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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

.....

### **Implementation report**

## **THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE FACILITATED BY INFORMATION AND COMMUNICATION TECHNOLOGIES (ICTs)**

### **ADDRESSING THE CHALLENGES RAISED BY CHILD SELF-GENERATED SEXUAL IMAGES AND/OR VIDEOS**

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## **Executive Summary**

Will be added when editing of the report is final.

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## INTRODUCTION

### *Preliminary remarks*

1. Over the past years, the Committee of the Parties to the Lanzarote Convention (the “Lanzarote Committee” or “the Committee”)<sup>1</sup> examined a series of challenges raised by several trends in child sexual exploitation and abuse emerging from the rapid development and increased use of information and communication technologies (ICTs).<sup>2</sup> This work resulted in the decision to focus its 2nd thematic monitoring round<sup>3</sup> on the “Protection of children against sexual exploitation and sexual abuse which are facilitated by information and communication technologies (ICTs)”. This very broad theme was then narrowed down to “Addressing the challenges raised by child self-generated sexual images and/or videos” to enable the Committee to support the Parties to the Lanzarote Convention more specifically in this regard.

2. This 2nd monitoring round concerns the following 43 Parties<sup>4</sup> which had ratified the Convention at the time the monitoring round was launched:

Albania,	Finland,	Lithuania	Portugal
Andorra,	France,	Luxembourg	Romania
Austria,	Georgia,	Malta	Russian Federation
Belgium,	Germany,	Republic of Moldova	San Marino
Bosnia and Herzegovina,	Greece,	Monaco	Serbia
Bulgaria,	Hungary,	Montenegro	Slovak Republic
Croatia,	Iceland,	Netherlands	Slovenia
Cyprus,	Italy,	North Macedonia	Spain
Czech Republic,	Latvia,	Norway	Sweden
Denmark	Liechtenstein	Poland	Switzerland
Estonia			Turkey
			Ukraine

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<sup>1</sup> The Lanzarote Committee oversees the monitoring of the implementation of the provisions of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the “Lanzarote Convention”) by its Parties. During its first meetings (September 2011 and March 2012), it decided on a thematic monitoring approach (see Rules 24§3 and 26§3-4 of the [Committee’s Rules of Procedure](#)).

<sup>2</sup> In the context of this report, “information and communication technologies (ICTs)” refer to all technical means used to handle information and aid communication, including both computer and network hardware as well as necessary software such as mobile phones, tablets, digital cameras, and any other smart devices.

<sup>3</sup> This report is the 4th implementation report of the Lanzarote Committee since the entry into force of the Lanzarote Convention. The previous reports are:

- [Protection of children against sexual abuse in the circle of trust: The framework](#) (1st implementation report of the 1st monitoring round), adopted on 4 December 2015;
- [Protection of children against sexual abuse in the circle of trust: The strategies](#) (2nd implementation report of the 1st monitoring round), adopted on 31 January 2018;
- [Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse](#) (special report of an urgent monitoring round), adopted on 3 March 2017.

<sup>4</sup> Following the launching of the 2nd monitoring round, 5 more states ratified the Lanzarote Convention, which counts 48 Parties at the date of adoption of this report. The Parties that are not covered by this 2nd monitoring round are: **Armenia, Azerbaijan, Ireland, Tunisia** and **United-Kingdom**. Even though **Norway** was not a Party at the date of the launch of the monitoring round, it nevertheless sent replies to the Thematic Questionnaire and accepted to be part of the monitoring round.

3. To launch its 2nd monitoring round, the Lanzarote Committee required all Parties to reply to a [Thematic Questionnaire](#) (see Appendix I) to gather information on the issues at stake. Parties were asked to answer the questions from a gender perspective, i.e. specifying, where relevant, whether and how measures take into account gender-specific requirements. All the information submitted by the Parties and other stakeholders was made publicly available.<sup>5</sup>

4. The Lanzarote Committee underlines that the replies to the Thematic Questionnaire were its main source of information in the preparation of this report. In this regard, the Committee thanks those who acted as Rapporteurs by examining these replies, comments and other relevant information and prepared the preliminary observations, which constituted the basis of this report.<sup>6</sup>

5. Moreover, the Lanzarote Committee decided, for the first time, to involve children in its monitoring work based on [guidelines](#) drafted for the occasion.<sup>7</sup> The Committee's objective was to obtain children's views on a subject that is of primary relevance to them, confronted as they are on a daily basis with the risks inherent in the self-generation of sexual images and/or videos. Contributions from 306 children from 10 Parties<sup>8</sup> were submitted in a variety of forms, ranging from formal reports, to drawings and videos. The Committee highly appreciated these contributions and warmly thanks all the children who prepared them. Their views and suggestions are duly reflected in this monitoring report in a dedicated chapter providing a comparative overview of their input. This input is additionally streamlined throughout the other chapters of the report in the description of the situation assessed, in

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<sup>5</sup> All replies to the Thematic Questionnaires are online on the [website of the Committee \(www.coe.int/lanzarote\)](http://www.coe.int/lanzarote) under "[monitoring](#)" - "[2nd monitoring round](#)" - "[Replies by States](#)", "[Information submitted by civil society and other stakeholders](#)" and "[Replies per question](#)" and "[Child participation](#)".

<sup>6</sup> The Rapporteurs for the different sections of this report, which are based on the replies to the various questions (Q1 to Q16) of the Thematic Questionnaire, were:

- Q1 Mr Mohamed Khalil Diouri (Morocco)
- Q2 Ms Svitlana Ilchuk (Ukraine)
- Q3 Ms Vesna Petrova (Bulgaria)
- Q4 Ms Laura Purin  (Lithuania)
- Q5 Ms Brit Tammiste (Estonia)
- Q6 Mr Charlie Azzopardi and Ms Lorna Muscat (Malta)
- Q7 Ms Svitlana Ilchuk (Ukraine)
- Q8 Ms Kristina Marku ("Hope For Children" CRC Policy Center)
- Q9 Ms Manuela Troppacher (Austria)
- Q10 Ms Sandra Fischerov  (Slovak Republic)
- Q11 Ms Anastasia Atabekova (Russian Federation)
- Q12 The Secretariat
- Q13 Mr Artur Degteariov (Republic of Moldova)
- Q14 Ms Marlena Juki  (Croatia)
- Q15 Ms Tracy Sartin (United Kingdom)
- Q16 Ms Maria-Jos  Castello-Branco (Portugal)

<sup>7</sup> It should be recalled that Article 9(1) of the Lanzarote Convention requires Parties to "encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children".

<sup>8</sup> **Bulgaria, Cyprus, Finland, Georgia, Hungary, Italy, Republic of Moldova, Portugal, Serbia and Ukraine.**

boxes with specific suggestions put forward by the children and finally in the Committee's recommendations themselves.

6. Finally, the Lanzarote Committee wishes to express its gratitude also to its observers and participants who regularly attended its meetings and provided constructive insight to its monitoring proceedings.<sup>9</sup> It is similarly grateful to the representatives of civil society and other stakeholders who submitted replies to the Thematic Questionnaire and/or commented on the replies sent by the Parties to this questionnaire.<sup>10</sup> In so doing, they enriched the Committee's sources of information.

### ***Theme of this monitoring round***

7. The Lanzarote Committee highlights that, it had already drawn attention in 2015 to the fact that ICTs are a significant integral part of children lives offering them a number of positive opportunities, including but not limited to, communication with peers, accessing information for educational purposes, entertainment and socialising. It had however also acknowledged that the use of ICTs also brought along some inherent risks highlighting that sexual abuse might even be committed online, without any meeting in person between the offender and the child.<sup>11</sup>

8. In May 2017, just before launching this monitoring round, the Lanzarote Committee clarified in an [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences facilitated through the use of ICTs](#) (the Interpretative Opinion) that *“sexual exploitation and sexual abuse of children facilitated through the use of ICTs refers to the means that are being employed by the offenders targeting children in order to commit offences that are covered by the Lanzarote Convention”*. The Committee further specified that the sexual offences covered by the Lanzarote Convention *“remain criminalised by national law in the same way, whatever the means used by the offenders to commit them, be it through the use of ICTs or not, even when the text of the Lanzarote Convention does not specifically mention ICTs”*, but also pointed out that *“in implementing the Lanzarote Convention, Parties should ensure appropriate responses to technological developments and use all relevant tools, measures and strategies to effectively prevent and combat sexual offences against children which are facilitated through the use of ICTs”*.<sup>12</sup>

9. In June 2019, after having examined Parties replies to the legal issues questions of this monitoring round, the Committee adopted an [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (the 2019 Opinion) reiterating that *“children are increasingly using ICTs, in particular social media and mobile messaging applications, to communicate and to form relationships”* and pointing out that they *“also explore and express their sexuality through ICTs, including by generating and*

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<sup>9</sup> The Lanzarote Committee is composed of members (the representatives of the Parties to the Lanzarote Convention), participants and observers, according to Rule 2 - Composition - of its [Rules of procedure](#).

<sup>10</sup> The information sent by civil society and other stakeholders can be found on the [Committee's website](#).

<sup>11</sup> See, in particular, the Lanzarote Committee [Opinion on Article 23 of the Lanzarote Convention](#), Solicitation of children for sexual purposes through information and communication technologies (Grooming), adopted on 17 June 2015.

<sup>12</sup> See, in particular, paragraphs 10, 12 and 13 of the Interpretative Opinion.

*sharing sexually suggestive or explicit images and/or videos of themselves*".<sup>13</sup> The Committee considered that this practice raises numerous challenges that Parties have to address to ensure that the best interest of the child is upheld in all circumstances. Thus, as mentioned above, it decided to focus the 2nd thematic monitoring round on examining the situation in Parties as regards child self-generated sexual images and/or videos, to support Parties in addressing the challenges raised by this widespread practice.

10. Assessment of the situation with respect to the above practice and the challenges it raises, has been based on the following understanding:

11. In accordance with Article 3 of the Lanzarote Convention:

- a. "child" shall mean any person under the age of 18 years;
- b. "sexual exploitation and sexual abuse of children" shall include the behaviour as referred to in Articles 18 to 23 of this Convention;
- c. "victim" shall mean any child subject to sexual exploitation or sexual abuse.

12. In addition, in this report:

- a. "child self-generated sexual images and/or videos" refers to both:
  - child self-generated sexually suggestive images and/or videos depicting a child in a sexually suggestive way (e.g. naked or semi naked posing in order to provoke some sexual arousal) made or apparently made by the children themselves on their own initiative;
  - child self-generated sexually explicit images and/or videos, which is any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child's sexual organs<sup>14</sup> made or apparently made by the children themselves on their own initiative.
- b. "sexual extortion of children"<sup>15</sup> is understood as the forcing, coercing or threatening of a child with self-generated sexual images and/or videos depicting that child to procure:
  - additional sexual images or videos;
  - other sexual favours from the child depicted on the images/videos or from another child (e.g. manipulating children to perform sexual acts on themselves or others);
  - a financial gain;
  - any other gain (e.g. contacts of peers for their sexual solicitation, forcing a child to commit other criminal offences).

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<sup>13</sup> See items a. and b. of the 2019 Opinion.

<sup>14</sup> This definition covers Lanzarote Convention Article 20(2) material.

<sup>15</sup> Following the indications of the [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse](#) (see section II.3 of the Legal frameworks chapter for more details) the Lanzarote Committee prefers not to use the term "sextortion".

## ***Structure of the report***

13. First and foremost, this report provides an overview of the views submitted by children as regards sexual images and/or videos generated and shared by children as well as on the risks this practice entails. It then sets out the legal frameworks, using as a benchmark the Lanzarote Convention as clarified by its Explanatory Report and the documents adopted by the Committee. It analyses the situation in the Parties regarding the challenges faced in the investigation and prosecution of offences related to the sharing of child self-generated sexual images and/or videos, as well as the rules of jurisdiction and the functioning of international cooperation on this issue.

14. The report then covers challenges in terms of child protection (assistance to child victims of sexual exploitation and sexual abuse when facilitated by ICTs), civil society involvement and cooperation, and prevention (awareness raising or educational activities / tools / material / measures, national curriculum, higher education curriculum, continuous training and research) on the thematic focus of the monitoring round.

15. Each chapter of this report:

- provides a comparative overview of the situation in the above-listed 43 Parties monitored;
- highlights promising practices to effectively implement the Convention;
- identifies shortcomings and indicates steps that Parties should take to fully meet the requirements of the Convention and other documents adopted by the Committee and thus ensure an effective protection of children against sexual exploitation and sexual abuse, including when facilitated by ICTs and to meet the challenges raised by child self-generated sexual images and/or videos.

16. The 43 Parties were monitored simultaneously, to create a momentum around specific aspects of the monitoring theme. This report therefore does not address the situation in each country separately. It presents an overview of the trends which emerged from a comparison of the situation in all Parties.

17. The report has two main aims, which correspond to the Committee's twofold role in accordance with Article 41 of the Convention, i.e. monitoring and capacity building. Questions addressed to Parties through the Thematic Questionnaire were thus of two kinds:

- Monitoring questions: these aimed at gathering information to assess Parties' effective implementation of obligations arising from the Convention (Article 41(1));
- Capacity building questions: these aimed at gathering information on significant legal, policy or technological developments (Article 41(3)).

18. It follows from the above distinction that the situation emerging from information submitted with regard to:

- Monitoring questions gave rise to recommendations requiring or requesting Parties to take certain steps to effectively implement the Convention;

- Capacity building questions enabled the identification of good practices to respond to legal, policy and technological developments. These were thus helpful to invite Parties to possibly take further steps to enhance the protection of children against sexual exploitation and sexual abuse, including when facilitated by ICTs and particularly with respect to child self-generated sexual images and/or videos.

19. In light of the above, in its recommendations to Parties, the Lanzarote Committee used the verbs “require”, “request” and “invite” as follows:

- “Require”: when the steps the Lanzarote Committee recommends Parties to take correspond to obligations arising from the Lanzarote Convention, as clarified by its Explanatory report;
- “Request”: when the steps the Lanzarote Committee recommends Parties to take correspond to obligations arising from the Lanzarote Convention, as clarified by documents adopted by the Committee (e.g. previous monitoring round findings, opinions, other)<sup>16</sup>;
- “Invite”: when the steps the Lanzarote Committee recommends Parties to take correspond to promising practices or other measures to enhance protection of children against sexual violence even beyond specific requirements of the Lanzarote Convention.

20. Since launching the 2nd monitoring round, the number of Parties to the Lanzarote Convention has increased to 48. The promising practices identified in this report, as well as the recommendations addressed to all Parties, should be taken into account by all Parties to the Convention and may be of inspiration to any State wishing to step up protection of children against sexual exploitation and sexual abuse on and offline.

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<sup>16</sup> See Rule 30 (General comments, proposals and opinions) of the Lanzarote Committee’s Rules of Procedure.

## I. Contribution of children to this report

### I. *Preliminary remarks and background information on the consultation process*

21. The Lanzarote Convention requires its Parties to encourage children to participate “in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children”<sup>17</sup>. Relatedly, the Lanzarote Committee decided during its 19th meeting (October 2017) to encourage such participation when it decided to focus its ongoing monitoring round on the “Challenges raised by child self-generated sexual images and/or videos”.

22. [Guidelines for the implementation of child participation](#) were prepared by its Secretariat and presented to the Committee at its 20th meeting (January 2018). These describe the process of enabling children to exchange views and submit their ideas to the Lanzarote Committee with regard to specific questions also addressed to the state authorities via the [Thematic Questionnaire](#). The Guidelines included suggestions for the adult facilitators on how to prepare the consultations with the children.

23. The opportunity to participate in the monitoring round allowed children to express their opinions, be heard and contribute on issues that affect them, according to their age and maturity, as recommended in the [Strategy for the Rights of the Child \(2016-2021\)](#) and the [Recommendation CM/Rec\(2012\)2 of the Committee of Ministers to Member States on the participation of children and young people under the age of 18](#).

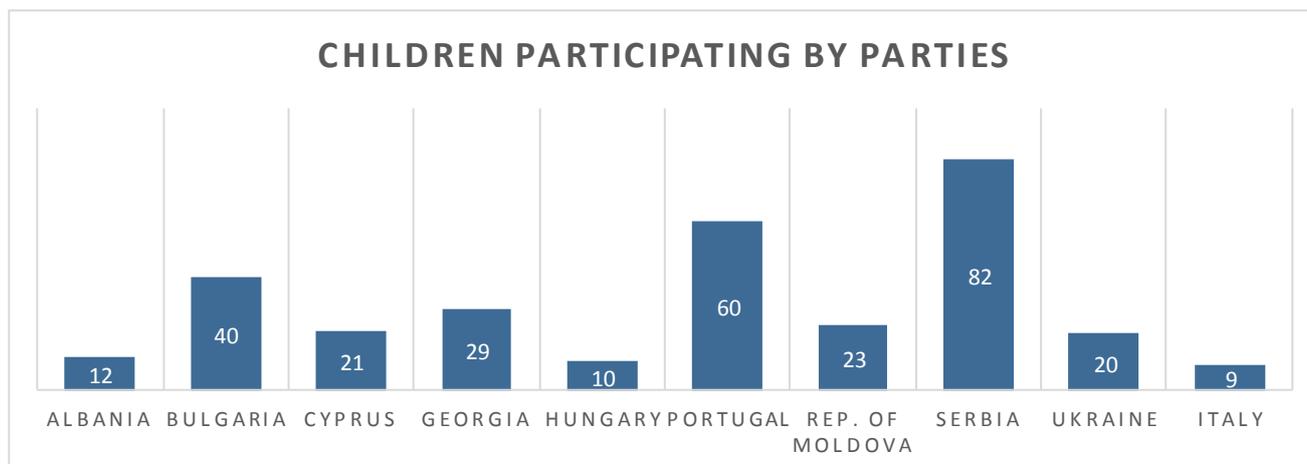
24. The consultations were based on an open, voluntary call. Children were selected according to their motivation, the size of the final group, their age (between 11 and 18 years), their gender, language, special needs, encouraging the participation of children in vulnerable situations and from diverse backgrounds, and ensuring gender balance. The consultation process was conducted by adult facilitators with experience working with children and adolescents, good knowledge of child rights, child participation, and the focus of the monitoring round. Children were entitled to exercise their right to be heard in any form, including through speech, drawing, video making. The consent of parents or other care-takers and children was sought, and they received all relevant information (the framework, objectives, theme of the consultation) as well as indications as to the outcome of their participation and how their views would be taken into account.

