



## CHECKLIST

### Protection of children affected by the refugee crisis from sexual exploitation and sexual abuse:

#### States' main obligations under the Lanzarote Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse<sup>1</sup>

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<sup>1</sup> The Council of Europe [Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#) (CETS No. 201) opened for signature in Lanzarote (Spain) on the 25<sup>th</sup> of October 2007. It is the most comprehensive international legal instrument dedicated to the protection of children against sexual exploitation and sexual abuse which may be acceded to by any country world-wide.

**Principles and definitions as established by the Lanzarote Convention and the Lanzarote Committee<sup>2</sup>**

- **“Child”**: any person under the age of 18 years (*Article 3 Lanzarote Convention*);
- **Children “affected by the refugee crisis”**: migrant and asylum-seeking children (*Geneva 1951 Convention relating to the Status of Refugees*) as well as children who have been granted refugee status, and those children who have had (or their parents have had) an application for international protection rejected;<sup>3</sup>
- **“Unaccompanied children”**: children who have been separated from both parents and relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so (*UNHCR Guidelines on Formal Determination of the Best Interests of the Child<sup>4</sup>*).
- **“Age verification”**: in case of doubt about the age of a person, Parties are asked to grant him or her the same type of protection and assistance as those provided for children pending age verification. The principle of the benefit of the doubt should therefore apply to these persons until it is proven that they are not children (*Article 11(2) Lanzarote Convention*);
- **“Child sexual abuse”**: when a person engages in sexual activities with a child who has not reached the legal age for sexual activities, or when a person engages in sexual activities with a child (regardless of the child’s age) using coercion, force or threats; his or her recognised position of trust, authority or influence over the child or where abuse is made of a particularly vulnerable situation of the child (*Article 18 Lanzarote Convention*);
- **“Sexual exploitation of children”**: behaviour constituting the criminal offences against children consisting *inter alia* in their exploitation through prostitution, to produce and disseminate child sexual abuse material, to groom or corrupt them for sexual purposes (*Articles 19 to 24 Lanzarote Convention*);
- **“Victim”**: any child subject to sexual exploitation or sexual abuse (*Article 3 Lanzarote Convention*).

The Lanzarote Convention requires its Parties to take all the necessary legislative or other measures to prevent children from being sexually exploited and sexually abused, to protect the victims and to prosecute the perpetrators. In the context of a refugee crisis, this entails that that, to comply with the Lanzarote Convention, national legislation, measures, procedures and facilities must be applicable to children affected by the refugee crisis as the Lanzarote Convention protects ALL children from sexual exploitation and sexual abuse.

All Member States<sup>5</sup> of the Council of Europe have ratified the Lanzarote Convention and have therefore committed to achieve its aims by implementing its provisions. Practitioners in reception, transit and destination countries may not be familiar with the Lanzarote Convention and the Lanzarote Committee’s monitoring recommendations. They should however act in line with them since the

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<sup>2</sup> The [Lanzarote Committee](#) is the body established to monitor whether the Lanzarote Convention is effectively implemented by its Parties (i.e. the countries having ratified/acceded to it). It is composed of representatives of the Parties to the Convention as well as representatives of international governmental and non-governmental organisations active in combating child sexual exploitation and sexual abuse.

<sup>3</sup> Lanzarote Committee [Special Report](#) on “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”, page 10 also specifies that the term “children affected by the refugee crisis” does not cover those children who were already residing in the country before the refugee crisis, be they nationals or foreigners.

<sup>4</sup> UN High Commissioner for Refugees (UNHCR) [Guidelines on Determining the Best Interests of the Child](#) May 2008.

<sup>5</sup> In addition to the 46 Member States of the Council of Europe, the Lanzarote Convention also counts among its Parties the Russian Federation and Tunisia.

country in which they operate is a Party to the Lanzarote Convention. The following non-exhaustive list of relevant obligations deriving from the Lanzarote Convention as interpreted by the Lanzarote Committee, is aimed at facilitating this task. It is to be used as a practical tool serving as a sort of a checklist with concrete examples of measures that may be put in place to **prevent sexual exploitation and sexual abuse, identify and report child victims, provide support to child victims** of sexual exploitation and sexual abuse and **prosecute the perpetrators**.

