



T-ES(2016)RFG-POL

## LANZAROTE CONVENTION

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

### FOCUSED QUESTIONNAIRE

Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse

POLAND

(Replies sent by the State)

Replies registered by the Secretariat on 27 September 2016

## DATA (Lanzarote Convention, Chapter III)

1) How many migrant and asylum-seeking children (accompanied and unaccompanied)<sup>1</sup> are in your country as a result of the refugee crisis?

a) Please provide estimates, if exact data is not available, for the period between 1 July 2015 and 30 June 2016,<sup>2</sup> and specify how many of these children are victims or presumed victims of sexual exploitation and sexual abuse;

As regards the number of migrant and asylum-seeking children in Poland, in the period between 1 July 2015 and 30 June 2016, there is no specific data base providing the exact number. According to the Office for Foreigners, the number of minor foreigners who applied for international protection of refugees in the referenced period of time is 7,193 (including 159 minor foreigners without guardians). The number of minor foreigners who applied for legalization of stay is 10,206. The table below illustrates how the numbers changed in between July 2015 and June 2016:

No of applications	2015						2016					
	July	August	September	October	November	December	January	February	March	April	May	June
International protection-all minors who applied	500	661	851	677	596	555	269	394	547	574	748	821
International protection-minors without guardians	12	19	8	24	11	13	7	7	19	7	15	17
Legalization of stay	844	953	976	991	889	870	688	823	847	818	673	834

*Source: Office for Foreigners data base*

The aggregate number of children who were victims of sexual exploitation and sexual abuse in Poland, for the period between 1 July 2015 and 30 June 2016, is 1,808 – of

<sup>1</sup> Please provide the definition of accompanied/unaccompanied children in your country and, if available, provide separate figures for accompanied and unaccompanied children. If such data is not available, please provide data on migrant and asylum-seeking children.

<sup>2</sup> If figures for this period are not available, please provide the most recent annual data.

which only 2 children were foreigners (citizens of Kazakhstan and Germany). Regarding presumed victims, 6 children (citizens of Vietnam) could potentially be the victims of sexual exploitation and sexual abuse in 2015. However, it should be emphasized that this is not a result of the refugee crisis, but was related to human trafficking. Those children were illegally transported to Poland and then to the Germany. Sexual exploitation and sexual abuse took place in their home country or in transit countries, not in Poland.

- b) Describe how the victims of sexual exploitation and sexual abuse were identified or describe the challenges faced to identify them. Specify whether a distinction is made between victims of sexual exploitation/abuse prior to the entry on your territory (Group 1) and after entry (Group 2) and provide data/estimates of the two groups of victims. Please also explain how the age is determined in case of doubt;

Please also explain how the age is determined in case of doubt;

Victims of sexual exploitation and sexual abuse usually report the crime themselves. However, the Border Guard has a special "Program of support and protection for potential victims of human trafficking and sexual abuse" to offer them professional assistance. All information about this type of crime is collected in the Police Information System and at the General Statistic Office.

There is no distinction between victims of sexual exploitation/abuse prior to their entry into Polish territory and after entry. It is however important to determine where the crime took place for the purposes of the asylum procedure. If the crime took place prior to entry, this is an important circumstance in receiving asylum-seeker status.

In case of doubts about the age of the victim, it is recommended to perform medical research, especially general examination, left wrist X-ray and dental examination. This kind of examination can be performed only with the permission of the child's guardian. All information about the method of examination, consequences of refusal and results of examination are communicated in the mother tongue of the victim. Presumption of minority applies until the results of examination are obtained.

- c) Indicate also how the data collected is used to offer a coordinated response between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children;

To offer a coordinated response from the different agencies in charge of the protection from, the prevention of, and the fight against sexual exploitation and sexual abuse of children a special program was put in place. "The Algorithm of identification and proceeding concerning the minor victim of human trafficking" is specifically addressed to Police and Border Guard officers. It was adopted on 28.09.2015. Moreover, in 2008 the Border Guard created a special group responsible for permanent monitoring and coordination of Border Guard actions in charge of prevention and elimination of human trafficking.

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

The chief institutions responsible for the collection of the above data are the Police (Intelligence and Criminal Office) and the Border Guard (Department for Foreigners' Issues and Operational-Investigative Department). This kind of data is also collected by the Head of the Office for Foreigners and the General Statistic Office.

#### PREVENTION (Lanzarote Convention, Chapter II)

- 2) What are the specific measures taken to prevent that children affected by the refugee crisis fall victims of sexual exploitation and sexual abuse?
- a) Highlight in particular the measures (e.g. awareness raising material, specialised training, screening of professionals, etc.) which have proven to be effective;

The Polish Police and the Office for Foreigners take different actions to protect all children, not only migrant and asylum-seeking children, from being victims of sexual exploitation and sexual abuse. First of all, the Polish Police implemented the "Don't look away" project which is intended to protect children from sexual exploitation and sexual abuse while travelling. This project is an effect of cooperation between the Police and the "Give children strength" Foundation. As a part of this action the website [www.stopseksturystyce.pl](http://www.stopseksturystyce.pl) was created to inform the general public about this type of offence. A special form is available both in Polish and in English to facilitate reporting of such crimes. All gathered information is being sent directly to the Police, contributing to making their reaction faster and more effective.

Moreover, special local groups of cooperation have been set up in every center for migrants. Those groups cooperate with medical staff of those centers, representatives of public institutions, non-governmental organizations, and with persons responsible for center management, as well as with representatives of migrant groups. The main aim of this kind of cooperation is to prevent violence in the centers, analyze the situation and react when needed.