25. Contributions were received from children from 10 different Parties to the Convention, with a total of 306 children participating. Although this participation is only a sample of the diversity of children's views on the subject of child self-generated sexual images and/or videos, it provides an authentic and highly informative insight into the situation experienced

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<sup>17</sup> Article 9(1), Lanzarote Convention.

daily by those concerned. Diverse in form, content and direction, it illustrates a sincere commitment to respect and promotion children's right to be heard.<sup>18</sup>



## **II. Analysis of the children’s findings**

26. The Lanzarote Committee decided to take stock of their views by highlighting them throughout this implementation report. The reader will thus find thematic boxes underlining areas of interest and/or concerns for children, and some of the recommendations addressed to Parties in this report are based on their suggestions. This section is intended to provide the reader with a general idea of how the challenges related to self-generated sexual images and/or videos are perceived by children themselves.

27. Children’s contributions have highlighted several general concerns that could influence their online safety and well-being. For instance, a different understanding of the term “child”: in Serbia, a majority believe that the term ‘child’ refers to persons under 18 years of age, however several children consider a ‘child’ is under the age of 14 or 16, which could influence attitudes toward child sexting and victims of sexual abuse and exploitation.<sup>19</sup> There are also differences in perception. Some children still perceive other children who send private photos of themselves to be “naïve and superficial”,<sup>20</sup> and girls are most likely to be more badly perceived than boys.<sup>21</sup>

28. The questions children were invited to consider to support the Lanzarote Committee’s monitoring work have been structured around three main themes: the awareness-raising or educational activities, tools, materials and measures, the national curriculum, and the assistance to victims.

<sup>18</sup> The compilation gathering the original contributions received by children in the context of the Lanzarote Committee’s 2nd monitoring round (the compilation) is available at: [Child participation \(coe.int\)](https://www.coe.int/t/e/treaties/child_participation)

<sup>19</sup> Serbia’s contribution, page 36 of the compilation.

<sup>20</sup> See, for instance, Italy, page 60 of the compilation.

<sup>21</sup> See, for instance; Italy, page 7; Serbia, page 41 of the compilation.

## 1.Awareness-raising or educational activities/tools/materials/measures

29. Although children increasingly share self-generated sexual images and/or videos of themselves, the contributions show that most of them have not been informed of the safeguards surrounding this practice that could enable to reduce the risks of sexual abuse and exploitation.

30. In Portugal, it was noted that some vulnerable children are less likely to have heard at school about posting self-generated images and/or videos online.<sup>22</sup> In Serbia, very few children have ever seen a campaign, advertisement, poster, video, film or anything else about the risks associated with sharing these materials. The only way they could find out about this was through television programs, which are generally not age-appropriate (for example, in the film Taken).<sup>23</sup> In Ukraine, there is still a persistent taboo surrounding this subject. The children think that this is related to the old message “There is no sex in the USSR”. In their experience, they cannot discuss this subject with their parents and teachers, because sexuality is considered unmoral and is therefore not taught in classrooms.<sup>24</sup> Furthermore, they regret that adults are not sufficiently aware of the new means of communication used by criminals, such as online games, and of the children’s skills in the online environment.<sup>25</sup> In Italy, children are generally not familiar with the rules for displaying photos and videos on the Internet. They are however aware of the practice of reporting inappropriate content.<sup>26</sup>

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*It is not the prohibitions that make us grow, but the dialogue.*

*- Child from Italy*

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31. Suggestions were also made on this subject. Regarding the form of the prevention campaigns they would like to see carried out, some children suggested that they could take the form of open events with music so as to attract people of all ages, where different messages would be provided through informative leaflets and attractive video clips,<sup>27</sup> that they should take the form of video spots and be published on online tools such as Facebook, YouTube and Instagram and other websites popular among adolescent, or even through vocal or SMS messages sent by mobile phone operators.<sup>28</sup> A cartoon or television program designed for children could be broadcast to promote sex education (with clear information provided, no more than a short time), and a specialized YouTube channel could be created.<sup>29</sup> Overall, children called for greater collaboration between the government and mass media, and mobile phone operators.<sup>30</sup>

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<sup>22</sup> Portugal, page 28 of the compilation.

<sup>23</sup> Serbia, page 44 of the compilation.

<sup>24</sup> Ukraine, page 49 of the compilation.

<sup>25</sup> Ukraine, page 49: “Parental control is not an effective tool” since children know well how to bypass this security.

<sup>26</sup> Italy, page 60 of the compilation.

<sup>27</sup> Cyprus, page 13 of the compilation.

<sup>28</sup> Republic of Moldova, page 32 of the compilation.

<sup>29</sup> Ukraine, 3<sup>rd</sup> recommendation of the “Prevention Poster”, attached to the compilation.

<sup>30</sup> Republic of Moldova, page 33 of the compilation.

## 2.National curriculum

32. Overall, children stressed the need for young teachers to deliver classes about the focus theme, or at least teachers with a good knowledge of the issues involved.<sup>31</sup> Furthermore, children in five of the ten focus countries<sup>32</sup> specifically mentioned that sexuality is still taboo in their society. As a result, teachers, parents and other adults are unwilling or too embarrassed to talk to children about sex issues in general, and in particular the risks associated with generating sexual images and/or videos of themselves.

33. In Georgia and Albania, children mentioned that the national curriculum does not include awareness-raising of the risks associated with posting self-generated sexual images and/or videos online.<sup>33</sup> In Hungary, children consider that the information provided by the school on why they should not share sexual content is neither sufficient nor adequate: the courses focus mainly on scientific facts and dissuasive examples, and teachers' views can be "prosaic or extreme".<sup>34</sup> In the Republic of Moldova, there is a consistent tradition of taboos when it comes to issues related to sex. Teachers believe that these issues should be taught outside the school, while parents think it should be the responsibility of the school.<sup>35</sup> Furthermore, the Church is very much

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*All the participants agreed that it is crucially important to discuss this topic at school*  
- Child from Georgia

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influential, which deters them even more from raising issues related to this subject.<sup>36</sup> There have been cases where teachers have blamed the children themselves, considering that they "looked for it themselves".<sup>37</sup> In Serbia,<sup>38</sup> Hungary<sup>39</sup> and Cyprus<sup>40</sup> there is a fragmentation in school classes where children hear about the risks of sexting. This depends on the teacher, and there is no specific subject in class dedicated to this issue. Consequently, some children have never heard of it, while others have discussed it in several lectures. In Ukraine, courses on this subject are generally not taught or are delivered via written documents, as teachers avoid discussing the subject with their students.<sup>41</sup> According to the children interviewed, the problem lies in the teachers' personal bias. It also happens that teachers publish pictures of

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<sup>31</sup> Georgia, page 20; Albania, page 3 of the compilation.

<sup>32</sup> In Bulgaria, children declared that "an open discussion including teachers, parents and students would feel somewhat uncomfortable" and that a child would face negative opinion, attitudes and even insults if her/his naked or half naked pictures would spread online (page 7); in the Republic of Moldova, the subject is taboo, and "teachers are embarrassed" (page 30); in Ukraine, children deplore the fact that the inhibition surrounding sex in USSR is still very much present, which cause the society to still see sexuality as a taboo (page 49); In Serbia, "Among the messages they would send out to their peers to motivate them to not distribute sexually explicit selfies and everything else that is included under sexting, children used those causing shame, guilt and fear" (page 45); and in Italy, "Italian schools devote too little time to discuss issues related to sexuality, they are still considered a taboo." (page 55). Pages referred to in this footnoted concern the compilation.

<sup>33</sup> Georgia's contribution, page 18 of the compilation.

<sup>34</sup> Hungary's contribution, to be found at: <https://www.youtube.com/watch?v=-wQYRQTF8Cw>

<sup>35</sup> Republic of Moldova, page 30 of the compilation.

<sup>36</sup> Republic of Moldova, page 30 of the compilation: "(...) Church and one part of the society thinks that sexual education shouldn't be discussed with children at all; consequently, some teachers avoid similar topics in order to preserve their relationship with religious or community leaders".

<sup>37</sup> Republic of Moldova, page 31 of the compilation.

<sup>38</sup> Serbia, pages 43-44 of the compilation.

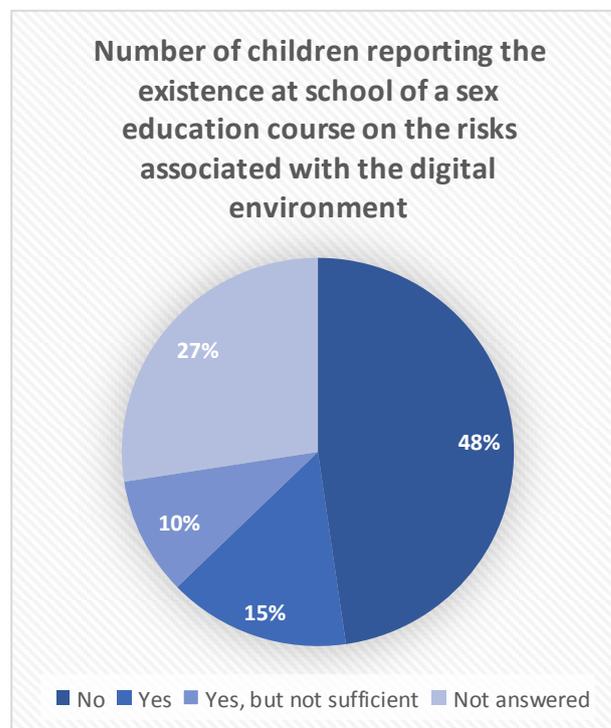
<sup>39</sup> <https://www.youtube.com/watch?v=-wQYRQTF8Cw>

<sup>40</sup> Cyprus, page 12 of the compilation.

<sup>41</sup> Ukraine, page 49 of the compilation.

students without their own consent or that of their parents. In Italy, children are not offered enough time to discuss sex issues at school, as it is still considered a taboo in the country. In addition, children do not consider the school as the most appropriate forum to address their situations, as staff have a partial view of their students.<sup>42</sup>

34. In responding to the questionnaire, children put forward many suggestions for improving the national curriculum. On the format that prevention activities could take, several children suggested that they should be interactive, creative, understandable and reasonable, taking the form of discussions.<sup>43</sup> Others mentioned the need to include case studies, simulations, interactive exercises, video games,<sup>44</sup> and to organise them in the form of peer education.<sup>45</sup> Regarding the content of these activities, they expressed the need to be informed on how to communicate with a child who has been a victim of such abuse,<sup>46</sup> to use correct terminology,<sup>47</sup> as well as to receive information on children living in foster care, comparing their situation with that of other children.<sup>48</sup> With regard to the person in charge of these activities, some stressed their willingness to see an increase in the awareness of their teachers on the issue<sup>49</sup> – including through training by experts – and in collaboration between the school staff and other specialists. For example, doctors and police officers could give lectures on safety in the online environment,<sup>50</sup> and psychologists, pedagogues and learned priests could lead the activities.<sup>51</sup> Some have even expressed a desire to see boys and girls who have actually experienced such a situation carry out awareness-raising activities themselves.<sup>52</sup> Finally, some children requested that parental consent be sought before school staff took pictures of their children during school activities,<sup>53</sup> while others would like children to have the right to speak to a psychologist at school without parental permission.<sup>54</sup>



<sup>42</sup> Italy, page 6 of the compilation.

<sup>43</sup> Hungary, see, <https://www.youtube.com/watch?v=-wQYRQTF8Cw>

<sup>44</sup> Republic of Moldova, page 31 of the compilation.

<sup>45</sup> Serbia, page 44 of the compilation.

<sup>46</sup> Republic of Moldova, page 31 of the compilation.

<sup>47</sup> Italy, page 55 of the compilation.

<sup>48</sup> Italy, page 56 of the compilation.

<sup>49</sup> Republic of Moldova, page 31 of the compilation.

<sup>50</sup> Republic of Moldova, page 31 of the compilation.

<sup>51</sup> Serbia, page 44 of the compilation.

<sup>52</sup> Italy, page 59 of the compilation.

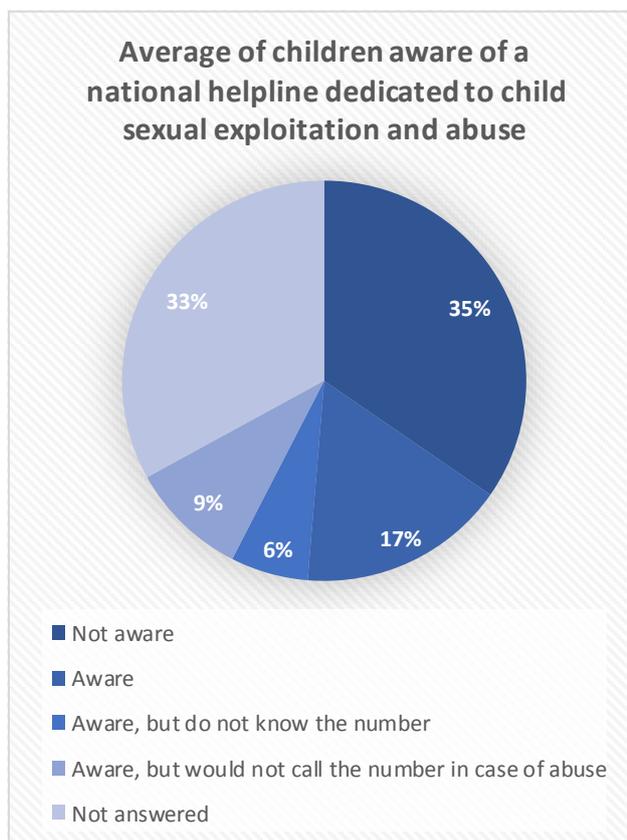
<sup>53</sup> Ukraine, page 12 of the compilation.

<sup>54</sup> Italy, page 55 of the compilation.

### 3. Assistance to victims

35. There are widely diverging opinions as to who children are most likely to turn to in cases of abuse, depending on their different beliefs and the degree of trust they have in that person. In addition, many children are still unaware of the existence of a national helpline to help them in situations where they do not want to talk to their families, teachers or the police.<sup>55</sup> Finally, there is little to no mention of the presence of a specialized team for the protection of children against violence, to which children could turn for guidance.

36. In Portugal, some children from vulnerable families would not talk to parents nor the police or even the school. Some do not trust the police in general, and have difficulties at school, especially in complying with orders.<sup>56</sup> In the Republic of Moldova, there is a general concern that the reporting of cases of abuse to professionals is not confidential, and that information on their situation could be disclosed to general public. This is especially true in villages where children and parents believe that news spreads very rapidly and easily.<sup>57</sup> Some consider that child helplines are also not secure from the point of view of confidentiality,<sup>58</sup> while others would prefer to communicate about their situation in writing rather than verbally. In Serbia<sup>59</sup> and Cyprus,<sup>60</sup> very few children have ever heard of a helpline to call if such a situation occurs. In Ukraine, the children deplored the fact that they would not know who to contact if they faced a threat, with the exception of the police, but that they were still afraid to turn to the authorities for fear that they would disclose the information they provided.<sup>61</sup> In turn, some children mentioned that they would “take care” of the offender themselves, including using violence (themselves or via local gangs, sometimes seen as saviours and



<sup>55</sup> See, for instance: contributions of children in Ukraine (first poster attached to the compilation of the children contributions); Italy page 60; Cyprus, page 13; Portugal, attached document page 28 of the compilation.

<sup>56</sup> Portugal, page 28 of the compilation.

<sup>57</sup> Republic of Moldova, page 34 of the compilation.

<sup>58</sup> See, for instance: Republic of Moldova, page 34 of the compilation.

<sup>59</sup> Serbia, page 44 of the compilation: “A considerable number of children said they did not know of any number to call in such a situation”.

<sup>60</sup> Cyprus, page 16 of the compilation.

