

9/20/2019

Minutes:

Cooperation seminar - Unaccompanied children and minor victims of trafficking in human beings from third countries in Barnahus (Estonian – Lastemaja / LM)

Participants:

- Anna Frank-Viron
- Elmet Puhm
- Tauri Pärn
- Ardo Ranne
- Ene Ellik
- Piia Peterson
- Kai Heinlaid
- Marina Põldma
- Katrin Malm
- Sirle Blumberg
- Kati Reitsak
- Karin Talviste
- Kadi Lauri
- Birgit Naur
- Andreas Kink
- Jana Selesneva
- Vaido Kütt
- Merit Korbe
- Kaisa Üprus-Tali

Katrin Kütt, trainee of the protocol children's home (hereinafter LM)

Could not attend:

- Ann Lind-Liiberg
- Sirje Sarapu
- Liis Valk

(Start time 10:12)

Anna welcomes LM. Introduction to the agenda.

During the tour, Elmet from SOS admits that so far there have been a total of 8 cases of unaccompanied child and minor trafficking in human beings from third countries, none in recent years. She is positive in itself. Kaisa adds that 2 of these 8 cases have been where the parent has been placed in compulsory treatment. There are even fewer minors who have come alone. Yes NB! we are not talking about Poland, etc., but about third-country minors.

Those who have asked for the service are still very well adapted. The city of Keila has financed the service from its own resources.

Many are not familiar with LM. There will be an introduction to the service and a tour of the premises.



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The time is written in reserve. It is important that everyone has a say. The aim is to reach an agreement so that an unaccompanied child from a third country can use the LM service. This is both south and north. This is an important issue, as unaccompanied minors are likely to be victims of trafficking. There is a need to discuss an action plan that can be done better so that children do not disappear. For example, three out of 8 are missing somewhere in the system holes. Of course, not everything can be prevented, but everything we can do should be done. That is why so many service managers have been convened today.

It would be good to discuss some (hypothetical) examples. It would provide a more concrete picture of current preparedness and development needs.

Can the Department of Child Protection say whether, if we have an EU child who does not fit into the definition of an unaccompanied child from a third country, but is alone in our country ... have LM already had such children?

- There have been cases. In any case where there is a case of sexual abuse, the child should reach the LM.

There is currently an agreement that if a minor is 16+, he or she will not be referred to SOS but to adult center. It is not appropriate to put together an 8-year-old Vietnamese and a bearded Afghan. It must be borne in mind that anyone who claims to have a child may not have it at all. Determining age can be difficult. There have been cases of lying. Everyone is stuck in the way he behaves. And whether he is able to go on supported living, or whether he needs child protection support. If it is no longer a child, it is possible to talk to a foreigner as an equal. That's not quite the case with a child.

Could an example be a simple hypothetical case where a search of a brothel reveals that a 12-year-old boy who speaks a foreign language is without parents and no one knows how he got there? According to Ardo, there is an active prevention of such situations that there are no such situations at all .

Example of a Vietnamese girl: In the southern region, two minors and one disappeared. This is a 3 year old case. Elmet points out that in this case, the absence of LM was really sad. The police behaved very harshly - *if you don't talk, you will disappear from this country* . Sam as it wasn't very complicated. The police discovered the victim, and since the LM service was not available, the police dealt with the case. SOS offers a substitute care service, which means that at some point the child must receive an education and can move around freely. That's why one child disappeared.

The question of translation capacity. If an interpreter can't come there will help mediate skype and there are still no options. The problem is rather that the language spoken cannot, in principle, be identified at all. An example of a refugee camp where *maimai*? the dialect came as a big surprise. No one knew about that language before. Question on costs - who pays for the translation?

Sirle asks how a victim of human trafficking can simply disappear? That we still say three years later that the child just disappeared ? It remains to the soul. How can we do in the future so that we do not say that the child went for a walk, he does not speak the local language himself, the vulnerability is very high. He still has to have a contact somewhere to take him away.

- A person's freedoms cannot be restricted in a substitute home. The facts about human trafficking came to light later.

Risks and vulnerabilities need to be assessed.

Let's take a hypothetical example: at the border (it doesn't really matter if it's a border or a national one), 13 years old is identified

- PPA (police and border guard board) - We ask for a name
- Identification of the language spoken



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- immediately call child support 116 111. No call will be made until custody is available
- SKA (Social Insurance Board) provides SOS contacts and brings SOS. Keila will be notified.
- SKA makes a case plan.

The PBGB cannot detect the background so quickly. The case plan can be updated according to the new information. However, SOS cannot provide the service without a contingency plan because they are provided with the service under contract. The gap is how the child's background becomes clear.

This could be LM's place. If the PBGB official thinks that he or she is a minor, it is better to refer him or her to a service partner. The conversation with the child could take place in a good LM environment. The problem with SOS is the medical examination that the child is not a potential carrier of the infection. A health check and interview is essential to conduct immediately.

- SOS provides substitute home service
- 17+ → 116111 → HKT
- 17+ goes to Vao, for example, then Väike-Maarja or Jõgeva parish is responsible according to the care home service.

