the recommendations listed below before 31 January 2019. The information received will be considered by the Lanzarote Committee at its first meeting in 2019.

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#### **List of the recommendations addressed to the Hungarian authorities further to a visit undertaken by a delegation of the Lanzarote Committee to transit zones at the Serbian/Hungarian border (5-7 July 2017)**

(adopted by the Lanzarote Committee at its 20<sup>th</sup> meeting, 29-31 January 2018)

R1 – In the framework of immigration procedures, the Hungarian authorities should treat all persons under the age of 18 years as children without discrimination on the ground of their age and ensure that all children under Hungarian jurisdiction are protected against sexual exploitation and abuse.
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R2 – The Hungarian authorities should care for all the children within its regular child protection system, i.e. in open child protection institutions, especially in light of the very limited number of children falling under the new regulation (19 unaccompanied boys aged 14-18 were accommodated in the specific sector in Röszke transit zone at the time of the visit).

R15 – The Hungarian authorities should pay special attention to the heightened vulnerability of unaccompanied children, especially girls, and systematically place them in mainstream child protection institutions to prevent possible sexual exploitation or sexual abuse against them by adults and adolescents in the transit zones.

***Measures to be taken towards asylum-seeking children***

R3 – The Hungarian authorities should be asked to cooperate with the Serbian authorities as regards the management of the waiting lists to enter the Hungarian transit zones in order to prevent corruption through sexual exploitation and sexual abuse of the asylum-seeking children.

R4 – The Hungarian authorities should cease all push-backs of migrant and asylum-seeking children at the border and ensure that any child on Hungarian territory is immediately referred to the competent child protection authorities to undergo a needs assessment in line with the rights of the child to ensure that they are protected against any risk of sexual exploitation and abuse.

R5 – Where age verification is necessary, the Hungarian authorities should reinforce its age verification procedures and complement it by other verification processes than only physical appearance of the person, in order to avoid cases of unaccompanied children under 18 being assessed as being above 18 and held together with single men, thus preventing cases of their being sexually exploited or sexually abused.

R6 – The Hungarian authorities should ensure that the principle of the benefit of the doubt is adequately applied to individuals pending verification of their age when there are reasons to believe that they are children and to individuals when the age verification procedure is over and if doubts about the age of the person remain.

R7 – The Hungarian authorities should protect asylum-seeking children from sexual exploitation and sexual abuse by strengthening verification procedures to establish family links between these children and the adults who accompany them and, if necessary, separating children from adults who are found to be unrelated to them.

R8 – The Hungarian authorities should repeal their legislation to ensure a full protection of all unaccompanied children aged 14-18 and grant them a guardian with the same qualifications, functions and legal powers as those appointed for children aged less than 14, in order to facilitate disclosure of possible cases of sexual exploitation or sexual abuse. The authorities should make sure that children are informed that they have a guardian and able to contact their guardian directly if they are facing problems or need assistance.

R9 – The Hungarian authorities should take measures to respect the Hungarian legal maximum of 30 children per child protection guardian in order to ensure that guardians receive manageable caseloads (since, in addition to refugee seeking children, they are also in charge of Hungarian children in care). This would enable them to spend more time with each of the unaccompanied asylum-seeking children in order to build a relationship of trust with them which, as a consequence, would facilitate disclosure of any possible cases of sexual exploitation and sexual abuse. Where a child discloses that they have been a victim of sexual exploitation or sexual abuse the Hungarian authorities should provide appropriate protection and assistance regardless of the child's age.

R10 – The Hungarian authorities should provide access to interpreters especially during appointments between the child and staff, including medical staff, social workers and guardians to facilitate disclosure of actual or potential sexual exploitation and sexual abuse. In addition, the Hungarian authorities should provide Hungarian language courses for children held in the transit zones (or accept that NGOs provide such courses).