<sup>61</sup> Ukraine, page 49 of the compilation.

protectors) against the abuser.<sup>62</sup> Again, most

37. With regard to reporting and assistance mechanisms, the children interviewed made a number of recommendations to better accompany and protect victims of abuse. Some of them think that national helplines and the dangers associated to the Internet should be better advertised, such as on YouTube, games and other social networks, as well as on the streets and at school, referring to the idea of large signs and boards in the public domain.<sup>63</sup> When reporting an abuse to the police, they would like the officers to pay due attention and inspire confidence, to ensure investigation and protection, to guarantee confidential hearings without informing parents and/or teachers, and to inform the child of the procedure for reviewing his/her claim.<sup>64</sup> When such a situation has already occurred, some children have stated that they would like to be helped to overcome the judgments of their peers and adults, as well as the feelings of shame and guilt that accompany them.<sup>65</sup>

## **II. Conclusive remarks**

38. Although the main objective of the workshops organized in the 10 participating countries was to collect the opinions of children on the safeguards and standards surrounding the issue of child sexual exploitation and abuse online arising from self-generated sexual images and/or videos, children were also given the opportunity to give their opinion regarding the structure of such workshops, and the resources available. These results are an important source of information, which will be useful for future consultations with children in the monitoring work of the Convention.

### **1. Positive features identified during this first round of consultations involving children**

- A wide range of alternative means of expression was available to children; in Ukraine, children could use play dough, paints, and sculptures, in Hungary, children created a video clip and then posted it on YouTube, rather than submitting a written contribution.
- Overall, children felt that they were able to express their opinions freely; for example, in Ukraine, the facilitator noted that “the monitoring took place in a very peaceful atmosphere in which the participants immediately felt free to express their opinions freely”.<sup>66</sup>
- The contributions show that the children were curious and genuinely interested in the experience<sup>67</sup> (for example; in Italy, children “found very interesting the questions addressed to them”).<sup>68</sup>

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<sup>62</sup> Serbia, pages 42-43-45 of the compilation.

<sup>63</sup> Ukraine, “Protection poster”, 3rd recommendation, attached to the compilation.

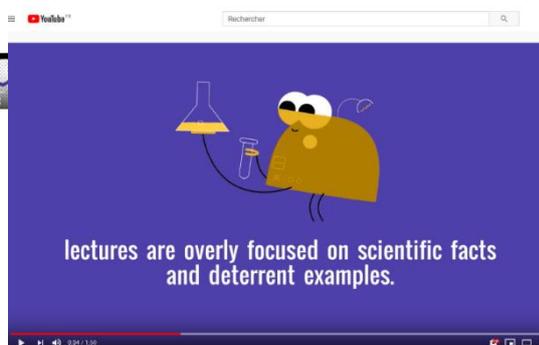
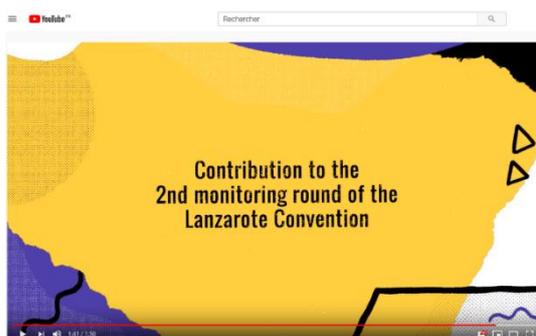
<sup>64</sup> Ibid.

<sup>65</sup> Serbia, page 43 of the compilation.

<sup>66</sup> Ukraine, page 56 of the compilation.

<sup>67</sup> See, for example; Ukraine, page 50; Albania, page 3 of the compilation.

<sup>68</sup> Italy, page 56 of the compilation.



Children from Hungary used the form of a [YouTube video](#) for their contribution

## 2. Lessons to be learnt from this first contribution of children to the Lanzarote Convention monitoring cycle

- According to Moldovan children, larger groups of children and adolescents could be consulted on this subject.
- Moldovan children have also expressed their willingness to organize more meetings and partnerships with other organizations and institutions to help promote messages and prevent sexual abuse and exploitation in the online environment.<sup>69</sup>
- According to the Ukrainian children's contribution, "*children from other vulnerable groups were not presented, which suggests the need to use other or additional channels of communication*".<sup>70</sup>
- In Italy, children have expressed their willingness to have access to a child-friendly version of the Lanzarote Convention.<sup>71</sup>

39. It should be noted that a child-friendly tool [So, this is sexual abuse?](#) has been published on the website of the Children's rights Division of the Council of Europe, which guides adolescents in their daily lives when faced with situations that can lead to sexual abuse or exploitation, including on the Internet. This could be shared with all the children having participated in these 2nd monitoring round consultations.



<sup>69</sup> Republic of Moldova, page 34 of the compilation.

<sup>70</sup> Ukraine, page 48 of the compilation.

<sup>71</sup> Italy, page 56 of the compilation.

## II. Legal frameworks

### II.1. General remarks

40. Child self-generated sexual images and/or videos are not explicitly referred to in the Lanzarote Convention. Specific conduct related to such material may however potentially fall under the scope of a wide range of provisions of the Lanzarote Convention. This chapter therefore aims at identifying the situations whereby conduct involving child self-generated sexual images and/or videos comes within the scope of the Lanzarote Convention to guide Parties in dealing with such conduct in compliance with the Convention.

41. From the outset, the Lanzarote Committee underlines, as made clear in its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (the 2019 Opinion), that:

*“3. The self-generation of sexually suggestive or explicit images and/or videos by children does not amount to “the production of child pornography” when it is intended solely for their own private use;*

*4. The possession by children of sexually suggestive or explicit images and/or videos of themselves does not amount to “the possession of child pornography” when it is intended solely for their own private use;*

*5. The voluntary and consensual sharing by children among each other of the sexually suggestive or explicit images and/or videos of themselves does not amount to “offering or making available, distributing or transmitting, procuring, or knowingly obtaining access to child pornography” when it is intended solely for their own private use;”<sup>72</sup>*

42. The Lanzarote Committee however also highlights that in specific circumstances child self-generated sexual images and/or videos can be considered “child pornography”<sup>73</sup> as set out in Article 20(2) of the Convention. In such circumstances, conduct related to the child self-generated sexual images and/or videos will fall under the scope of Article 20 (“Offences concerning child pornography”). In addition, conduct related to such images and/or videos may also come within the scope of other provisions of the Lanzarote Convention, in particular those concerning solicitation of children for sexual purposes (Article 23), the participation of a

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<sup>72</sup> The Committee recalls that the independents’ expert report “[Respecting Human Rights and the Rule of Law when using Automated Technology to detect OCSEA](#)” underlines that “Protection of the interests, rights and fundamental freedoms of children entail that SPs, throughout their activities relating to the automatic detection, removal and voluntary reporting of OCSEA, prevent undue interference with the rights of teenagers featuring in sexually explicit conduct, including to their right to privacy and the exploration of their sexuality as dimensions of their right to private life. Notwithstanding the technological and legal challenges in making qualitative distinctions between images, protection of children’s right to privacy should encompass the right to discover their sexual identity in a safe and private environment.”

<sup>73</sup> The Lanzarote Committee, just like the UN CRC (see [OPSC Guidelines, paragraph 5, page 3](#)), acknowledges that some of the terms used in international and regional instruments on the rights of the child, such as “child pornography” or “child prostitution”, are gradually being replaced because they can be misleading and insinuate that a child could consent to such practices, undermining the gravity of the crimes or switching the blame onto the child. In line with Recommendation I-1 of this report, the Lanzarote Committee itself endeavours to increasingly use the term “child sexual abuse material” (CSAM) instead of “child pornography” wherever possible (i.e. limiting the use of the terms “child pornography” to when it quotes legal texts where it is still used, including Article 20 of the Lanzarote Convention).

child in pornographic performances (Article 21) or the corruption of children (Article 22). Self-generation of sexual images and/or videos may also be part of the offences listed under Articles 18 (“Sexual abuse”) and 19 (“Offences concerning child prostitution”) and, *inter alia*, include extortion of a child for sexual, financial or other gain.<sup>74</sup> In the latter cases, these children are victims of sexual abuse and/or sexual exploitation and should thus be treated as such and not be subject to criminal prosecution.<sup>75</sup>

43. As will be explained in detail in Section II.2.2 below, given the particular considerations concerning whether children are subject to criminal liability in relation to their own self-generated sexual images and/or videos, Parties should consider introducing an explicit reference to such self-generated materials in their legislation as far as offences covered by the Lanzarote Convention are concerned. In this respect, the Committee has noted that the legal frameworks of **Austria**, a part of **Bosnia and Herzegovina** (Republika Srpska), **Croatia**, **Cyprus**, **Denmark**, **France**, **Germany**, **Liechtenstein**, **Norway**, **Slovenia**, and **Sweden** refer explicitly to child self-generated sexual material. **Germany** additionally also has civil law remedies for the misuse of self-generated material. In **Iceland**, the Minister for Justice has introduced draft changes to the Criminal Code, which address the issue of child self-generated sexual material in order to improve protection of sexual privacy.<sup>76</sup>

#### ***Promising practice***

In **Austria**, an amendment of the Criminal Law in January 2016 decriminalised the consensual sharing of self-generated material between consenting children. The sharing of said material with individuals other than those participating and consenting in the exchange remains a criminal offence for the purposes of the national criminal law.

44. In **Switzerland**, legislation foresees that children above the age of sixteen who, consensually produce sexual images or/videos of each other for their own use are not criminally liable for the production and possession of “child pornography”. They are not criminally liable either if the distribution and sharing of such images and videos remains among those children implicated in the said content. They are instead criminally liable if the distribution and sharing of the said content is with a third party.

45. In a few other Parties, child self-generated sexual images and/or videos are addressed explicitly through non-legislative measures, e.g.:

- In **Spain**, General Prosecution Office Instruction 2/2015 includes instructions not to prosecute cases involving self-generated material in certain circumstances.
- In **Italy**, self-generated material has been addressed by national courts’ jurisprudence.

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<sup>74</sup> In addition, outside the scope of the Lanzarote Convention and of this report, child self-generation of sexual images and/or videos may be part of a number of further offences, including those relating to trafficking in human beings.

<sup>75</sup> See paragraphs 1 and 2 of the above mentioned 2019 Opinion.

<sup>76</sup> This legislation is not yet passed but the draft includes reference to child self-generated sexual material.

## **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

### **Recommendation II-1**

Acknowledging that the term “child pornography” can be misleading and undermine the gravity of the crimes it refers to, the Lanzarote Committee invites Parties to rather use the term “child sexual abuse material” (CSAM) for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”<sup>77</sup>](#) in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children.

### **Recommendation II-2**

The Lanzarote Committee invites Parties to strengthen the protection of children by introducing explicit references in their respective legal frameworks to conduct concerning child self-generated sexual images and/or videos, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort.

## **II.2. Article 20 of the Lanzarote Convention and child self-generated sexual images and/or videos**

### **Article 20– Offences concerning child pornography**

(...)

2. For the purpose of the present article, the term “child pornography” shall mean any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes.

#### **Explanatory report**

142. Paragraph 2 is based on the Optional Protocol to the United Nations Convention on the Rights of the Child. It defines the term “child pornography” as any visual depiction of a child engaged in real or simulated sexually explicit conduct, or any representation of a child’s sexual organs “for primarily sexual purposes”. Such images are governed by national standards pertaining to bodily harm, or the classification of materials as obscene or inconsistent with public morals. Therefore, material having an artistic, medical, scientific or similar merit, i.e. where there is absence of sexual purposes, does not fall within the ambit of this provision. The visual depiction includes data stored on computer diskette or on other electronic means or other storage device which are capable of conversion into a visual image.

143. “Sexually explicit conduct” must be defined by Parties. It covers at least the following real or simulated acts: a) sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, between children, or between an adult and a child, of the same or opposite sex; b) bestiality; c) masturbation; d) sadistic or masochistic abuse in a sexual context; or e) lascivious exhibition of the genitals or the pubic area of a child. It is not relevant whether the conduct depicted is real or simulated.

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<sup>77</sup> The Terminology Guidelines also refer to the term “child sexual exploitation material”, indicating that this term can be used in a broader sense, see [“Luxembourg Terminology Guidelines”, pages 38-40 in particular.](#)

## II.2.1. What constitutes “child pornography” under the Lanzarote Convention?

46. It is important to recall that under Article 20(2) of the Lanzarote Convention, “child pornography” is defined as the visual depiction of a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs primarily for sexual purposes. For the reasons explained above,<sup>78</sup> the Lanzarote Committee uses the term “CSAM” instead of “child pornography” unless it has to quote the term used in legal texts. The term “sexually explicit conduct” in Article 20(2) is left for Parties to define. Still, the Explanatory Report of the Lanzarote Convention indicates that it must cover at least the following (real or simulated) aspects:

- a) sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, between children, or between an adult and a child, of the same or opposite sex;
- b) bestiality;
- c) masturbation;
- d) sadistic or masochistic abuse in a sexual context; or
- e) lascivious exhibition of the genitals or the pubic area of a child.<sup>79</sup>

47. The Committee highlights that Article 20(2) covers *visual* depictions, only. Non-visual depictions are also not referred to in its 2019 Opinion. Non-visual self-generated sexual material produced by children (e.g. sound, text) is therefore not addressed in this report.

48. As to visual depictions, the Committee underlines that in specific circumstances child self-generated *sexually explicit* images and/or videos will qualify as CSAM as defined in Article 20(2). It may also be assumed that in specific circumstances also most child self-generated *sexually suggestive* images and/or videos will qualify as such. In this respect, it should however be pointed out that Article 20 refers to engagement in sexually explicit *conduct*, or representation of the child’s organs. Thus, a child self-generated image and/or video representing a merely suggestive pose (which does not display a child’s sexual organs and is not directly linked to sexually explicit conduct) will not qualify as CSAM under Article 20(2).<sup>80</sup>

49. The Committee notes that within the legislative frameworks of **Andorra, Austria, Belgium, Croatia, Georgia, Italy, Liechtenstein, the Republic of Moldova, Romania, and the Slovak Republic** the term “child pornography” is used as defined within Article 20(2) of the Lanzarote Convention.

50. The Committee however also notes that in general there appears to be great variety of legal terminology used to describe CSAM. Further, a number of Parties<sup>81</sup> do not have a legislative definition –prosecutorial practice or case law are therefore relied upon in such instances.

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<sup>78</sup> See footnote 73.

<sup>79</sup> Explanatory report, para. 143.

<sup>80</sup> Other offences may be applicable in such cases as anticipated in the introduction to this chapter.

<sup>81</sup> **Albania, Bosnia and Herzegovina, Cyprus, Denmark, Lithuania, San Marino, Spain, Sweden, Switzerland.**

## **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

### **Recommendation II-3**

The Lanzarote Committee invites those Parties that do not have a definition of “child sexual abuse material” in their legal framework to introduce one in line with its Recommendation II-1 above.

### **Recommendation II-4**

The Lanzarote Committee invites Parties to contemplate appropriate legal responses to conduct involving non-visual self-generated sexual material produced by children in the context of offences covered by the Convention.

## **II.2.2 Criminalisation of conduct related to the production and possession of child abuse material and its relationship with child self-generated sexual images and/or videos**

### ***Article 20 of the Lanzarote Convention – Offences concerning child pornography***

*1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct, when committed without right, is criminalised:*

*a. producing child pornography;*

*(...)*

*e. possessing child pornography*

### ***Explanatory report***

*139. The possession of child pornography, by whatever means, such as magazines, video cassettes, DVDs or portable phones, including stored in a computer system or on a data carrier, as well as a detachable storage device, a diskette or CD-Rom, is criminalised in paragraph 1 e. An effective way to curtail the production of child pornography is to attach criminal consequences to the conduct of each participant in the chain from production to possession.*

51. In line with Article 20(1) of the Lanzarote Convention, Parties are obliged to ensure, among other things, that the intentional production and possession of child abuse material is criminalised. As explained above, conduct related to child self-generated sexual images and/or videos may come within the scope of Article 20. Adults intentionally soliciting the production of such material and possessing it should be held liable accordingly for such conduct. The situation of children who “produce and possess” their own sexual images and/or videos is different and will be dealt with separately below.

52. As regards adults’ role in the production of child abuse material through child self-generation, one Party (Italy) informed that a 2019 Supreme Court judgment specified that the production of child abuse material by “using” a child to generate such sexual images and/or videos, qualifies as induction or instigation.<sup>82</sup> Case law further clarified that a child cannot express his/her consent to the production or generation of child abuse material according to Article 2 of the Civil Code. The dissemination of self-generated sexual images and/or videos by

<sup>82</sup> 3rd Criminal Section of the *Corte di Cassazione*, judgment of 18 April 2019, No 26862.

a child has to therefore be considered the result of a child’s particular vulnerability, which has to be protected by criminal law.<sup>83</sup> The Supreme Court thus also qualified as conduct related to “child abuse material” the dissemination of sexual images and/or videos self-generated by a child.<sup>84</sup> An Italian law of 2019 also explicitly punishes the illicit dissemination of sexually explicit images and videos, including of children (“revenge porn”).

53. As to possession by adults of CSAM, the Committee emphasises that the Lanzarote Convention (Article 20(1)(e) requires the criminalisation of the possession of “child pornography”. Indeed, even merely “accessing child pornography” online (without downloading it) should be criminalised under the Convention thus situations where mere possession is not criminalised are not in conformity with the Convention.<sup>85</sup> The Committee notes that during the course of this monitoring round, legislation was amended in **Ukraine** and mere possession of “child pornography” is now criminalised. The Committee also notes that mere possession of “child pornography” is not yet criminalised in the **Russian Federation** and **San Marino** but the legal situation is under review. Mindful of possible reservations as dealt with below, the Committee encourages these Parties to complete such a review bearing in mind Recommendation II-5 below if exemptions for adults from criminal liability for the possession of child self-generated sexual images and/or videos are contemplated.