3 years ago, a corresponding document was developed, which has been used as a guide so far. It could be supplemented instead. There is also a guide to assisting victims of trafficking. This could also be supplemented. How many have been exposed to it at all? This is pretty much the same scheme we are currently describing.

Next steps? If the child does not apply for protection, the child goes under migration supervision. The PBGB assesses a child's need for protection according to the country from which he or she comes. According to the legal framework, we always need to assess whether they need protection and whether we will then legally enter the country. In the case of minors, the issue is that the PBGB should be the more proactive side of the mother providing protection. If it is not from a third country but, for example, from Russia, then international protection does not apply.

If the child is in Estonia, the service would be sought so that the child would stay here. However, if the school obligation is not fulfilled, it must be returned. Seda has not yet been made, however, until now. Keila has been a successful problem solver here. If the school obligation is not fulfilled, it is the expense of the local government and expulsion from the country with letters. This is a game. JOKK.

In the case of deportation, it is easy to deal with illegal adults, but in the case of children, it is difficult to take into account the best interests of the children, which is difficult. It may be in the best interest of the child to stay in Estonia. The local government is a good partner in this evaluation. Human resources are available. There may be a lack of economic resources, but there are people who work with their hearts.

The question of kinship and descent. Who helps to determine that an adult who enters the country with 13 children, eg from Vietnam, is the parent of the children? Is a DNA test done? There have not yet been any cases where family ties have been identified. The previous cases have been about 16+ young people. The premise is that those who come together are related. Especially when we talk about the Middle East when it is said that this is my man. It is a relationship, but it does not mean that you are accompanied voluntarily. This can be done either by descent or kinship.

Elmet asks, would it be good if there was a difference between an institution, such as a shelter, where the need for a child is identified and then only SOS? Competence must develop somewhere in order to be able



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to communicate with the child. It is customary for an international network to be used to find an interpreter. We may never know what this child's whole journey has been like. In Keila he sees good people. Keila is basically a reception center. Could LM be a center of such competence and security? Would you have your own beds? Then the child could be placed there at night immediately.

- LM can't take anyone to sleep. It is still only accepted on weekdays. When it is night, the child goes to the shelter.

Elmet dreams that if such opportunities arose for LM, so that instead of a shelter, the child could come to the place of further health examination and examination at night.

It is not good for a child if we bring him first to the 1st place and then to the next and so on. (Everyone is against harassment.)

Sirle sharpens the focus - working in the field of human trafficking that today it is necessary to work at any time with those who need help today, then what can we do today?

In other countries, LM is an important feature and today we need to find LM's place in our scheme .

- If it is a working day we will bring LM. LM concentrates competence and coordinates. The substitution care provider does not have to look for an interpreter, allow PPA interventions, etc. The child may also have been sexually abused.

Karin points out that in Slovakia, due to the distances, there are places to stay at LM.

- This is not really supported by the creators of the LM model.

(11:40 - 12:05 Coffee break)

Kaisa summarizes what was discussed during the break - in the smoke and kitchen corner, the idea ran in more or less the same direction. A questionnaire could be compiled for the LM, from which the PPA prosecutor's office will receive input. This would make LM a very clear function. Then 10 officials do not have to come. The initial interview could be conducted by LM with an interpreter. Can LM get this service from me? Kadi answers that SKA will arrange an interpreter. Where can we get an interpreter? Everyone agrees that it would be best if one interpreter was with the child throughout the process. It depends on the receptivity of the PBGB whether an interpreter is suitable for them. That is not too expensive. The PBGB has its own requirements. The interpreter must be of a certain level and sign in order to understand the obligation to translate correctly. That may also be prosecuted. LM could therefore invite interpreters who are also suitable for the PPA.

Procedurally, the LM representative has no legal basis to take any procedural steps.

It is important for children that they can communicate in the same place. It is important. The child can also be asked questions several times (a la what your name is). An additional conversation would take place in LM?

- In the protocol, it is important that the translator's signatures that have been translated correctly and LM input do not match the file.

The main complaint is that trafficking in human beings cannot be identified. It comes from information. Perhaps it is important how the information is collected.

However, not everyone gets into criminal proceedings. Even if the criminal proceedings do not arrive, the preliminary hearing could take place in the LM, start here, then it would be possible to see if the criminal



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proceedings will take place at all. It would also be good for Keila if the LM is to be heard for the first time, because then it is better for the child's needs .

Hearing is not about identifying a person. The PPA must definitely do some procedural activities. This must be done as soon as possible, not after several days. This can be done with LM together. LM can be done so that the hearing can be viewed.

LM will play the role of coordinator. A forensic doctor, investigator, psychologist can sit together and watch the hearing. The PBGB therefore does not raise any issues for the proceedings. They ask themselves. The PBGB expects the LM to assess the child's psychological condition and when the child will be able to answer our procedural questions. The PBGB cannot grant LM the right to act. Assessment of need for help, vulnerability, maturity or development. The latter is not assessed by the police, so it would be necessary for LM to provide its input.