R11 – The Hungarian authorities should take measures to inform children in the transit zones, in a manner adapted to their age and maturity, in a language they understand and which is sensitive to gender and culture, to raise their awareness on the risks they face of being sexually exploited or abused and to inform them of the help and protection available if they are or become victims of such offences.

R16 – The Hungarian authorities should provide specialised training to all personnel, including paid staff and voluntary workers, who come into contact with asylum-seeking children, in the transit zones or in the mainstream child protection institutions. Specialised training should include modules on the specific needs of these children, in particular on prevention, protection and detection of sexual exploitation and sexual abuse.

***In the meantime, measures to be taken in the transit zones***

R12 – The Hungarian authorities should cease the practice of detaining children in the transit zones as a measure to prevent them from falling victims of sexual exploitation or sexual abuse and to facilitate disclosure of cases of sexual exploitation or sexual abuse. Preventing the direct and uncontrolled access to the Hungarian territory does not necessarily include detaining children in fenced open air areas with shelter containers.

R13 – The Hungarian authorities should take steps to improve the living conditions of children in the transit zones, in particular by providing shaded areas in the courtyards and air conditioning in the containers, providing access to education to children, reinforcing leisure activities and ensuring mobile phone connection in all sectors of the transit zones in order to minimise their vulnerability.

R14 – The Hungarian authorities should provide children with food that is appropriate to their age, free of charge and of adequate quality and quantity. This should diminish the risk of children becoming exposed to sexual exploitation and sexual abuse.

R17 – The Hungarian authorities should ensure that the social workers in the transit zones make all possible efforts to build up a relationship of trust and confidence with the children in order to facilitate disclosure and prevent their sexual exploitation and sexual abuse.

R18 – The Hungarian authorities should ensure that the medical staff in the transit zones practice medical assistance in the state of the art, with a positive attitude of care and concern towards children and in a language children can understand, in order to build up a relationship of trust and confidence to facilitate disclosure of possible cases of sexual exploitation or sexual abuse.

R19 – The Hungarian authorities should revise the management procedure of visits of children to the medical staff with a view that, for sake of confidence building towards the doctor, and to limit risks of sexual abuse and facilitate disclosure, children should be accompanied by one of their parents if they wish so. If a parent does not accompany the child, a nurse should always stay in the room during the examination. The latter should always apply in the case of unaccompanied children.

R20 – The Hungarian authorities should provide psychological support to children in the transit zones in a language they can understand in order to accompany those of them who have been victims of sexual exploitation or sexual abuse along the path to disclosure and recovery. Where State provision of psychological support is not possible, the authorities should allow voluntary psychologists access to the transit zones.

R21 – The Hungarian authorities should monitor the requests from children to leave the transit zone to return to Serbia in order to screen these children for possible cases of sexual violence, to remedy the cases and to act in order to limit recurrence of such cases.

R22 – The Hungarian authorities should implement a corporate culture whereby all personnel in contact with asylum-seeking children in the transit zones have a positive attitude of care and concern towards children, are better trained and equipped with trained interpreters, to identify child victims of sexual exploitation or sexual abuse.

R23 – The Hungarian authorities should ensure that children in the transit zones and persons wishing to help them have access to information services such as telephone or Internet helplines in order to provide advice on sexual exploitation and sexual abuse, in a language they can understand. Then Hungary should inform children in the transit zones of the existence of such helplines.

R24 – The Hungarian authorities should revise their policy of restricting access to the transit zones to a very limited number of NGOs, since NGOs with specific expertise may bring added value to the care provided by the authorities to children seeking asylum and efficiently complement it at no cost for the state authorities (such as psychological care).

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## **Developments further to the visit as referred to by the Hungarian authorities during the 20<sup>th</sup> meeting of the Lanzarote Committee (29-31 January 2018)**

The Lanzarote Committee took note of the following developments which took place further to the visit and were presented by the Hungarian authorities during its 20<sup>th</sup> meeting.