### **Reservations allowed by Article 20(3) as regards own sexual images consensually produced and possessed by children for private use**

#### **Article 20 – Offences concerning child pornography**

*3. Each Party may reserve the right not to apply, in whole or in part, paragraph 1.a and e to the production and possession of pornographic material:*

*(...)*

*- involving children who have reached the age set in application of Article 18, paragraph 2, where these images are produced and possessed by them with their consent and solely for their own private use. (second indent)*

#### **Explanatory report**

*144. Paragraph 3 allows Parties to make reservations in respect of paragraph 1 a and e, i.e. the right not to criminalise the production or possession of images which (...) involve children who have reached the legal age for sexual activities as prescribed in internal law, where the images are produced and possessed by them with their consent and solely for their own private use. The two reservation possibilities in paragraph 3 exist only in relation to production and possession of such pornographic material. (...)*

54. The Committee highlights that Article 20(3) second indent foresees exemption from liability for the production and possession of one’s sexually explicit images only where the children in question are above the age of sexual consent and where the material is produced/possessed with their consent for their own private use.

<sup>83</sup> See 3rd Criminal Section of the *Corte di Cassazione*, judgments of 17 November 2016, No 1783; 7 June 2018, No 34162 and 3rd Criminal Section of the *Corte di Cassazione*, judgment of 16 October 2018, No 1509, deposited in 2019.

<sup>84</sup> 3rd Criminal Section, *Corte di Cassazione*, judgment of 12 February 2020, No 5522 – ECLI:IT:CASS:2020:5522:PEN.

<sup>85</sup> See paras 139 and 140 of the Explanatory Report to the Convention.

55. The following 6 Parties made such a reservation: **Denmark, Germany, Liechtenstein, the Russian Federation, Sweden and Switzerland.**

56. Regarding the implementation of the reservation in national law, the Committee notes that it is contemplated along the following lines:

- The relevant provision in **Danish** law (paragraph 235(3) of the Criminal Code) does not specify that the exemption applies only where possession of the image is intended solely for own private use.
- In **Germany** “juveniles”, i.e. persons between the ages of fourteen and under eighteen years, may produce and possess own pornographic materials, without this necessarily constituting a threat to any legally protected interests, if both persons consent.
- In **Liechtenstein** adolescent persons (from 14 to 18) are exempt from penalties relating to “child pornography” in such circumstances.
- In **Switzerland**, minors above 16 are exempt from penalties relating to child pornography in such circumstances (Article 197(8) of the Criminal Code).

57. With respect to some of these Parties, the situation under the reservation appears to extend to adult liability:

- In **Denmark**, the possession of photographs, films or similar recordings of a person who has attained the age of 15 is not criminalised if such person has consented to the possession<sup>86</sup>.
- In the **Russian Federation**, production and possession purely for private use are not subject to criminal liability (Article 242 of the Criminal Code).<sup>87</sup>
- In **Sweden**, the relevant “child abuse material” offences do not apply if the difference in age and development between the person depicted and the person producing the image is slight: it appears, therefore, that a young adult would be exempt from criminal liability, where an older child is depicted within the material in question.

58. A number of Parties, not having made a reservation under Article 20(3) second indent, also exempt from criminal liability children having reached the age of sexual consent if the possession of the sexual images and videos is for private use only and with the consent of the person depicted on them.

59. In this regard, the Committee highlights that Article 8(3) of EU Directive 2011/93 on combating the sexual abuse and sexual exploitation of children and child pornography similarly establishes that: *“It shall be within the discretion of Member States to decide whether Article 5(2) and (6)<sup>88</sup> apply to the production, acquisition or possession of material*

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<sup>86</sup> See, [Denmark’s replies to question 10 of the Thematic Questionnaire](#).

<sup>87</sup> See, [replies of the Russian Federation to question 9.1 of the Thematic Questionnaire](#).

<sup>88</sup> Article 5 (offences concerning “child pornography” of the EU Directive 2011/92 reads:

1. Member States shall take the necessary measures to ensure that the intentional conduct, when committed without right, referred to in paragraphs 2 to 6 is punishable.

2. Acquisition or possession of child pornography shall be punishable by a maximum term of imprisonment of at (...)

6. Production of child pornography shall be punishable by a maximum term of imprisonment of at least 3 years.

*involving children who have reached the age of sexual consent where that material is produced and possessed with the consent of those children and only for the private use of the persons involved, in so far as the acts did not involve any abuse.”*

60. The Committee notes from the Commission’s report (COM(2016) 871 final) to the European Parliament assessing the extent to which the Member States have taken the necessary measures to comply with EU Directive 2011/93 that **Austria**<sup>89</sup>, **Croatia**<sup>90</sup>, **Cyprus**, **Germany**<sup>91</sup>, **Finland**<sup>92</sup>, and the **United Kingdom**<sup>93</sup> chose to apply the above-mentioned Article 8(3).

61. The Committee points out that it should be borne in mind that an underlying principle of the Lanzarote Convention is that *“[i]t is not the intention of [the] Convention to criminalise sexual activities of young adolescents who are discovering their sexuality and engaging in sexual experiences with each other in the framework of sexual development. Nor is it intended to cover sexual activities between persons of similar ages and maturity.”*<sup>94</sup>

62. In light of the above, the Committee holds that legislation exempting adults from criminal liability for the possession of child self-generated sexual images and/or videos is in line with the Lanzarote Convention when all the following conditions are fulfilled:

- the adult is of a similar age and maturity as the child depicted on the self-generated sexual images and/or videos;
- the child depicted on the self-generated sexual images and/or videos has reached the legal age for sexual activities;
- the mentioned images and/or videos are possessed for private use only, with the consent of the persons depicted on them,
- the production and possession of the mentioned images and/or videos did not involve any abuse.

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<sup>89</sup> **Austria** informed the Committee that as it is not indicated otherwise, the term “persons” in Art. 8(3) of EU Directive 2011/93 has been understood to cover adults as well and was transposed it into national legislation by Art. 207a paras. 5 and 6 of the Austrian Criminal Code. The latter includes all the criteria listed by the Committee in this report’s Recommendation I-6 with the exception of the similarity of age and maturity of the persons involved.

<sup>90</sup> Article 163 paragraph 5 of the **Croatian** Criminal Code (criminal offence of “child pornography”) prescribes that a child shall not be punished for producing and possessing pornographic material depicting him or her alone or him or her and another child, where this material is produced by themselves and possessed by them with their consent and solely for their own private use.

<sup>91</sup> See para 56 above for the situation in **Germany**.

<sup>92</sup> In **Finland**, when a child can be considered to have validly consented to sharing a sexual image of himself/herself solely for his/her similarly aged partner’s private use, neither the child nor the similarly aged partner are held criminally liable.

<sup>93</sup> The situation in the **UK** is not covered by this report as the UK ratified the Lanzarote Convention after the monitoring round was launched.

<sup>94</sup> Explanatory Report, paragraph 129. This is stated in the context of Article 18 (sexual abuse) but appears to refer to a broader principle which may thus equally apply to scenarios involving self-generated materials.

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation II-5**

The Lanzarote Committee requires Parties<sup>95</sup> which provide for exemptions for adults from criminal liability for the possession of child self-generated sexual images and/or videos to ensure that:

- the child depicted on such images has reached the legal age for sexual activities and has given his/her consent for the possession of such images and/or videos, and that
- the person possessing the child-self generated images and/or videos and the child depicted on them are of similar ages and maturity (e.g., by setting a maximum age difference among them) in line with para 129 of the Lanzarote Convention’s Explanatory Report, and that
- the production and possession of the mentioned images and/or videos did not involve any abuse.

**Exemption of criminal liability of children “producing and possessing” self-generated sexual images and videos of themselves as clarified by the Lanzarote Committee’s Opinion of 2019**

***Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children (adopted 6 June 2019)***

*3. The self-generation of sexually suggestive or explicit images and/or videos by children does not amount to “the production of child pornography” when it is intended solely for their own private use;*

*4. The possession by children of sexually suggestive or explicit images and/or videos of themselves does not amount to “the possession of child pornography” when it is intended solely for their own private use;*

*(...)*

*6. Reception by a child without knowledge or intention of sexually suggestive or explicit images and/or videos generated by other children does not amount to “procuring or knowingly obtaining access through information communication technologies to child pornography”*

63. In its 2019 Opinion the Committee calls for a strong protection of children from criminal liability in the case of self-generated sexual images and/or videos. It holds that self-generation and possession of own images, where intended solely for own private use (scenarios covered by paragraphs 3-4 of the Opinion) should not be considered as related to “child pornography”, and therefore should fall outside the scope of Article 20(1)(a) and (e) of the Convention entirely. Additionally, and unlike the reservation in Article 20(3), this situation extends to children even below the age of sexual consent to clearly ensure that all children (not only the older children ones) are protected from possible criminalisation.

64. For sake of clarity, the Committee also underlines that the exemption referred to above applies only to situations where children consensually possess sexually suggestive or explicit images and/or videos depicting one other. Where the possession is of images and/or videos of other children (not each other), no such exemption should be in place. Nevertheless, it should be noted that children who intentionally obtain sexual images and/or videos

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<sup>95</sup> Austria, Cyprus, Denmark, the Russian Federation and San Marino.

generated by other children should be criminally prosecuted only as a last resort. Priority should be given, depending on the circumstances, to more appropriate methods of dealing with their harmful behaviour (paragraph 7c of the above-mentioned Opinion).<sup>96</sup>

65. In addition, while reception by a child without knowledge or intention of such sexual images and/or videos generated by other children does not amount to possession of “child pornography” (paragraph 6 of the above-mentioned Opinion), this exemption is not applicable where children subsequently decide to keep such materials. However, these children should also be prosecuted only as a last resort and priority should thus be given to alternative methods of dealing with their harmful behaviour (paragraph 7b of the above-mentioned Opinion).<sup>97</sup>

66. On the basis of the foregoing, the Committee emphasises that its 2019 Opinion should be seen as generalising the reservation contained in Article 20(3) (second indent) in cases where children engage in self-generation or production of sexual images and/or videos of themselves, and where potential criminal liability might be questioned if these images/videos were to be considered as “child abuse material” by the Convention’s Parties.

67. On the basis of the information submitted to it, the Committee notes that a significant minority of Parties has rules allowing for the criminalisation of the production of sexually explicit images by children themselves (**Cyprus, Finland, Georgia, Latvia, Luxembourg, Malta, Montenegro, Netherlands, North Macedonia, Poland, Portugal, San Marino, Switzerland, and Ukraine**). For the majority of Parties self-generation of such images by a child is not considered a crime.

68. The possession of such images by children is criminalised in some Parties (**Albania, Andorra, Belgium, Cyprus, Finland, Georgia, Latvia, Luxembourg, Malta, Montenegro, Netherlands, North Macedonia, Poland, Portugal, Spain and Switzerland**), but the majority of Parties do not prosecute such conduct as they may subject the criminalisation to other conditions (e.g. the context of the possession, the legal age for sexual activities, etc).

69. With reference to the specific situation of **the Netherlands**, the Committee notes that children who self-generate and/or possess sexually suggestive or explicit images and/or videos intended solely for their own private use can be held criminally liable on the basis of Article 240b of the Dutch Criminal code, consisting of the penal provision on “child pornography”. However, the Dutch Supreme Court has ruled in its decision of 9 February 2016<sup>98</sup> that the text of this provision is overinclusive and that situations appear that grammatically fall under the scope of the provision, but are at odds with the aims of the legislator, following from the explanatory documents. In these cases, the criminal judge could decide not to hold the suspect criminally liable. In determining whether such a situation appears, the judge can take into account a number of factors, in particular, the specific acts of the suspect, the age of those involved, the consent of the individuals involved and the

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<sup>96</sup> See Recommendation II-8 below in this respect.

<sup>97</sup> See Recommendation II-8 below in this respect.

<sup>98</sup> Supreme Court of the Netherlands, 9 February 2016, ECLI:NL:HR:2016:213. The following link will take you to the ruling of the Dutch Supreme Court: [ECLI:NL:HR:2016:213, Hoge Raad, 14/05420 \(rechtspraak.nl\)](https://www.rechtspraak.nl/ECLI/HR/2016/213)

absence of any indication of a risk of the image(s) being disseminated among other than those involved. This Supreme Court case law is to be codified in a Draft Bill.<sup>99</sup>

70. With regard to other Parties, the Committee understands from the information submitted that there are special circumstances under which the above-mentioned crimes, although established in fact and in law, are not prosecuted/punishable under national law: for example, because closing the procedure may be considered to be in the best interests of the child (**Latvia**), or because, in light of the child's age, it may be considered that there is no gross fault and no public interest reason for conviction (**Lithuania, Malta, Republic of Moldova**).

#### ***Promising practices***

In Republika Srpska (**Bosnia and Herzegovina**), Article 175(5) of the Criminal Code provides that “the child shall not be punished for production or possession of self-generated sexually explicit images and/or videos involving him/her personally or him/her and another child if they were self-generated and consensually possessed for their own use exclusively”.

In **Sweden**, Chapter 16 section 10B of the Criminal Code states that prohibitions on the depiction and possession of “child pornography” do not apply to a person who produces a pornographic picture, if the difference in age and development between the child and the person who produces the picture is minor and the circumstances otherwise do not warrant the person who has committed the act being convicted of a crime.

#### **The interplay of the age of criminal responsibility and the age of sexual consent**

71. Most Parties pointed at the age of criminal responsibility below which children cannot be held criminally liable for acts they commit to demonstrate compatibility with the above-mentioned exclusion of criminal liability for the production and possession of child self-generated sexual images and/or videos. The ages indicated range between 10 (**Switzerland**, though fines and deprivation of liberty cannot be set for children under the age of 15), 12 (**Turkey**), 13 (**France**), 14 (**Albania, Austria, Bulgaria, Croatia, Estonia, Georgia, Germany, Hungary, Italy, Latvia, Liechtenstein, Malta, Montenegro, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia and Spain**), 15 (**Czech Republic, Denmark, Finland, Iceland, Norway and Sweden**), 16 (**Lithuania, Republic of Moldova, Portugal and Ukraine**) and 17 (**Poland**).

72. The Committee highlights that reliance upon the age of criminal responsibility alone to exclude criminal responsibility does not correspond to a situation of full compliance with paragraphs 3-6 of the 2019 Opinion, since older children (those above the age of criminal responsibility) cannot avail themselves of this exemption. The situation is particularly of concern with respect to Parties with a particularly low age of criminal responsibility.

73. A number of Parties also noted that production and possession of self-generated material were not criminalised when the child(ren) in question have reached the legal age for sexual activities (namely, **Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic,**

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<sup>99</sup> A draft bill is similarly being worked on in **Belgium**.

**Denmark Estonia, Georgia, Germany, Greece, Italy (self-production), Latvia, Liechtenstein, Lithuania, Moldova, Monaco, Netherlands, Romania, San Marino, Serbia, Slovakia, Spain, Sweden, the Russian Federation and Turkey).** However, relying on the age of sexual consent alone, to exclude criminal responsibility for the scenarios listed in paragraphs 3-6 of the 2019 Opinion, is also insufficient as, in such case, younger children may not be covered from the exemption of criminal responsibility.

74. The Committee highlights that particular attention must be paid where there is a gap between the age of criminal responsibility and the age of consent (particularly where the age of criminal responsibility is relatively low, or the age of sexual consent relatively high). For example, in **Switzerland** Article 197(8) of the Criminal Code appears to exclude from criminalisation the production and possession of sexual images and/or videos taken of each other for children between the ages of 16 and 18 years of age. The age of criminal responsibility, however, is 10 years old. Therefore, on the face of it, children between 10-15 who produce and possess sexual images and/or videos of themselves can be held criminally liable. However, the Committee notes from the information submitted to it that if children are younger than 16 they might be criminal liable, but the judge does not pronounce a sentence for a series of reasons (e.g. if the sentence would jeopardise the purpose of a protective measure already ordered or to be ordered in the context of the proceedings, if the juvenile's culpability and the consequences of the act are of little importance, if the juvenile has been directly affected by the consequences of his or her act to such an extent that a sentence would be inappropriate, if the juvenile has already been sufficiently punished by his or her parents, if a relatively long period has elapsed since the act, if the juvenile's behaviour has been satisfactory and if the public interest and the interest of the injured party in prosecuting the juvenile are of little importance as foreseen by Article 21 DPMIn). Furthermore, the investigating authority, the juvenile prosecutor's office or the court shall waive criminal prosecution in cases where the conditions for exemption under Article 21 of the DPMIn are fulfilled and no protective measures are required or the civil authority has already ordered appropriate measures, or the conciliation or mediation has been successful in line with Article 5 PPmin. The Committee also notes that that a revision of the penal code concerning sexual offences is ongoing. It includes *inter alia* the above-mentioned article 197 para 8 of the Criminal Code as well as issues related to the criminal liability for child self-generated sexual images/videos.

### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation II-6<sup>100</sup>**

The Lanzarote Committee requests that Parties ensure in their legal framework<sup>101</sup> that a child will not be prosecuted when he/she possess:

- their own self-generated sexually suggestive or explicit images and/or videos;

<sup>100</sup> Lists of Parties concerned are not included in recommendations based on the Committee's 2019 Opinion as this was adopted after the launching of the monitoring round. All Parties will be asked to explain what is in place in respect to these recommendations in the compliance procedures. Parties already having promising practices highlighted in this report with respect to the content of these recommendations may recall such practices and highlight any further development.

<sup>101</sup> The expression "legal framework" is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

- self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
- the self-generated sexually suggestive or explicit images and/or videos of another child as a result of receiving them passively without actively asking for them.

### **Recommendation II-7**

The Lanzarote Committee invites Parties to adopt legislative or other measures which promote as a priority educational and other measures that will aim to support children in safely exploring their sexual development while understanding and avoiding risks deriving from the production and possession of self-generated sexual images and/or videos.

## **II.2.3. Criminalisation of conduct related to “offering or making available” child abuse material and its relationship with the sharing of child self-generated sexual images and/or videos**

### **Article 20 of the Lanzarote Convention – Offences concerning child pornography**

1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct, when committed without right, is criminalised:

(...)

b. offering or making available child pornography;

c. distribution or transmitting child pornography(...)

#### **Explanatory report**

136. Paragraph 1 b. criminalises the “offering or making available” of child pornography. It implies that the person offering the material can actually provide it. ‘Making available’ is intended to cover, for instance, the placing of child pornography online for the use of others by means of creating child pornography sites. This paragraph also intends to cover the creation or compilation of hyperlinks to child pornography sites in order to facilitate access to child pornography.

137. Paragraph 1 c criminalises the distribution or transmission of child pornography. “Distribution” is the active dissemination of the material. Sending child pornography through a computer system to another person, as well as the selling or giving of child pornographic materials such as photographs or magazines, is covered by the term ‘transmitting’.

(...)

141. The term ‘without right’ allows a Party to provide a defence in respect of conduct related to “pornographic material” having an artistic, medical, scientific or similar merit. It also allows activities carried out under domestic legal powers such as the legitimate possession of child pornography by the authorities in order to institute criminal proceedings. Furthermore, it does not exclude legal defences or similar relevant principles that relieve a person of responsibility under specific circumstances.

#### **Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children (adopted 6 June 2019)**

(...)

5. The voluntary and consensual sharing by children among each other of the sexually suggestive or explicit images and/or videos of themselves does not amount to “offering or making available, distributing or transmitting, procuring, or knowingly obtaining access to child pornography” when it is intended solely for their own private use; (...)

75. Article 20(1) requires that the intentional offering or making available, distributing or transmitting “child pornography”, without right<sup>102</sup>, is criminalised. Thus, the offering or making available, distributing or transmitting of child self-generated sexual images and/or videos that falls under the definition of “child pornography”, should be criminalised, as a general rule when such offering, making available, distributing and transmitting is not the result of a consensual sharing for own private use among those depicted on the images and/or videos.

76. All Parties criminalise distribution of child sexually explicit images and/or videos. In general, this appears to apply regardless of whether the material was self-generated or not. As mentioned above, attention should however be paid to how these provisions are implemented with regard to self-generated materials in practice. In this regard, the Committee underlines that paragraph 5 of its 2019 Opinion is aimed at excluding from the scope of application of Article 20 situations where children voluntarily and consensually share among themselves self-generated sexual images and/or videos of each other. As already explained above this is intended to protect children who consensually agree to generate such images and/or videos as a way of exploring their sexuality in private (the images and videos are intended for those depicted on them only).<sup>103</sup>

77. It is worth reiterating for sake of clarity that the situation is different if the mentioned images and/or videos are transmitted by one of those depicted on them to a third party (for example, in an act of so-called “revenge pornography”) or are made public more generally (for example, through posting on a public platform, or making it available commercially). The latter situation would not be exempt of criminal responsibility.

### **Sharing own self-generated material**

78. In the vast majority of Parties, children are potentially criminally liable for the distribution or transmission of their own self-generated sexually explicit images/videos (**Albania, Andorra, Belgium**, in a part of **Bosnia and Herzegovina** (Republika Srpska), **Croatia, Cyprus, Czech Republic, Finland, France**<sup>104</sup>, **Georgia, Germany, Latvia, Liechtenstein, Malta, Montenegro, Netherlands, North Macedonia, Poland, Portugal, Russian Federation, San**

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<sup>102</sup> See para 141 of the Explanatory Report reproduced in the box above for details on what is meant by “without right”.

<sup>103</sup> **Swedish** law does not criminalise cases when children produce or possess self-generated sexually explicit images and/or videos of themselves. Nor does it criminalise consensual sharing of self-generated material between consenting children. If the child sends the image or video to someone who does not receive it voluntarily, it could be considered to be sexual molestation. According to Chapter 6, Section 10 of the Swedish Criminal Code, a person who exposes themselves to another person in a manner that is liable to cause discomfort, or who otherwise molests a person by word or deed in a way that is liable to violate that person’s sexual integrity is guilty of sexual molestation.

<sup>104</sup> In **France** criminal law does not explicitly exclude the possibility of prosecuting a child for the possession of self-generated sexual images and/or videos of another child even if the depicted child consented to share such images and/or videos for private use only. However, in practice, the public prosecutor can assess whether follow-up is to be given to such facts. To this end, he/she notably assesses the seriousness of the facts and the context in which they occurred. Thus, where it is evident that the possession of the sexual images was consensual and for private use only, the public prosecutor’s office may class the case and prosecution will thus not take place. In practice children are therefore not prosecuted when they possess the self-generated sexual images of another child if these images were obtained with the consent of the latter and are for private use only.

**Marino, Slovak Republic and Spain.** In some countries, such distribution/transmission is criminalised under special circumstances: **Hungary<sup>105</sup>, Iceland, Italy, Norway, Serbia, Sweden, Switzerland and Turkey).**

79. As seen in the previous section, many Parties however do not criminalise children producing or possessing self-generated sexual material for their own private use. This should thus imply that they also do not criminalise the sharing of the mentioned images/videos among the children involved (i.e. they do not criminalise the conduct that may be termed as “private sharing”). Understanding whether Parties are in line with paragraph 5 of the 2019 Opinion on “private sharing” thus depends on the interpretation and application of the relevant criminal law provisions relating to distribution/transmission *or* possession; and both should be considered together. The information submitted to the Committee to respond to the [thematic questionnaire](#) is not conclusive in this regard. The Committee thus is of the view that information in this regard should be collected and examined in the context of its work on the follow-up given by Parties to its current monitoring findings. In this respect, it further reiterates a number of elements, which Parties are asked to bear in mind to effectively implement paragraph 5 of its 2019 Opinion.

- Sharing must be voluntary and consensual (i.e., it should be “private sharing”).
- Children who knowingly or intentionally offer or make available, distribute or transmit self-generated sexual images/videos of themselves, when this is not intended solely for private use, engage in behaviour which should usually be considered conduct relating to “child pornography”.
- It should also be recalled that paragraph 5 of the 2019 Opinion only covers situations where both the sharer and recipient are children.

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation II-8**

The Lanzarote Committee requests that Parties ensure in their legal framework<sup>106</sup> that a child will not be prosecuted for sharing his/her sexual images and/or videos with another child when such sharing is voluntary, consensual and intended solely for their own private use.

80. Finally, attention should be given to paragraph 7(a) of the 2019 Opinion: where children who engage in such conduct *initially* generated the sexual material of themselves only for their own private use but subsequently decided to distribute it. In such cases, the 2019 Opinion indicates that prosecution should be seen as a last resort, and depending on the circumstances, more appropriate methods of dealing with the harmful behaviour of the children concerned should be given priority.

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<sup>105</sup> **Hungary** explains that distribution can be criminalised when a child sends a self-generated image/video of themselves to another child or if children mutually share such material, even when such sharing occurs voluntarily and solely for their own private use. However, a fundamental element of a criminal offence is that an act must be a danger to society. In this case, this element is lacking, and such acts cannot therefore be considered as criminal offences. As a result, the act being technically “child pornography” is irrelevant in this case.

<sup>106</sup> The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

## Sharing other children’s self-generated material

81. The Committee highlights that paragraph 5 of its 2019 Opinion applies only to the sharing of sexually suggestive or explicit images and/or videos *of oneself*. Accordingly, it does not extend to situations where children share content generated (and depicting) *other* children. Offering or making available, distributing or transmitting such material should therefore be considered conduct relating to “child pornography” as defined by Article 20§2.

82. The vast majority of the Parties have rules that lead to the criminalisation of the distribution by children of self-generated sexually explicit images/videos of *other* children (**Albania, Andorra, Austria, Belgium, a part of Bosnia and Herzegovina (Republika Srpska), Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Latvia, Liechtenstein, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, , San Marino, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey and Ukraine**). In **Serbia and the Russian Federation**, distribution by children over the age of criminal responsibility (14 years old) of such material will be criminalised if the image/video is the result of exploitation of the child depicted in the self-generated material or if the child deliberately made available such material to other persons. **Bulgaria** and **Estonia** point out that it depends on each case.

### **Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation II-9**

The Lanzarote Committee requests that Parties that have not already done so ensure that the distribution or transmission by children of self-generated sexually explicit images and/or videos of *other* children is prosecuted as a last resort when such images and/or videos qualify as “child pornography” in accordance with Article 20(2) Lanzarote Convention.

### **Other criminal offences foreseen by the Lanzarote Convention (Articles 22 and 23) that may involve the sharing of child self-generated sexual images and/or videos**

#### ***Article 22 of the Lanzarote Convention – Corruption of children***

*Each Party shall take the necessary legislative or other measures to criminalise the intentional causing, for sexual purposes, of a child who has not reached the age set in application of Article 18, paragraph 2, to witness sexual abuse or sexual activities, even without having to participate.*

#### ***Explanatory Report***

*151. Article 22 provides for a new offence which is intended to address the conduct of making a child watch sexual acts, or performing such acts in the presence of children, which could result in harm to the psychological health of the victim, with the risk of serious damage to their personality, including a distorted vision of sex and of personal relationships.*

*152. This article criminalises the intentional causing of a child below the legal age for sexual activities to witness sexual abuse of other children or adults or sexual activities. It is not necessary for the child to participate in any way in the sexual activities.*

**Article 23 – Solicitation of children for sexual purposes**

*Each Party shall take the necessary legislative or other measures to criminalise the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, for the purpose of committing any of the offences established in accordance with Article 18, paragraph 1.a, or Article 20, paragraph 1.a, against him or her, where this proposal has been followed by material acts leading to such a meeting.*

**Explanatory report**

155. Article 23 introduces a new offence in the Convention which is not present in other existing international instruments in the field. The solicitation of children for sexual purposes is more commonly known as “grooming”. The negotiators felt it was essential for the Convention to reflect the recent but increasingly worrying phenomenon of children being sexually harmed in meetings with adults whom they had initially encountered in cyberspace, specifically in Internet chat rooms or game sites.

156. The term “grooming” refers to the preparation of a child for sexual abuse, motivated by the desire to use the child for sexual gratification. It may involve the befriending of a child, often through the adult pretending to be another young person, drawing the child into discussing intimate matters, and gradually exposing the child to sexually explicit materials in order to reduce resistance or inhibitions about sex. The child may also be drawn into producing child pornography by sending compromising personal photos using a digital camera, web-cam or phone-cam, which provides the groomer with a means of controlling the child through threats (...)

159. The offence can only be committed “through the use of information and communication technologies”. [...]

**Opinion on solicitation of children for sexual purposes through information and communication technologies (Grooming) (adopted on 17 June 2015)**

17. The solicitation of children through information and communication technologies does not necessarily result in a meeting in person. It may remain online and nonetheless cause serious harm to the child. The sexual offences which are intentionally perpetrated during an online meeting through communication technologies are often linked to the production, possession and transmission of child pornography.

20. (...) As no static definition of online grooming is possible, Parties should consider extending its criminalisation also to cases when the sexual abuse is not the result of a meeting in person, but is committed online.

**Explanatory note of Opinion on Article 23**

21. [A] facilitating factor for online grooming is the fact that children have the impression that it is acceptable to exchange/circulate sexual images of themselves via the social media, etc. (so called “sexting”). In other words, children can be more inclined to sending and exchanging sexually explicit messages or photos to their friends or even to people they have just met online without considering the risks involved.

83. Conduct involving the “distribution or transmission” of child self-generated sexual images and/or videos may also come within the scope of other offences covered by the Lanzarote Convention. A person intentionally sending child self-generated sexual images and/or videos to children not depicted on the images/videos themselves may be considered as having caused the child to witness sexual abuse or sexual activities. This would thereby fall under Article 22 of the Lanzarote Convention (“Corruption of children”). In such case, the recipient child should not be considered to possess or have obtained access to “child pornography” (as made clear by paragraph 6 of the Committee’s 2019 Opinion). In this regard, the Committee notes that in:

- the **Republic of Moldova**, Article 175 of the Criminal Code criminalises actions committed against a person who is certainly known to be under 16 years old consisting in, among other things, the provision of pornographic materials to the child under 16 years old.
- **Slovenia**, Article 176(1) of the Criminal Code makes it an offence for any person to sell, present or publicly exhibit documents, pictures, audio-visual or other materials of a pornographic nature to a child under 15 years old, to enable such a child to get access to that material in any way, or to show them a pornographic or other sexual performance.
- **Switzerland**, Article 197(1) of the Criminal Code makes it an offence for any person to offer, show, pass on or make accessible to a person under the age of 16 pornographic documents, sound or visual recordings, depictions or other items of a similar nature.

84. Furthermore, conduct involving child self-generated images and/or videos may be considered as part of a “grooming” process under Article 23 of the Lanzarote Convention (“Solicitation of children for sexual purposes”). Grooming processes often involve soliciting self-generated sexual images from children themselves: indeed, the Explanatory Report specifically refers to situations where a child may be “drawn into producing child pornography by sending compromising personal photos using a digital camera, web-cam or phone-cam”.<sup>107</sup>In this regard, **France** informed that since April 2021, Article 227-22-2 of its Criminal Code provides for the punishment of the incitement of a minor by an adult, by a means of electronic communication, to commit any act of a sexual nature on himself or on or with a third party. In addition, Article 227-23-1 provides for an offence punishing the solicitation of a minor by an adult to broadcast or transmit images, videos or representations of a pornographic nature of the minor.

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation II-10**

The Lanzarote Committee invites Parties that have not yet done so, to consider criminalising solicitation of children for sexual purposes (“grooming”), even when it does not lead to either a face-to-face meeting or to producing child sexual abuse material.

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<sup>107</sup> Explanatory Report, paragraph 156.

### **II.3. Sexual extortion of children involving self-generated sexual images and/or videos**

#### **II.3.1 Definition of “sexual extortion of children” in this report and how it relates to the Lanzarote Convention**

85. As set out in the general remarks at the beginning of this chapter, child self-generated sexual images and/or videos may be exploited and, in such cases, the conduct related to them may fall within the scope of a variety of provisions of the Lanzarote Convention (see paragraphs 90-92 below).

86. The Lanzarote Committee is particularly concerned by the staggering increase of exploitation of child self-generated sexual images and/or videos that has been highlighted by many authoritative sources in 2021. The Committee notes in particular that the:

- [Annual Report of the Internet Watch Foundation](#) highlights a 77% rise in child ‘self-generated’ sexual material from 2019 to 2020 indicating also that in 80% of these cases, the victims were 11 to 13-year-old girls.
- [WeProtect Global Alliance’s ‘Estimates of childhood exposure to online sexual harms and their risk factors’ report](#) reveals that 65% of young people surveyed in Western Europe had experienced at least one instance of online sexual harm during childhood (a set of harmful behaviours considered as risk factors for potential or actual child sexual exploitation and abuse online). The Alliance’s [Global Threat Assessment](#) 2021 report also highlights that child sexual abuse online had gone up by 50% in some European countries during the pandemic.
- [Europol’s Internet Organised Threat Assessment \(IOCTA\)](#) reiterates that the COVID-19 pandemic has significantly influenced the development of a number of threats, including with respect to explicit sexual self-generated material which is being distributed also for profit.

87. As explained in the previous sections of this chapter, many children self-generate sexual images or videos of themselves for private use only but the likelihood that these images/videos end up being distributed beyond private use without the consent of the child depicted on them is high. Children may also be deceived with a fake profile or their devices may be hacked. As seen above children may also be lured into generating such images and/or videos in the context of a grooming process.

88. Whatever the situation leading to an offender’s possession of child self-generated sexual images and/or videos, threatening the child depicted on such images and/or videos to procure oneself sexual, financial or any other gain is generally referred to as “sexual extortion of children” (or “*sextortion*”).<sup>108</sup> This terminology is not present in the Lanzarote Convention

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<sup>108</sup> The [Terminology Guidelines](#) (see pages 52-53) highlight that “*Sexual extortion, also called “sextortion”, is the blackmailing of a person with the help of self-generated images of that person in order to extort sexual favours, money, or other benefits from her/him under the threat of sharing the material beyond the consent of the depicted person (e.g. posting images on social media). Often, the influence and manipulation typical of groomers*

but the Lanzarote Committee’s working group on Trends in Child Sexual Exploitation and Abuse had however identified sexual coercion/extortion<sup>109</sup> of children as a rising and challenging trend and, in 2016, the Committee decided to support its Parties in dealing with it.<sup>110</sup> The Thematic Questionnaire to gather information for this report thus contained a question<sup>111</sup> on reference in national law to “ICT facilitated sexual coercion and/or extortion” to understand whether Parties have established a legal framework to address the specific increasing trend of exploitation of child self-generated sexual images and/or videos.