From the point of view of human trafficking, the important questions are *who gives you food? Can you get out of the room? , do you have to clean up for someone at night? .* Trafficking in human beings may not be sexually explicit. It can be a classic slave situation. A guide is available to identify this. This can be followed.

LM could also be prepared for further activities. Explain what the next steps are. To make it as child-friendly as possible. Adults also need a purely human explanation for what happens next. It is therefore not very different from children.

Is **the primary adversarial** ne fits-all concept? Everyone agrees.

LM does not currently have a medical examination capability. LM wants to add it in the new year. At the moment, the partner is Medicum, where you can call a doctor.

LM's role would then be to share information. In other words, LM is involved in coordination. If the police need to take action, LM will do so. This way you can do it all in one place. There is no kneading.

At present, most people are helped before the accommodation, even when it is a working day. There shower, sleeping, clothes for food? If the child were to be produced before LM, would Tallinn become a guardian? Maybe it could be so?

LM does not produce anyone behind the door. They will still be contacted first. LM has small snacks on site for the pretty hungry . Keila is where the child actually eats and sleeps. It is necessary that the conclusion of the contract with SOS starts first and Keila becomes the guardian. Therefore, LM cannot be brought directly.

This process, which is already written, would not change. PPA has 5,000 employees. That would be difficult. Once the start has been made, the scheme that has been written on the board during the meeting



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could be taken.

In the end, the most important thing is to maintain flexibility, so that if there is a real case, we look at the child and make decisions accordingly.

Will LM also bring up the one who says he is a child, but the 40-year-old man looks like? The PBGB official makes that decision. PPA brings SOS. In the case of HKT, the LM of the southern region is closer. If there is a child in Keila, then Northern LM.

if he is under 16 he reaches Keila SOS and Northern LM.

Does the PBGB have the appropriate officials? No need to talk yet. No one is processing PPAs in Tartu anymore. Vao's come by train for PPA costs.

The part of Tartu remains confused.

Marina asks that the law stipulates the involvement of other experts, could make proposals that other experts should be involved.

- If the LM works, the child protection networking will be nicely added to it. This way, the PBGB does not have to worry about assessing the best interests of children either. This is a matter for child protection.

SKA makes a case plan, according to which experts can be asked. The PPA sometimes needs what we do now, send it back to its own country or leave it here? This cannot be done alone, such a decision is made in cooperation. Based on the initial hearing, LM can say, for example, that the child's need for questioning is as follows.

Kaisa hopes to ask a relevant question - if there is a procedure, a case of human trafficking, how can a risk assessment be done? SOS is a public service, children move freely. If it is known that there is a risk that the minor will be lured or followed. Adolescent victims of human trafficking, how is the risk assessment carried out, is child protection aware of the risks?

- Arbo replies that the assessment is collaborative, according to which the placement takes place. The rights of the victim cannot be restricted and disappearance cannot be ruled out.



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Kati explains that when there is information that a person wants to be trafficked, a new criminal case begins. Then it is possible to monitor, but there must be a motivation and a basis for it. For example, someone is constantly calling the victim.

Talking about a case with a procedure, then there must be information. There is no routine risk assessment as the whole procedure is a risk assessment. Question for investigators and the prosecutor's office - who are you telling? Do you share information with guardianship authorities?

- The sharing of pre-trial evidence takes place only with the consent of the prosecutor's office and on the basis of need / opportunity (how much is reasonable). This is the frame within which to operate. The provision of information is not in itself impeded or prohibited. It will still be announced. There can never be any automated channel. But otherwise communication definitely takes place. Maybe yes! Information is shared.

(Everyone talks mixed up.)

The vulnerability is higher for an unaccompanied child from a third country than for a local child.

Piia points out that the problem is the lack of a system. Since compiling the last guide, Keila has learned and grown herself (with SOS). Attempts have been made to set rules, but meetings take place every 3 years, while there are no cases. This is a big bonus, of course. Every case of Keila child protection is special.

Kaisa repeats over, even if there are no cases, it is necessary to keep ready.

Piia is worried that if SOS does not participate in the procurement or does not win it, then who is the partner? Who participates in the procurement is not an issue today. SKA takes care of the procurement .

Kati notes that in order not to lose the evidence, the pre-trial testimony has no weight. The testimony must be obtained in the presence of a judge during the pre-trial phase. Only then can they be used. Depositing is important. The statement given during the preliminary investigation does not lead to a conviction. That is the reality. Our system is demanding, especially in view of the competitive process.

Kadi asks - the topic of translation - the list of interpreters with the PBGB with whom this topic should be discussed - Kaisa raises her hand. There is a name for interpreters , but Kaisa did not want to share the list with the colleague. Kätlin Harakas is responsible for the translation agency's line. The use of common interpreters is the only right. Kadi reminds Kaisa of the topic of interpreters.

Funding for foreign interpreters goes the other way. A new funding period is about to begin, and in this context, it would be wise to apply for the whole translation matter. If the subject is a foreigner, then everyone has a common wallet. A better interest of the child could be included in the EU request. The use of the same interpreter also facilitates cooperation. The interpreter then knows more than all the institutions combined.

(End 12:50)



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