## **PREVENTING SEXUAL ABUSE AND SEXUAL EXPLOITATION AGAINST CHILDREN ON THE MOVE**

Parties have the obligation to take all the necessary legislative or other measures to prevent children from falling victims to sexual exploitation and sexual abuse through, *inter alia*:

1. Provision of appropriate **facilities/accommodation solutions of quality** for all children affected by the refugee crisis to help to eliminate risks of sexual abuse, with attention to:
  - Better lighting and child-friendly spaces;<sup>6</sup>
  - Separation of unaccompanied children from adults;
  - Separation of single women and their children from men to whom they are not related;
  - Separate facilities for extremely vulnerable children and children at risk of going missing.<sup>7</sup>
2. Setting up **effective complaint mechanisms and support services, such as helplines**, to report any kind of abuse or reach out for help, with attention to:
  - The service in place being available in a language understandable by children and people affected by the refugee crisis other than the official language(s) of the host country;
  - The service(s) being available for both children and persons wishing to help them;
  - The service(s) in place providing advice to callers confidentially or with due regard for their anonymity;
  - The service in place being as widely available as possible.
3. Setting up protocols and other procedures to **prevent refugee children of going missing**;
4. Preparing **information, advice and other awareness raising activities targeting children to help prevent sexual exploitation and sexual abuse**;<sup>8</sup>
5. **Training professionals working in contact with children**: professionals should be provided with information explaining what to do if confronted with cases of sexual violence and what information and advice to transmit thereafter;
6. **Screening all persons in contact with children affected by the refugee crisis**<sup>9</sup> to verify whether they have been convicted of acts of child sexual exploitation and/or sexual abuse.

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<sup>6</sup> Council of Europe: Committee of Ministers [Thematic Report on migrant and refugee children Prepared by the Special Representative of the Secretary General on migration and refugees](#) 10 March 2017. SG/Inf(2017)13

<sup>7</sup> Every room should be lockable, and an emergency number prominently displayed.

<sup>8</sup> Activities should be tailored to children's age and maturity, be in a language they understand, and sensitive to gender and culture. Giving children printed and non-verbal information material when they arrive is a helpful preventive measure.

<sup>9</sup> These include the front-line persons they are met by upon arrival, and any guardians, foster families or other caregivers they may be assigned to. This also includes all volunteers, interpreters and teachers carrying out activities with children. If a person has been convicted of sexual offences against a child, they should be denied access to professional and volunteer activities with the children.

For more information on how Parties to the Lanzarote Convention have put in place awareness raising activities addressed to children affected by the refugee crisis, including examples of promising practices, see [Compliance report concerning Recommendation 15 on information and advice to children](#) and [Compliance report concerning Recommendation 17 on exchange of information on awareness raising](#).

For more information on how Parties to the Lanzarote Convention have put in place helplines and other services addressed to refugee children, including examples of promising practices, see [Compliance report concerning Recommendation 32 on helplines to child victims](#).

For more information on how Parties to the Lanzarote Convention have put in place protocols addressing the issue of missing children, including examples of promising practices, see [Compliance report concerning Recommendation 35 on cross-border missing children](#).

## **IDENTIFYING AND REPORTING CHILD VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE**

Parties have the obligation to take all the necessary legislative or other measures to identify and report children who may have been victims of sexual exploitation and sexual abuse through, *inter alia*:

1. **Adoption of appropriate age assessment.** Should there be any doubt over a child's age, they should initially be considered as children and consequently accorded all the protective measures due to them, while verification procedures are being performed;
2. **First interviews** with all asylum-seeking children should include special attention as to whether the child is a victim or a potential victim of sexual exploitation and/or sexual abuse;<sup>10</sup>
3. **Inform children about their right to protection from sexual abuse and sexual exploitation**, promptly upon arrival, in a manner tailored to their age, maturity and gender;
4. **Train all relevant professionals** (including interpreters, social workers, the police and volunteers) dealing with children affected by the refugee crisis enabling them to detect, identify and report when a child has been a victim of sexual exploitation and sexual abuse;
5. **Adopt guidelines and protocols to identify victims of sexual exploitation and sexual abuse and share them amongst all responsible authorities;**
6. **Ensure that there is an obligation for all professionals to report any sexual exploitation or abuse against children and put in place appropriate reporting and referral mechanisms.**
7. **Put in place adequate data collection mechanisms.**<sup>11</sup>

For more information on how Parties to the Lanzarote Convention have put in place data collection mechanisms concerning refugee children, including examples of promising practices, see [Compliance report concerning Recommendation 7 on mechanisms for data collection](#) and [Compliance report concerning Recommendation 37 on a coordinated approach between responsible agencies](#).