### **1. Changes in the law**

Following the legal changes from 1st January 2018, additional regulations were introduced favouring minors in general and unaccompanied minors in Hungary:

1.1. According to the former legal rules, five meals per day were available only for children aged under 14 years, but as of 1st of January 2018, it is provided for all minor asylum seekers.

1.2. The asylum interview must be conducted in a language that is understandable for the minors while taking into consideration their age, maturity, sexual and cultural characteristics.

1.3. If a second or further asylum interview is needed, the same interviewer should conduct the interview with the minor.

1.4. If it is possible, the asylum interview of children aged under 14 years, should be held in a kid-friendly interview room.

1.5. The asylum interviewer of minors must have the necessary knowledge and training for interviewing minors. For this, it is important to provide such children with a professional asylum assistance staff, meaning also that during the asylum interview the interviewer should have the quality of inspiring confidence and provide a child-friendly atmosphere, finding the perfect, professional interpreter who has relevant practice in communicating with children.

1.6. The applicant may choose the sex of the interpreter and the case worker.

### **2. Changes in the transit zones**

2.1. During the visit of the Committee, there was a summer holiday affecting every Hungarian school and children. However, from September 2017, the school year began in the transit zones as well. The education is carried out by the educational authorities having jurisdiction and competence under the guidance of the Ministry of Human Capacities. A specific curriculum was developed for the minor asylum seekers staying in the transit zones, and as of the beginning of September 2017, education is provided according to this curriculum for minors aged between 6 and 16 years, and if the child wishes, even up to their 18 years of age, by competent and specially trained teachers. In Hungary, it is obligatory for children to go to school till the age of 16 years. The necessary tools for educational purposes are also provided (e.g. PC, exercise books, pens

etc.) to aid their education. (R 10) and (R 13)

2.2. The Office has so far completed the training of 120 administrators for the successful identification of victims of human trafficking (partially sexual exploitation) and to increase the awareness of those who are more likely to be in contact with such persons during their day-to-day work. Moreover, managers of the Office also have to participate in this training as well. In addition, a summary of relevant knowledge has been prepared and handed out for the staff. The Office started cooperation with the IOM in order to provide special training for the personnel of the transit zones on the rights of the child – especially who are affected by the migration crisis - and also trafficking in human beings.

Since 2011, the police personnel serving in the transit zone have participated in psychological, tactical and intercultural training that greatly contributes to the recognition and proper handling of vulnerable persons and their situations. The briefing of the personnel contains the requirements of performing tasks in a multicultural environment and the instructions for appropriate behaviour in such an environment. (R 16)

2.3. An additional food package is provided since October 2017 every week for different age groups, which contains fruits and vegetables, chocolate, instant coffee, tea, refreshment, biscuit etc. This is beyond the five times meal that is provided officially. (R 14)

2.4. Both adults and children are provided with the adequate standard of medical care available generally in Hungary. Medical doctors for adults are present every day for 4 hours, while paediatrician doctors are available twice a week in the transit zones (similarly to office hours of doctors for the general population). However, paramedics are present 24/7 at the transit zones, who can provide emergency medical treatment, and if necessary, they can also arrange the transfer of any children to the hospital. The Immigration and Asylum Office with the help of Hungarian Baptist Aid charity weekly provides health visitor service in the transit zones specialised for little children. (R 18)

2.5. From November 2017 the Immigration and Asylum Office employs a psychologist in the transit zones. The psychologist works at Röszke Transit Zone in 9 hours per week, and at Tompa Transit Zone in 6 hours per week. From January 2018, a psychiatrist in 3 hours per week is present in each of the transit zones. The psycho-social help was available by NGOs even before these dates. Also, if necessary, the psychiatric care of state hospitals is still available for the applicants. (R 20)

2.6. Throughout the summer sunshades and also shading canopies were installed throughout the transit zones. During summer, the community rooms are air-conditioned and in the living quarters fans are installed, while during winter, the living quarters are individually heated. (R 13)