In 2015 the Office for Foreigners and the Border Guard also implemented a project called "I see, I help". The main goal of this project is to implement a comprehensive system of monitoring and also to ensure psychological support during the asylum procedure.

It should be also mentioned that in April 2015 the Border Guard in cooperation with the "Give children strength" Foundation implemented a special project "Children in camps for migrants". This project was created to enforce policies and procedures to ensure appropriate protection for children against violence and sexual exploitation, to improve camp staff qualifications in this area and also to improve parents' educational skills. It is also created to educate children how to avoid the dangers and how to find help and support when needed.

One should also note a specific measure taken to prevent children affected by the refugee crisis from falling victim to sexual exploitation and sexual abuse in the form of special educational materials and presentations for Office for Foreigners workers on how to recognize violence and how to ensure help and support.

- b) Underline any lessons learnt from specific challenges (e.g. in raising awareness on sexual violence amidst other urgent priorities, etc.) that had to be faced to improve prevention.

Because of the marginal scale of sexual exploitation and sexual abuse of children as a result of the refugee crisis, it is recommended to continue all actions and projects taken so far and carefully monitor the situation.

#### PROTECTION (Lanzarote Convention, Chapter IV)

- 3) Has a coordinated child protection approach been put in place to cater for the specific needs of migrant and asylum-seeking children victims of sexual exploitation and/or sexual abuse?
  - a) Describe the measures taken to address the situation and cater for the children's specific needs (multiple traumas, language/cultural differences, etc.), including with respect to guardianship/placement;

With regard to a coordinated child protection approach, it should be emphasized that the legal procedure is the same for Polish and migrant children. There is no difference because of citizenship or home country of the victim. However, circumstances such as age, language, cultural differences or multiple traumas are taken into consideration. The Police, courts, prosecutor's offices and other institutions apply a special procedure in case the child is a victim. First of all, children are interrogated in "friendly rooms". Furthermore, the interrogating officer must be the same sex as the child. A psychologist should also be present during the interrogation.

- b) Indicate also what measures have been taken to protect the children concerned from further exploitation/abuse and to assist the victims in seeking redress (please highlight any differences between Groups 1 and 2 of children as outlined above);

To protect the child from further exploitation/abuse and to assist the victim in seeking redress, Polish institutions take the same actions and use the same measures as if the child was a Polish citizen.

- c) Underline any lessons learnt from specific challenges (in reporting suspicion of sexual exploitation and abuse, in tailoring assistance to the victims, etc.) that had to be faced to improve protection.

Because of the marginal scale of sexual exploitation and sexual abuse of children as a result of the refugee crisis, all specific actions and programs should be still implemented and the situation must be monitored and analyzed.

## COOPERATION (Lanzarote Convention, Chapter IX)

- 4) Provide examples of successful cooperation with other Parties to the Lanzarote Convention for the purpose of:
  - a) Preventing and combating sexual exploitation and sexual abuse of children affected by the refugee crisis;
  - b) Protecting and providing assistance to victims;
  - c) Investigations or proceedings concerning the offences established in accordance with the Lanzarote Convention.

Because of the international aspect of sexual exploitation and sexual abuse of children affected by the refugee crisis, international cooperation is very important. The basic form of cooperation are Police international actions which take the form of criminal information exchange, legal support and regular meetings of Police representatives. Cooperation between liaison officers is also found to be very effective. As regards cooperation at the state level, the most active partners are the Netherlands, Germany, USA and Great Britain. Furthermore, cooperation with Interpol should be mentioned. As a result of this cooperation it was possible to successfully conduct several operations in 2015, such as "Rina", "Rina 2" and "Teacher" which concerned collection and distribution of pornographic materials. Police identified 98 offenders responsible for this crime. Thanks to cooperation with Europol, the "Titan" operation was successfully carried out in 2015. Thus far, 5 suspected persons have been identified. Other operations included "Daylight" (14 offenders arrested) and "Morning star" (15 offenders identified, 6 offenders arrested). It is also worth to mention participation in The International Task Force, the Global Alliance against Child Sexual Abuse online and Council of the European Union workgroups.

## ANY OTHER ADDITIONAL INFORMATION

- 5) Please provide any other additional information which may be useful to identify areas for targeted cooperation aimed at ensuring that children affected by the refugee crisis are effectively protected from sexual exploitation and sexual abuse and in guaranteeing their human dignity and physical and psychological integrity.

As regards additional information which may be useful to improve children protection from sexual exploitation and sexual abuse, it is highly recommended to organize specialized trainings addressed to Board Guard workers. Those officers "have first contact" with migrant children, that is why they should be particularly attentive. They must know how to get information why child lived home country and with whom is travelling. Furthermore they should be able to interpret child emotions and behavior during interview. Especially effective in this area could be psychological course.

Furthermore, it is recommended to organize trainings or prepare educational materials for camp workers. Those people have daily contact with migrant families so they could notice every alarming signal. According to the statistics in majority of cases about the crime inform medical personnel, social workers, school workers. That means that the closest circle does not react to sexual exploitation and sexual abuses. In reference to that it is needed to train camp staff.

Of course, it is also very important to take care of sexual education of children. They should be conscience what are their rights and how to react to acts of sexual exploitation and sexual abuse and also how to receive help. The possible way to achieve that aim could be social campaign addressed to children and to their closest circle. In cooperation with social media the scope of the campaign could be impressive and very effective.