89. In this report, “sexual extortion of children” is understood as the forcing, coercing or threatening of a child with self-generated sexual images and/or videos depicting that child to procure:

1. additional sexual images or videos;
2. other sexual favours from the child depicted on the images/videos or from another child (e.g., manipulating children to perform sexual acts on themselves or others);
3. a financial gain;
4. any other gain (e.g. contacts of peers for their sexual solicitation, forcing a child to commit other criminal offences).

90. The Lanzarote Committee highlights that sexual extortion of children is related to different sexual offences covered by the Lanzarote Convention and the use of force, coercion or threats is a constituent element in several provisions of the Convention.

91. Article 18(1)(b) first indent requires Parties to criminalise the “engaging in sexual activities with a child where use is made of force, coercion or threats” and paragraph 120 of the Explanatory Report explains that this means “regardless of the age of the child”<sup>112</sup> (i.e. including when the child is above the age to consent to sexual activities). Article 19(b)

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*over longer periods of time (sometimes several months) turns into a rapid escalation of threats, intimidation, and coercion once the person has been persuaded to send the first sexual images of her/himself. (...) When carried out against children, sexual extortion involves a process whereby children or young people are coerced into continuing to produce sexual material and/or told to perform distressing acts under threat of exposure to others of the material that depicts them. In some instances, the abuse spirals so out of control that victims have attempted to self-harm or commit suicide as the only way of escaping it. (...) The recommended term is “sexual extortion of children”, which emphasises that this is a form of extortion that is sexual in nature and that the act is carried out against a child. The colloquial, often-used term “sextortion” remains more debated in the field of child protection, as it does not show clearly that it is a matter of sexual exploitation against a child and risks trivialising a practice that can produce extremely serious consequences.”* Reference is also made to [EUROPOL’s report](#) on Online sexual coercion and extortion as a form of crime affecting children - law enforcement perspective.

<sup>109</sup> Both “coercion” and “extortion” were used by the Committee at the time as it was aware that in some Parties, “extortion” is applicable solely if the benefits expected refer to money or property whilst the Committee wishes to clearly capture also situations when the offender demands more child self-generated sexual images and/or videos for his/her sexual gratification or other favour (e.g. contacts of peers to be groomed).

<sup>110</sup> See Lanzarote Committee [16<sup>th</sup> meeting report \(23-25 November 2016, item 2.3\)](#).

<sup>111</sup> This was question 11 on “ICT facilitated sexual coercion and/or extortion” (see Appendix I).

<sup>112</sup> This applies also when the fact of engaging in sexual activities with a child is the result of abuse of a recognised position of trust, authority or influence over the child, or where abuse is made of a particularly vulnerable situation of the child. In this respect the Lanzarote Committee recalls that in the context of its [1<sup>st</sup> implementation report on “The protection of children in the circle of trust”](#), it considered that national legislation should clearly specify that every child up to 18 years is protected in the context of the basic criminal offence of sexual abuse in the circle of trust (R6, p. 15).

requires Parties to criminalise “coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes”. Similarly, Article 21(1)(b) requires Parties to criminalise “coercing a child into participate in pornographic performances or profiting from or otherwise exploiting a child for such purposes”.

92. Offences relating to “child pornography” (Article 20) and “solicitation of children for sexual purposes” (Article 23) do not refer explicitly to use of threats in their main text. Nevertheless, the Explanatory Report to the Convention states that “a child may be drawn into producing child pornography by sending compromising personal photos, which provides the groomer with a means of controlling the child through threats”. Accordingly, there is recognition of the potential role of threat in relation to “child pornography” offences, which may also be considered part of a “grooming” process.

### **II.3.2. Overview of situation in Parties with respect to prosecution of conduct amounting to “sexual extortion of children”**

93. Of the 43 Parties covered by this monitoring round, only **Slovenia** explained that using force or threat as well as deception, exceeding or abusing powers to obtain pornographic or sexual materials from a minor constitutes a distinct criminal offence (Art. 176(2) of the CC).

94. Other Parties informed that they pursued such conduct under a number of different offences, depending on the circumstances of each case (e.g. they prosecute for offences related to “child pornography” in concurrence with other offences depending on the circumstances of each case, and thus also extortion or other similar offences.

95. As to practice concerning prosecution of cases of sexual extortion of children involving child self-generated sexual material **Slovenia** pointed out that a few cases related to the above-mentioned specific offence based on Article 176(2) of its Criminal Code had been included in its jurisprudence database. **France** informed that the activity report of the “*ministère public*” concerning 2017 already included reference to such cases. **Hungary, Liechtenstein** and **North Macedonia** reported that, at the time of responding, there had been no such cases tried at court. **Albania, Finland, Germany, Latvia, Lithuania, Malta, Portugal** and **Turkey** stated that they could not provide data or details about any such cases.

96. The analysis of the information submitted by Parties in reply to Question 11 of the Thematic Questionnaire referred to above, has shown that at least one of the four objectives referred to in paragraph 89 above is taken into account in the prosecution of sexual extortion of children.

#### **Objective 1: additional sexual images or videos of the child**

97. The coercer already in possession of child self-generated material, attempts to procure or knowingly obtain access to further child self-generated sexual images/and or videos. If successful, he/she will eventually possess further counts of “child pornography” which should be criminalized in accordance with Article 20 of the Convention.

98. **Austria, Croatia, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Latvia, Liechtenstein, Malta, Poland, Portugal, Romania, Slovak Republic, Spain,**

**Sweden** and **Switzerland** prosecute for offences related to “child pornography”, in concurrence with offences where threat is a core element, such as extortion or coercion. In addition to extortion, **Denmark** referred to the provision of the Criminal Code providing that “any person who coerces someone to do, accept or fail to do something through threats of disclosing private details is sentenced to a fine or imprisonment for a term not exceeding two years”, where the term “private details” covers sexually explicit images and videos. Finland indicated that for the acts in question it could also be possible to prosecute for sexual abuse of a child, aggravated sexual abuse of a child, or for the attempt of one of these offences. **Croatia** and **Latvia** referred to threat as one of the elements of the offences related to child pornography, while a part of **Bosnia and Herzegovina** (Republika Srpska), **Montenegro** and **Portugal** stated that the presence of threat resulted in an aggravated sanction.

99. In **Albania**, other parts of **Bosnia and Herzegovina**, **Cyprus**, **Estonia**, **Georgia**, **Lithuania**, **Monaco**, **Montenegro**, **North Macedonia**, the **Russian Federation**, **Slovenia** and **Turkey**, prosecutions would only be brought for offences related to child pornography, the presence of a threat not being taken into account.

100. A number of Parties referred to further offences which may be established, in recognition of the constituent elements of coercion/extortion. Many referred to the offence of corruption of children.<sup>113</sup> Furthermore, **Belgium**, **Portugal** and **Sweden** referred to offences related to child prostitution. **Estonia**, the **Republic of Moldova** and the **Netherlands** qualified such conduct as trafficking in human beings.<sup>114</sup> Under the **French** and the **Moldovan** legislation, prosecution is possible for sexual harassment, while under **Austrian and Czech** law for sexual coercion. Both the **Slovak Republic** and **Spain** classified behaviour in this scenario as grooming. **Belgium** reported that prosecution would be possible for debauchery; both **Belgium** and **Denmark** mentioned indecency, while in **Switzerland** prosecution would be possible also for wilful defamation and the breach of secrecy or privacy through the use of an image-carrying device.

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<sup>113</sup> **Austria**, **Bosnia and Herzegovina** (in respect of Brcko District), **Croatia**, **Cyprus**, **France**, **Germany**, **Hungary**, **Iceland**, **Latvia**, **Liechtenstein**, **Malta**, **Republic of Moldova**, **Monaco**, **Montenegro**, the **Netherlands**, **North Macedonia**, **Poland**, **Portugal**, **Romania**, the **Russian Federation**, **Slovak Republic**, **Spain**, **Sweden**, **Switzerland** and **Turkey**.

<sup>114</sup> It is recalled that Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings establishes that:

- a) "Trafficking in human beings" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b) The consent of a victim of “trafficking in human beings” to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; (...)

## **Objective 2: other sexual favours from the child depicted on the images/videos or from another child**

101. When the coercer, possessing the child self-generated sexual images and/or videos, threatens the child for some other kind of sexual gain, a number of offences may be relevant:

- The child may be coerced into performing sexual acts, for example through a webcam. Such a scenario is covered by Article 21(1)(b) of the Convention, which explicitly notes the presence of coercion.
- The child may be forced into engaging in sexual activities with another child (e.g. sibling through webcam). Such a scenario is covered by Article 18(1)b first indent of the Convention which explicitly refers to use of coercion, force or threats.
- Alternatively, they may be coerced to engage in sexual activities with the perpetrator in the offline world. This would fall under Article 18(1)(b) first indent of the Convention, which requires criminalisation of engagement in sexual activity with a child where use is made of coercion, force or threats.
- Other scenarios could include coercing a child to engage in child prostitution as set forth by Article 19(1)(b) of the Convention.

102. Most of the Parties reported that in these cases, they would prosecute for sexual abuse of a child in accordance with Article 18<sup>115</sup>, for offences related to child prostitution,<sup>116</sup> to participation in pornographic performances,<sup>117</sup> and corruption of children.<sup>118</sup> Some Parties would qualify the conduct described in the second scenario as solicitation of children for sexual purposes,<sup>119</sup> cyberpredation,<sup>120</sup> voyeurism<sup>121</sup> and indecency.<sup>122</sup> In **Malta**, it is a criminal offence if a person “with violence, threats, coercion or force compels a person under age into prostitution or into participating in a pornographic performance”. In **Bulgaria**, the use of force or threats is an aggravating circumstance to the offence of persuading a child of 14 years old or less to “take part in or to observe actual, virtual or simulated sexual intercourse between persons of the same or different sex or lascivious exhibition of human sexual organs, sodomy,

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<sup>115</sup> Albania, Austria, Belgium, Bosnia and Herzegovina (in respect of Republika Srpska), Croatia, Cyprus, Estonia, Finland, France, Germany, Georgia, Hungary, Iceland, Latvia, Liechtenstein, Malta, Monaco, Montenegro, the Netherlands, North Macedonia, Poland, Portugal, Republic of Moldova, the Russian Federation, Slovak Republic, Spain, Sweden, Switzerland, Turkey.

<sup>116</sup> Austria, Croatia, Cyprus, Finland, Germany, Georgia, Hungary, Iceland, Latvia, Liechtenstein, Malta, Montenegro, Republic of Moldova, Monaco, North Macedonia, Poland, Portugal, Slovak Republic, Sweden, Switzerland, Turkey.

<sup>117</sup> Austria, Croatia, Cyprus, Czech Republic, Denmark, Finland, Germany, Georgia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Republic of Moldova, Monaco, Montenegro, the Netherlands, North Macedonia, Poland, Romania, the Russian Federation, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey.

<sup>118</sup> Austria, Bosnia and Herzegovina (in respect of Republika Srpska), Cyprus, France, Germany, Latvia, Liechtenstein, Malta, Republic of Moldova, Monaco, Montenegro, the Netherlands, Poland, Portugal, Romania, the Russian Federation, Slovak Republic, Spain, Sweden, Switzerland, Turkey.

<sup>119</sup> Belgium, Bosnia and Herzegovina (in respect of Republika Srpska), Cyprus, Latvia, Lithuania, Montenegro, the Netherlands, Slovak Republic, Spain.

<sup>120</sup> Belgium.

<sup>121</sup> Belgium.

<sup>122</sup> Denmark.

masturbation, sexual sadism or masochism” and a material element of the offence regarding children over 14 years old.

103. In addition, the majority of Parties (**Austria, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Latvia, Liechtenstein, Montenegro, the Netherlands, North Macedonia, Poland, Portugal, Romania, Russian Federation the Slovak Republic, Slovenia, Spain, Sweden, Switzerland and Turkey**) also prosecute conduct relating to the possession of the initial child sexual image or video as an offence related to “child pornography” under Article 20.

104. It appears that **Lithuania** would only prosecute conduct relating to Article 21 (offences concerning the participation of a child in pornographic performances) which appears not to cover the original possession and certainly not the obtainment of the child self-generated child sexual image and/or video. It appears that **Austria, Croatia, Czech Republic, Finland,**<sup>123</sup> would prosecute for sexual coercion, in general (not specifically targeting children). **Hungary** would prosecute either for the aggravated case of sexual coercion, or sexual violence committed by violence or direct threat to life or physical integrity. **Liechtenstein** would prosecute for sexual assault, **Switzerland** for indecent assault, **Germany** for sexual assault by use of force or threats, **Spain** for sexual aggression, **Czech Republic** and **France** stated that threat is a constituent element of sexual aggression and rape. **Denmark, Romania** and the **Slovak Republic** reported the possible prosecution in concurrence for extortion, **Denmark, Germany, Liechtenstein and Sweden** for coercion and aggravated coercion, **Spain** for blackmail, **Portugal** and **Switzerland** for threatening behaviour and coercion. **Estonia, Finland, the Republic of Moldova, Montenegro, North Macedonia** and the **Slovak Republic** qualified such conduct as trafficking in human beings.

### **Objective 3: a financial gain**

105. The offender possessing child self-generated sexual images and/or videos may also exploit them to gain money or other property from the child.

106. Most of the Parties stated that, if the objective of the perpetrator is a financial gain, the conduct will be qualified as extortion or aggravated extortion;<sup>124</sup> **Sweden** and **Switzerland** referred to the offence of coercion. A few Parties identified the situation as child prostitution,<sup>125</sup> participation in pornographic performances<sup>126</sup> or offences related to child pornography,<sup>127</sup> others as human trafficking,<sup>128</sup> when the aim of the threat is not directly to gain money or other property from the child but a financial benefit through the exploitation of the child. **Denmark** and **Portugal** referred to the offence of invasion of privacy. A few

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<sup>123</sup> If the victim is a child under 16 years of age, such an act also constitutes sexual abuse of a child, without exception.

<sup>124</sup> **Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Georgia, Iceland, Latvia, Liechtenstein, Republic of Moldova, Monaco, the Netherlands, North Macedonia, Poland, Portugal, Romania, Slovak Republic, Spain, Sweden, Switzerland.**

<sup>125</sup> **Bosnia and Herzegovina (in respect of Republika Srpska), Cyprus, Germany, Hungary** (in concurrence with extortion), **Iceland, Malta, Montenegro, Slovak Republic.**

<sup>126</sup> **Hungary** (in concurrence with extortion), **Lithuania, Malta, Montenegro, the Russian Federation.**

<sup>127</sup> **Cyprus, Czech Republic, Denmark, Georgia, Slovenia, Turkey.**

<sup>128</sup> **Czech Republic, Estonia.**

Parties did not refer to extortion or any similar offences; or did not submit information in this respect.<sup>129</sup>

**Objective 4: any other gain (e.g. contacts of peers for their sexual solicitation).**

107. Finally, it is possible to highlight a fourth objective that encompasses all other cases where the person in possession of child self-generated sexual images and/or videos demands that the child does something, omits to do something, or suffers for any additional reason with respect to those referred in the previous subheadings. This “gain” may be revenge, malicious joy, but also contact information of peers, among other things.

108. As a conclusion of section 1.3.2, the Committee notes that most of the Parties have a system that creates a variety of possibilities to prosecute this crime (sexual extortion of children) as analysing if the initial obtainment and possession by the offender of the child’s self-generated sexual images and/or videos can be prosecuted as “child pornography”. In most of the Parties it is possible to combine this with provisions of threat, force or coercion. Depending on the gain in question, numerous other offences may be applicable, but are outside the scope of the Lanzarote Convention.

**Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation II-11**

When dealing with sexual extortion cases involving children, the Lanzarote Committee invites Parties that are not yet doing so to take into account the situation where child self-generated sexual images and/or videos are used to force, coerce or threaten the child to give additional self-generated sexual images and/or videos, other sexual favours, a financial gain or other gain to the offenders by:

- either creating a specific incrimination to address this situation,
- or prosecuting both the initial detention of child self-generated sexual images and/or videos and the act of extortion.

**Recommendation II-12**

The Lanzarote Committee invites Parties that are not yet doing so to ensure that sexual extortion of children involving child self-generated sexual images and/or videos is investigated and prosecuted.

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<sup>129</sup> Albania, Bosnia and Herzegovina, Hungary, Lithuania, Malta, Montenegro, Russian Federation, Slovenia, Turkey.

### III. Investigations and prosecution

109. Given the scale of ICT-facilitated sexual abuse and sexual exploitation, as well as the speed of development of ICTs, the Lanzarote Committee called on Parties in its [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies](#) (the Interpretative Opinion) to ensure that investigations and prosecution are effective, through the provision of resources and training to the responsible authorities.

***Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies (ICTs) (adopted on 12 May 2017)***

*14. In order to ensure effective investigation and prosecution of sexual offences against children facilitated through the use of ICTs, resources should be allocated and training should be provided to authorities responsible for investigation and prosecution;*

110. This chapter outlines the measures taken to achieve this aim, with a focus on child self-generated sexual images and/or videos, as set out in the [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (the 2019 Opinion), and also highlighting that special measures are often needed in situations where investigations and prosecution involve juvenile offenders. It first addresses the issue of the specialisation of persons, units or services in charge of investigations in the field of combating ICT-facilitated sexual exploitation and sexual abuse, then that of training of law-enforcement agents, prosecutors and judges in the related field, while keeping a focus on the challenges raised by child self-generated sexual images and/or videos. Finally, it examines the effectiveness of the investigation and prosecution of ICT facilitated sexual offences against children.

#### III.1 Specialised units, services or persons

***Lanzarote Convention, Chapter VII – Investigation, prosecution and procedural law***

***Article 34 – Investigations***

*1. Each Party shall adopt such measures as may be necessary to ensure that persons, units or services in charge of investigations are specialised in the field of combating sexual exploitation and sexual abuse of children or that persons are trained for this purpose. Such units or services shall have adequate financial resources.*

***Article 36 – Criminal court proceedings***

*1. Each Party shall take the necessary legislative or other measures, with due respect for the rules governing the autonomy of legal professions, to ensure that training on children's rights and sexual exploitation and sexual abuse of children is available for the benefit of all persons involved in the proceedings, in particular judges, prosecutors and lawyers.*

2. Each Party shall take the necessary legislative or other measures to ensure, according to the rules provided by its internal law, that:

- a the judge may order the hearing to take place without the presence of the public;
- b the victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies.

### **Explanatory Report**

#### **Article 34 – Investigations**

233. Article 34 lays down the principle that professionals responsible for criminal proceedings concerning the sexual exploitation or sexual abuse of children should be trained in this area.

234. In view of the roles of the various agencies generally responsible for investigating child sexual exploitation and sexual abuse (police, prosecution services, child protection and health services), Parties could set up interdisciplinary services to carry out investigations, with the aim of enhancing professional competence and of preventing re-victimisation of the victim by repetitive procedures. Comprehensive and multi-agency child-friendly services for victims under one roof (often known as "Children's House") could, for example, be set up.

235. In order to take account of the diversity of States, resources available and systems for organising investigation services, the negotiators wanted to make this provision very flexible, the aim being that it should be possible to mobilise specialised personnel or services for investigations into the sexual exploitation and abuse of children. Thus, Article 34 provides for specialised units, services or, quite simply, persons, for example when the size of the State concerned is such that there is no need to set up a special service.

#### **Article 36 – Criminal court proceedings**

240. This article contains provisions specific to criminal court proceedings.

241. Paragraph 1, which echoes Article 34, paragraph 1, lays down the principle that those involved in judicial proceedings (in particular judges, prosecutors and lawyers) should be able to receive training in children's rights and in the area of sexual exploitation and sexual abuse of children. The obligations of the States Parties in this respect must naturally take account of requirements stemming from the independence of the judicial professions and the autonomy they enjoy in respect of the organisation of training for their members. It is for this reason that paragraph 1 does not require training to be provided, but states that it should be available to professionals wishing to receive it.

242. Paragraph 2 contains provisions adapting certain principles governing criminal proceedings in order to protect children and make it easier to interview them. These principles concern the presence of the public and arrangements for ensuring that both parties are represented. Thus, sub-paragraph a allows the judge to order the hearing to take place without the presence of the public, and sub-paragraph b enables the child to be heard without necessarily being confronted with the physical presence of the alleged perpetrator, in particular through the use of videoconferencing.

111. Article 34(1) of the Lanzarote Convention calls on Parties to ensure that specialised personnel or services are dedicated to investigating the sexual exploitation and sexual abuse of children. Specialisation of professionals in charge of investigation and prosecution in ICT-

facilitated sexual offences against children may also be considered to fall under paragraph 14 of the Interpretative Opinion, both in terms of “resource” allocation, and as “training”.

112. It should be emphasised, that while dedicated units or services are one way of achieving the specialisation requirement, training programmes of individuals may also be sufficient. Indeed, the explanatory report of the Convention states that Article 34(1) is flexible, the aim being that it should be possible to mobilise specialised personnel or services for investigations into the sexual exploitation and abuse of children, depending on factors such as the size of the State.<sup>130</sup>

### III.1.1 Specialisation of law enforcement agents

113. As far as the EU Member States are concerned, the national experts on CSEA cooperate within a well-established structure, the European Multidisciplinary Platform Against Criminal Threats (EMPACT)<sup>131</sup>, which is a part of the EU Policy Cycle. This initiative was set up in 2010 in order to create a greater measure of continuity for the fight against serious and organised crime and proved to be effective, increasingly efficient and coherent, bringing EU added value in improving cooperation among the EU Member States and relevant third parties.<sup>132</sup>

114. In general, Parties did not specify whether specialised investigative units cover and/or were specialised in offences related to child self-generated sexual images and/or videos production, possession, distribution or transmitting, and ICT-facilitated coercion or extortion.

115. Most of the Parties (40 of 42)<sup>133</sup>, however, have specialised units dealing with ICT-facilitated offences against children within law enforcement, with some having more than one specialised unit.

116. Specialised units are usually within broader cybercrime or human trafficking departments. However, several Parties have sections/departments dedicated exclusively to cyber or sexual crimes against children (**Bulgaria, Denmark, Germany, Iceland, Republic of Moldova, Hungary, Netherlands, Portugal, Turkey**) or even to child abuse material (**Austria, Finland, Italy, Romania**).

117. In a number of Parties that have no specialised units in law enforcement, cases of ICT facilitated sexual offences against children are managed by units specialised in combating serious crimes (**Liechtenstein**) or child abuse in general (**San Marino**).

118. In some Parties, such specialised law enforcement units operate at national level and cover ICT facilitated sexual offences against children in the entire country:

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<sup>130</sup> In this section, the words “units” and “services” should be understood as covering any type of administrative entity in Parties, as well as persons.

<sup>131</sup> <https://www.europol.europa.eu/empact>

<sup>132</sup> <https://www.consilium.europa.eu/en/policies/eu-fight-against-organised-crime-2018-2021/>

<sup>133</sup> **Andorra, Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Poland, Portugal, Romania, Russian Federation, Serbia, Slovenia, Spain, Sweden, Switzerland, Turkey and Ukraine.**

- In **Bulgaria**, the Cyber Crime Sector, which is part of the Ministry of Interior, has a functional competence to prevent, intercept and reveal instances of online child sexual exploitation.
- In **Croatia**, there are 5 specialised civil servants within the Ministry of Interior, Police Directorate, Department for Juvenile Delinquency and Crime against Children and Family. The units collaborate closely during criminal investigations. There are also 5 positions within the Department for High-Tech Crime.
- In **Finland**, the CAM (Child Abuse Material) Group includes five permanent policemen. However, the group does not yet have an official status within the organisation.
- In **Luxembourg**, the “Youth Protection” section of the Criminal Investigation Department has 10 investigators.
- **Monaco’s** Minors and Social Protection Section of the Police Directorate contains 6 investigators and two police social workers.
- In **Portugal**, the National Unit for Combating Cybercrime and Technological Crime of the “Polícia Judiciária” (judiciary police) has powers to prevent, detect, criminally investigate and assist judicial authorities.
- In **Romania**, the Office for Combatting Child Pornography through Computer Systems, operating at the national level, has 5 dedicated officers.

119. In other Parties, there is a central unit and regional subdivisions specialised in ICT-facilitated sexual offences against children, which cooperate at different levels. This is the case in the **Czech Republic, Estonia, Germany, Poland** and **Turkey**.

- In **Germany**, the Central agency combatting sexual offences against children and adolescents operates at the national level, working in cooperation with regional Länder police.
- In **Turkey**, a special bureau for online child abuse crimes operates within the national Cybercrimes Unit. At the same time, there are Cybercrime units operating in every province within police forces.

120. In some countries, part of the law enforcement work is outsourced. For example, in **Italy**, a list of websites disseminating child sexual abuse material, called a "blacklist", is handed over to Internet Service Providers, in order to prevent and block access to these websites through filtering systems. The National Center for the Fight against Child Pedopornography on the Internet (CNCPO), acting as an operational body, frequently liaises with the Observatory for the Fight Against Paedophilia and Child Pornography, which acts at an institutional level. It is Italy’s contact point for the police offices of the G8 countries dealing with cybercrime and is part of the Virtual Global Task Force (VGT) network.

121. In other countries, specialised investigative units are able to conduct separate complex forensic examinations as one of their main capacities. This is the case in **Denmark**, in **Estonia** with the Forensic Science Institute, in **Georgia** with the Special Sub-unit for Computer-Digital Forensics within the Forensics-Criminalistics Main Division of the Ministry of Internal Affairs, in **Hungary** with the NBI Cybercrime Department, in **Liechtenstein** with the Crime Investigation Division and in **Moldova** with the Forensic and Judicial Expertise Centre.

### ***Promising practices***

In **Denmark**, the Cyber-related sexual offences (CRS) unit is a specialised law enforcement branch of the Danish National Police, in charge of dealing with ICT facilitated sexual offences against children. The unit consists of approximately 20 officers, both investigators and forensic analysts, and specially trained by both Danish law enforcement and INTERPOL. The unit has primarily investigative but also preventive functions. The CRS unit also works with other law enforcement entities within the Danish Police at local and national level, in order to build investigation capacity and provide training for police officers working in the field.

There is a specialised team within the Reykjavík Metropolitan Police (**Iceland**) that investigates sexual offences against children, including offences committed online and, within that team, there is a specialist that is specifically tasked and trained in analysing material that shows children in a sexually explicit or pornographic manner. Other police districts of the country can contact the Reykjavík Metropolitan Police for advice and assistance. In addition, the National Commissioner of the Icelandic Police has hired an expert in digital sexual violence to review and prepare procedures within the national police in order to increase the quality of investigations concerning sexual offenses online, including offences against children

In **Portugal**, inspectors within specialised teams received training on interviewing victims and collecting forensic evidence, including self-generated intimate images and videos that are uploaded or shared on the internet.

In some countries, specialized law enforcement units carry out additional activities to build their capacity. In **Bosnia and Herzegovina** and **Croatia**, cybercrime units conduct proactive collection and analysis of intelligence. In **Denmark**, the unit includes both investigators and forensic analysts, undercover infiltration, and provides training for police officers working in the field of ICT-facilitated sexual offences against children. In **Estonia**, the unit has examination capacity. In **France**, the unit works with P2P<sup>134</sup> and Dark web cases.

### **Difficulties to implement the Convention**

122. The human resources available to specialised units vary significantly, even taking into account differences in the size and population of countries. In addition, for most Parties, information is lacking on the precise number of law enforcement officers specialised in ICT-facilitated sexual offences against children. Given the lack of comparability of human resource availability and needs, Parties should ensure that any specialised units have sufficient human and financial resources to carry out its functions effectively, including through consultation with their respective units and other stakeholders and that these capabilities are integrated within wider organisational and career structures. To ensure the sustainability of such specialised units, particularly for smaller countries, consideration should be given to integration of these capabilities in units focused on related crime types (e.g. cybercrime or child protection).

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<sup>134</sup> Peer-to-peer. In a P2P network, the “peers” are computer systems which are connected to each other via the internet. Files can be shared directly between systems on the network without the need for a central server. See further definition: <https://techterms.com/definition/p2p>.

123. In **Bosnia and Herzegovina**, there is a Cyber Crime Section in the Republika Srpska Ministry of Internal Affairs, but there is no similar body in the Federation of Bosnia and Herzegovina or the Brčko District.

### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation III-1**

The Lanzarote Committee requests **Liechtenstein** and **San Marino** to establish specialised law enforcement units, services or persons in charge of dealing with ICT facilitated sexual offences against children.

#### **Recommendation III-2**

The Lanzarote Committee invites **Bosnia and Herzegovina** to ensure that there is a law enforcement unit, service or person(s) specialised in ICT-facilitated offences against children, covering the territory of the entire country.

#### **Recommendation III-3**

Mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, the Lanzarote Committee requests **those Parties** that are not already doing so to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training.

#### **Recommendation III-4**

The Lanzarote Committee invites **all Parties** to ensure that the capacities of any investigative units, services or persons specialised in ICT facilitated sexual offences against children take into account evolving technologies and online behaviours, and more specifically, that they reflect current practices used by perpetrators. Additionally, the Lanzarote Committee invites **all Parties** to exchange best practices between the relevant investigative units.

#### **Recommendation III-5**

The Lanzarote Committee invites **all Parties** to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children adequately cover and/or are specialised in offences against children involving child self-generated sexual images and/or videos.

### **III.1.2 Specialisation in prosecution and courts**

124. While examining information submitted by Parties with respect to specialisation of prosecution and court staff in ICT facilitated sexual offences against children, the Committee realised that this matter had been interpreted in different ways. In some instances, Parties provided information on units specialised in ICT-facilitated sexual offences against children, but only provided details of the existence of more general units handling cybercrime, sexual violence or violence against children. In other cases, Parties detailed the existence of similar such units but stated that they did not have specialised units in ICT-facilitated sexual offences

against children. Given the differing interpretations, providing figures on the numbers of Parties where specialised units are in place is of limited use. The section instead provides a more general overview of units in prosecution and courts which handle, among other things, ICT-facilitated sexual offences against children.<sup>135</sup>

### **In prosecution**

125. Cases concerning sexual abuse or exploitation of children facilitated by ICTs are managed by offices dedicated to:

- juvenile justice (**Belgium, Bosnia and Herzegovina, Croatia, Hungary, France Germany**);
- combating cybercrime (**Czech Republic, Finland, Hungary, Italy, Portugal, Republic of Moldova, Serbia, Spain, Turkey**);
- sexual crimes in general (**Austria, Iceland**);
- child protection in general (**Austria, Luxembourg**);
- violence against children (**France, Hungary**);
- organised crime (**France, Romania, Sweden**).

126. Although it does not have a specialised unit as such, **Italy** has a pool of prosecutors in charge of dealing with ICT-facilitated sexual offences against children. In **Estonia**, there is a specialised unit in the Northern District Prosecutor's Office, only. There are, however, specialised prosecutors in all other regions.

127. In some countries, prosecution offices operate at national level and cover ICT facilitated sexual offences against children across the entire country.

- In **Andorra**, prosecutors for juveniles are appointed for a term of five years from the ranks of public prosecutors and deputy public prosecutors.
- In the **Republic of Moldova**, the Office for Combating Trafficking in Human Beings and Cybercrime leads criminal prosecution on cases involving child sexual abuse and has 5 prosecutors.
- In **Serbia**, there is a special cybercrime prosecutor, 4 further deputies of the special prosecutor and 5 prosecutor's assistants, all of which are specialised in cybercrime cases.

128. In other Parties, there is a central prosecution office and there are regional subdivisions, or units within local prosecution offices.

- In **Finland**, 9 prosecutors at the national level are specialised in crimes against persons, this including ICT facilitated sexual offences against children. In addition to these special prosecutors, there are 11 specializing prosecutors located in local prosecution offices who are being trained to be experts on all sexual violence related crimes. In addition, there are a few prosecutors who expertise on Cybercrimes. They provide training, advice and guidance to other prosecutors on all matters related to ICT-facilitated offences.

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<sup>135</sup> This section is completed by Section III-2 (Training of professionals), which deals, in particular, with the training of professionals working in prosecution and judicial proceedings.

- In **Romania**, there are 9 prosecutors within the Cybercrime Service at the national level, and 174 criminal prosecutors in territorial offices, who handle cases of cybercrime.
- In **Slovenia**, there are specialised departments within the five largest state prosecutors' offices that are competent in dealing with sexual offences against children (including ICT-facilitated offences), and with approximately 25 prosecutors in total.
- In **Spain**, expertise in Cybercrime within the Public Prosecution Service is coordinated by the Central Unit based in Madrid. It has services in each territorial body (provincial prosecutor offices and local prosecutor offices).
- In **Sweden**, the prosecutor in charge of the prosecution of sexual offences against children facilitated by ICTs is specialist on the matter. Different prosecution offices can assign ICT-facilitated sexual offences against children to prosecutors specialised in cybercrime, crimes concerning violence and sexual abuse in general or serious and organised crimes. Crimes which are serious, organised and/or international are primarily handled by the Swedish Prosecution Authority's national unit against organised crime. In addition, there are two national Networks for prosecutors one for those who work with IT-related crimes and one for those who work with violence against or sexual abuse of children, with two dedicated contact-persons in every region.

### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation III-6**

The Lanzarote Committee invites **Lithuania, Monaco** and **Ukraine** to set up specialised units, services or persons in charge of the prosecution of sexual offences against children facilitated by ICTs.

#### **Recommendation III-7**

Mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, the Lanzarote Committee requests **those Parties that are not already doing so** to ensure that prosecution units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training.

## **In courts**

129. Most Parties do not have specialised units, services or persons in courts in charge of dealing with ICT facilitated sexual offences against children. However, in several Parties, these cases are heard by specialised sections of the court system dealing with child-related cases.