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<sup>10</sup> To encourage children to disclose any abuse, the methods used by professionals for counselling, interviewing and reporting, need to be child-sensitive, safe, and known to all children in transit. By creating a safe and trustworthy environment, children will be more willing to break any pre-conceived perceptions they may have as to the consequences of their disclosure and therefore report their abuse.

<sup>11</sup> These data should be collected as early as possible and identify the different categories of children affected by the refugee crisis (asylum-seeking children/unaccompanied children and the overall number of children in transit affected by the refugee crisis) and how many of those children have been sexually abused and/or exploited. Obstacles to data collection on child victims of sexual violence or the fact that such data cannot be disaggregated in light of the refugee crisis, should be removed.

## **PROVIDING SUPPORT TO CHILD VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE AND PROSECUTING THE PERPETRATORS**

Parties have the obligation to take all the necessary legislative or other measures to provide support to children who may have been victims of sexual exploitation and sexual abuse through, *inter alia*:

1. **Put in place appropriate support such as therapeutic assistance and emergency psychological care**, to be offered to children affected by the refugee crisis immediately after the disclosure of sexual exploitation and sexual abuse;
2. **Appointment of legal guardians** to safeguard the child victims' best interests and specific needs, regardless of their age. The guardian, who needs to be independent from migration and asylum authorities, has to provide support both on an everyday basis and/or for helping with legal issues;<sup>12</sup>
3. **Adopt common tools, standards and procedural steps for all agencies working to protect child victims**, to ensure that all persons working in the context of the refugee crisis follow the same set of guidelines and do not overlook certain questions that may be relevant for protecting child victims of sexual violence;
4. **Ensure the appropriate coordination of all agencies, including the right to share information.** The agencies involved in coordinating the protection of child victims of sexual abuse and sexual exploitation should also be allowed to share personal information, as appropriate and in accordance with national law. This means that child victims will benefit from similar types of support through the whole of their journey and have their needs identified and taken care of in a consistent way;
5. **Provide safe placements for minimising the danger of victimisation or revictimisation** of sexual abuse;
6. **Reinforce cross-border cooperation** to verify, among other, the identity of adults accompanying children, carry out family reunification of unaccompanied children without undue delay;
7. **Prosecute all offenders and put in place relevant international cooperation mechanisms.** International cooperation is key. If for example, the offence was committed before the child arrived in the country, authorities should seek legal cooperation with the country where the crime took place. If the offence took place after arrival, the authorities are responsible for prosecuting the offender;
8. **Ensure child-friendly procedures:**
  - If a child affected by the refugee crisis becomes involved in legal proceedings, specific measures need to be taken such as engaging interpreters and providing information in a language they understand, at each stage of the procedure;
  - The child should be informed of what is happening to them, if and where they are being transferred and what to expect from the procedure<sup>13</sup> and their right to participate in it;

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<sup>12</sup> To help build trust with the child, the guardian should have no conflict of interest with the child and must be trained to understand the contextual specificities of the experiences that the children have been through. Guardians should be screened to verify whether they have been convicted of acts of child sexual exploitation and/or sexual abuse and thus guarantee the best possible protection to the child. Guardians may help to prioritise family reunification, foster care, supervised independent accommodation for older children or other forms of non-institutional care; and institution placement in small scale units, as well as, other measures, as necessary.

<sup>13</sup> Council of Europe: Roundtable Conference Report, [Child-friendly Information for Children in Migration](#), 29-30 November 2017, page 6.

- Avoid aggravating the child’s trauma. Interviews during the trial or pre-trial stages of the proceedings should be carried out as soon as possible, be limited in number, and held in facilities designed and adapted for that purpose, located in a place other than police, hospital or court premises. The possibility of these interviews to be video recorded should be admissible as evidence during the proceedings.<sup>14</sup>

For more information on how Parties to the Lanzarote Convention have put in place measures on the prosecution of offenders, including examples of promising practices, see [Compliance report concerning Recommendation 12 on prosecution of offenders](#).

For more information on how Parties to the Lanzarote Convention have put in place measures to ensure child-friendly proceedings, see [Compliance report concerning Recommendation 31 on child-friendly proceedings](#).

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<sup>14</sup> For additional information on child-friendly proceedings see the recommendations and findings reported in the Lanzarote Committee’s first implementation report on the “[Protection of children against sexual abuse in the circle of trust: The framework](#)” 2015.