- In **Croatia**, in accordance with Article 37 of the Juvenile Courts Act, there are juvenile divisions within county courts, as well as in municipal courts located in places where county courts have their seats. These divisions are composed of juvenile panels and judges who are competent for criminal offences committed by young adults and by adult perpetrators who commit sexual offences against children.
- In **Germany**, the public prosecutor’s office is obliged to file criminal charges in matters concerning the protection of children before youth courts, if this best protects their interests. Criminal proceedings brought for ICT-facilitated sexual offences against children are prosecuted before the youth courts and youth court judges of the local courts (Amtsgerichte) and before youth divisions of the regional courts (Landgerichte).
- In **Italy**’s largest cities, there are court sections specialised in offences against vulnerable victims (including children) or crimes against the person, family and children, which include proceedings for sexual crimes committed against children and ICT-facilitated crimes.
- In **North Macedonia**, under Article 101 of the Law on Juvenile Justice, specialised court departments for “child crimes” shall be composed of judges specialised in juvenile cases.

130. In some other Parties, cases are heard by court units specialised in sexual offences. In **Andorra**, a specialised unit in the court system examines cases involving ICT facilitated sexual offences against children throughout the country. In **Austria**, according to Art. 26 para. 6 of the Federal Court Organisation Act (GOG), all cases concerning sexual offences have to be handled within specialised court units.

131. Elsewhere, cases are handled by courts or court units responsible for cybercrime. In **Serbia**, for example, the Higher Court in Belgrade is in charge of cybercrime cases for the territory of the Republic of Serbia.

132. In **France**, criminal courts have general jurisdiction and there is no legal provision for courts to specialise in ICT-facilitated sexual offenses against children. However, the public prosecutor decides of the organisation of its jurisdiction and may therefore assign one or more magistrates to cases involving children, such as cases of sexual violence against children, including when facilitated by ICTs.

133. Some Parties that do not have specialised units within the court system have taken other measures to ensure better court procedures for child victims:

- In **Andorra**, there are rooms used specifically for affairs concerning children, and notably concerning child protection.
- In **Bosnia and Herzegovina**, the courts and prosecutors have social pedagogues at their disposal as expert advisors.

- In **Hungary**, the president of the National Office of the Judiciary has set up the Children's Rights Cabinet in 2020. The president of the Cabinet is a lawyer specialising in children's rights, and among the members, there are criminal law and family law judges as well. The task of the Cabinet is to deliver opinions and submit proposals for judicial measures ensuring that children's rights (including the right to information, representation, participation and protection) are respected in their entirety while taking into consideration children's mental and emotional development and the circumstances of a given case. Hungary also has specialised hearing rooms for children.

### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation III-8**

The Lanzarote Committee invites **Bulgaria, Czech Republic, Denmark, Estonia, Monaco, Montenegro, Netherlands, Romania, Switzerland** and **Ukraine** to establish, where appropriate, specialised units, services or persons within the courts in charge of dealing with ICT facilitated sexual offences against children.

#### **Recommendation III-9**

The Lanzarote Committee invites **all Parties** to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have the necessary specialisation in the intersecting areas of children's rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge.

#### **Recommendation III-10**

The Lanzarote Committee invites **all Parties** to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences involving child self-generated sexual images and/or videos.

### **III.1.3 Specialisation in dealing with child offenders**

#### ***Explanatory Report, Chapter VI – Substantive criminal law***

*116. (...) the negotiators acknowledged that in certain circumstances where minors commit offences (such as, for example, where they produce child pornography among themselves and for their own private use but subsequently distribute those images or make them available on the Internet), there may be more appropriate methods of dealing with them and that criminal prosecution should be a last resort.*

#### ***Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies (ICTs) (adopted on 12 May 2017)***

*3. Acknowledging the specific developmental needs of children who sexually offend through ICTs, with the aim of addressing their sexual behavioural problems (...)*

*14. Resources should be allocated and training should be provided to authorities responsible for investigation and prosecution;*

***Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children (adopted 6 June 2019)***

*7. Children should only be criminally prosecuted for conduct related to “child pornography” as a last resort and priority should be given, depending on the circumstances, to more appropriate methods of dealing with their harmful behaviour (e.g. educational measures, therapeutic assistance) when:*

*a. children who initially generated the sexually suggestive or explicit images and/or videos of themselves only for their own private use subsequently decide to knowingly or intentionally offer or make available, distribute or transmit such images and/or videos to others;*

*b. children who receive other children’s self-generated sexually suggestive or explicit images and/or videos without asking for them subsequently decide to keep (i.e. store, not delete) such images and/or videos;*

*c. children intentionally obtain sexually suggestive or explicit images and/or videos generated by other children.*

134. In order to ensure that children are only prosecuted for ICT-facilitated sexual offences (including those related to child self-generated sexual images and/or videos) as a last resort and that alternative methods of dealing with their behaviours are prioritised, where appropriate,<sup>136</sup> specialisation of those responsible for investigation and prosecution is important. This can be seen as a particular facet of the requirement for these bodies to be specialised in the field of combating child sexual exploitation and sexual abuse online (Article 34 of the Lanzarote Convention and paragraph 14 of the Interpretative Opinion, above).

### **Specialised investigative units**

135. In a minority of Parties, specialised investigative units exist for handling ICT facilitated sexual offences where these are committed by children (**Belgium, Denmark, Finland, Iceland, Latvia, Republic of Moldova, Netherlands, North Macedonia, Norway, Russian Federation, Serbia, Spain, Ukraine**).

136. In the **Slovak Republic**, sexual offences committed by adults or by children against children and facilitated by ICT are dealt with by the Cybercrime Department of the Criminal Police Office, which is part of the Presidium of the Police Force.

137. In some Parties that have no such specialised unit, investigations related to sexual offences committed by children are carried out by:

- A cybercrime unit and police vice squad (**Malta**);
- A director for investigating organised crime and terrorism (**Romania**).

### **Specialised prosecution services**

138. In some Parties, there are specialised prosecution services which handle ICT facilitated sexual offences committed by children (**Albania, Austria, Bosnia and Herzegovina, Hungary, Iceland, Italy, the Russian Federation, Serbia and Slovenia**). In **Sweden** the prosecutors in

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<sup>136</sup> See Recommendations II 6 to 9 in the legal frameworks chapter.

charge of the prosecution of crimes committed by juvenile offenders (under the age of 18 and above 15 years) are specialists in the matter.

139. A number of Parties also have specialised sections within the court system which handle ICT facilitated sexual offences committed by children (**Bosnia and Herzegovina, Italy, Spain, Switzerland and Turkey**).

140. In **Germany**, which does not have a specialised unit within the prosecution or court system, such offences fall under the competency of the youth public prosecutors and special youth courts, respectively.

141. There are no specialised units or public prosecutors in the organisational units of the public prosecutor's office of **Poland** conducting or supervising pre-trial proceedings for sexual offences against children, the commission of which is facilitated by the use of ICT by child offenders.

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation III-11**

The Lanzarote Committee invites **those Parties that are not already doing so** to have units, sections or persons specialised in ICT-facilitated sexual offences committed by children against other children for authorities responsible for investigation and for authorities responsible for prosecution

## **III.2 Training of professionals**

***Lanzarote Convention, Chapter VII - Investigation, prosecution and procedural law***

***Article 34 – Investigations***

*1. Each Party shall adopt such measures as may be necessary to ensure that persons, units or services in charge of investigations are specialised in the field of combating sexual exploitation and sexual abuse of children or that persons are trained for this purpose (...).*

***Article 36 – Criminal court proceedings***

*1. Each Party shall take the necessary legislative or other measures, with due respect for the rules governing the autonomy of legal professions, to ensure that training on children's rights and sexual exploitation and sexual abuse of children is available for the benefit of all persons involved in the proceedings, in particular judges, prosecutors and lawyers.*

**Explanatory Report**

**Article 34 – Investigations**

233. Article 34 lays down the principle that professionals responsible for criminal proceedings concerning the sexual exploitation or sexual abuse of children should be trained in this area.

234. In view of the roles of the various agencies generally responsible for investigating child sexual exploitation and sexual abuse (police, prosecution services, child protection and health services), Parties could set up interdisciplinary services to carry out investigations, with the aim of enhancing professional competence and of preventing re-victimisation of the victim by repetitive procedures. Comprehensive and multi-agency child-friendly services for victims under one roof (often known as "Children's House") could, for example, be set up.

**Article 36 – Criminal court proceedings**

241. Paragraph 1, which echoes Article 34, paragraph 1, lays down the principle that those involved in judicial proceedings (in particular judges, prosecutors and lawyers) should be able to receive training in children's rights and in the area of sexual exploitation and sexual abuse of children. The obligations of the States Parties in this respect must naturally take account of requirements stemming from the independence of the judicial professions and the autonomy they enjoy in respect of the organisation of training for their members. It is for this reason that paragraph 1 does not require training to be provided, but states that it should be available to professionals wishing to receive it.

142. Article 34, para. 1 requires Parties to provide training in the field of combating child sexual exploitation and sexual abuse to those in charge of investigations.

143. Article 36 para. 1 aims to ensure that those involved in criminal proceedings have access to training on children's rights and sexual exploitation and abuse. While it does not mandate such training, it provides that it should be made available and that all actors involved in criminal proceedings should be able to benefit from it. However, it specifies that such training should be made available in particular to judges, prosecutors and lawyers.

144. These provisions should be read in line with the Interpretative Opinion. It states that training should be provided to authorities responsible for investigation and prosecution, in order to ensure effective investigation and prosecution of sexual offences against children facilitated through the use of ICTs (paragraph 14).

**Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies (ICTs) (adopted on 12 May 2017)**

14. In order to ensure effective investigation and prosecution of sexual offences against children facilitated through the use of ICTs, resources should be allocated and training should be provided to authorities responsible for investigation and prosecution;

### III.2.1 Training of law enforcement agents

145. The majority (38 out of 43)<sup>137</sup> of Parties have training modules in place for law enforcement agents related to aspects of child sexual exploitation and sexual abuse.

146. Many of these Parties have their own training programmes, used either in full or in part to carry out training for law enforcement agents (**Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Slovak Republic, Spain, Sweden, Switzerland, and Turkey**).

147. In other Parties, law enforcement officials can access training, either wholly or in part, through external organisations:

- In **Andorra**, training is carried out by the specialised bodies of neighbouring countries (France and Spain);
- Within the framework of the Council of Europe project on “Strengthening and protecting the rights of children in **Ukraine**”, more than 100 trainings for law enforcement officers and social workers were conducted in 2015;
- Dedicated training activities are organised by the specialised organisations and institutions, such as INTERPOL, Europol and CEPOL.

148. In eleven Parties, there is training provided for law enforcement agents by the Party, as well as by external organisations (**Croatia, Estonia, Finland, Hungary, Iceland, Latvia, Lithuania, Luxembourg, Portugal, Slovak Republic and Switzerland**).

149. In a number of Parties, specific training is provided for members of specialised law enforcement units:

- In **Andorra**, members of the specialised police Unit for Crimes Against Persons (including minors) undergo mandatory training that covers all sexual offences when they join the unit;
- In **Croatia**, a training course is provided by the Police Academy for police officers specialising in youth. It addresses topics related to sexual abuse and exploitation of children on the internet. A second training course is provided for police officers investigating criminal offences committed against children through the internet;
- Police staff assigned to such services in **France** are given specific training on techniques for interviewing child victims and on the psychological aspects of such investigations;

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<sup>137</sup> **Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Republic of Moldova, Montenegro, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Slovak Republic, Slovenia, Spain, Sweden, Switzerland and Turkey.**

- **Latvian** law requires officials of the State Police who work with children to complete educational programmes to attain specialised knowledge in the field of protection of the rights of the child;
- In **Luxembourg**, the officers of the youth protection section of the Judicial Police Department follow specific seminars on the fight against child sexual exploitation and abuse involving ICTs;
- In **Spain**, members of the specialised police unit attend all courses organised on child sexual exploitation on the internet.

150. Other forms of training are available for law enforcement agents more generally, provided through training courses (**Estonia, France, Italy, Romania**), in police schools (**Hungary, Croatia, France, Norway**), through annual working meetings with a training component (**Slovak Republic**) and through provision of training materials (**Italy, Spain**).

151. Training is also provided at different levels (**Spain**). In **Germany**, training is available both by the Federal Criminal Police Office and in individual Länder. In the **Slovak Republic**, mandatory training is provided for representatives of the criminal police chosen from every municipality. In **Turkey**, meanwhile, the cyber-crimes unit provides training both nationally and internationally.

152. The content of training described by Parties is varied. They range across:

- children’s rights and international law (**Italy, Turkey**);
- hearing the child (**France**);
- sexual offences and violence against children (**Andorra, Bosnia and Herzegovina, Italy, Slovak Republic, Turkey**), such as intrafamilial violence (**France**);
- combating online child sexual abuse and exploitation, specifically (**Croatia, Luxembourg, Romania, Slovak Republic, Spain, Turkey**);
- investigative processes, including interviewing techniques, where a child victim is involved (**Croatia, Estonia, France, Romania, Turkey**);
- juvenile delinquency (**Czech Republic, France, Turkey**), such as violence against an ascendant (**France**);
- international cooperation in cybercrime investigations (**Turkey**);
- forensic investigation (**France, Romania**).

153. Only **Denmark, Germany, Hungary, Iceland, Italy, Portugal** and **the Russian Federation** have specific law enforcement training on production, possession, distribution or transmitting of child self-generated sexual images and/or videos, and ICT-facilitated coercion or extortion.

154. **Spain** specified that there was no training available on child self-generated sexual images and/or videos.

155. **Liechtenstein** specified that it does not have specialised training in place for law enforcement agents.

### ***Promising practices***

Save the Children in North West Balkans has worked with several government departments in **Bosnia and Herzegovina** to develop a curriculum for police officers which includes training in the field of violence against children. So far, 30 police officers have undergone advanced instruction to become trainers.

In the **Czech Republic**, law enforcement agents can benefit from qualification training courses. A time allowance of 20 hours is devoted to the issue of committing crime against children, including in the cyberspace. The issue of cybercrime is given a time allowance of 22 hours.

**Denmark** conducts mandatory training at its National Police Academy for front desk officers in handling cyber-related crime, which includes child self-generated sexual images and/or videos, sharing of content between children, coercion and extortion.

In **Portugal**, inspectors within specialised teams receive training on interviewing victims and collecting forensic evidence, including self-generated intimate images and videos that are uploaded or shared on the internet.

In Hesse, **Germany**, the *Polizeiakademie* offers a course on child pornography and juvenile pornography in Germany on the internet, with a target age range of 14-18. The week-long, non-obligatory course covers the production, possession, procurement, and further dissemination of data or material constituting pornography, including the criteria defining a criminal offence as set out in the Criminal Code. The course covers both legal issues and technical terms.

In addition to training, *carabinieri* in **Italy** receive a handbook on “Guaranteeing the Rights of Minors – Vademecum for Police Forces”, which covers topics such as cyberbullying and child sexual abuse material, including that which results from child self-generated sexual images and/or videos.

In the **Netherlands**, the Dutch Police has specific units on CSAM and Child Sexual Trafficking (CST), consisting of highly specialised and specifically trained personnel, also with regard to offences involving child self-generated sexual images and/or videos, and ICT facilitated coercion or extortion. Different initiatives within the police organisation aim to enhance cooperation and collaboration between CSAM and CST teams, vice teams and the specialised Teams on Digital Law Enforcement and High-Tech Crime.

### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation III-12**

The Lanzarote Committee requires **Georgia, Liechtenstein, North Macedonia, Serbia and Ukraine** to ensure training on sexual offences against children to all law enforcement agents who are likely to come into contact with such cases, including front desk officers, rather than reserving it to specialised units.

### **Recommendation III-13**

The Lanzarote Committee requests **Georgia, Liechtenstein, North Macedonia, San Marino, Serbia and Ukraine** to include ICT facilitated sexual offences against children in training of law enforcement agents who are likely to come into contact with such cases.

### **Recommendation III-14**

The Lanzarote Committee invites **Parties that are not already doing so** to provide specific training on ICT facilitated sexual offences against children, including when such offences involve child self-generated sexual images and/or videos, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.<sup>138</sup>

## **III.2.2 Training of prosecutors**

156. The majority of Parties (36 out of 43)<sup>139</sup> have training in place for prosecutors on aspects of child sexual exploitation and sexual abuse.

157. Of these, many (27) have their own training programmes in place, which are used either in full or in part to carry out training for prosecutors (**Andorra, Austria, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Finland, France, Georgia, Germany, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Republic of Moldova, Montenegro, Netherlands, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, and Turkey**). In some other Parties, prosecutors can access training through external organisations.

158. Four Parties have both their own and external training available for prosecutors (**Bosnia and Herzegovina, Finland, Poland, Romania**).

159. Depending on the Party, training is organised by national judicial academies (**Germany, Poland, Portugal, Serbia, Slovak Republic, Turkey**), or by prosecution authorities (**Bulgaria, Denmark, Sweden**). In the **Republic of Moldova**, training for prosecutors on investigating offences relating to sexual exploitation and sexual abuse of children is provided within the National Institute of Justice.

160. Several Parties detailed relevant projects aiming at providing training resources, in cooperation with international organisations:

- In **Bosnia and Herzegovina**, ‘Guidelines for acting in case of violence against children in the ICT environment in Bosnia and Herzegovina’ have been produced in cooperation with UNICEF and the International Solidarity Forum EMMAUS.
- In the **Russian Federation**, the training of prosecutors within the framework of the University of the Prosecutor's Office of the Russian Federation and its branches includes

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<sup>138</sup> Such trainings can also be part of broader training programmes.

<sup>139</sup> **Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, France, Finland, Georgia, Germany, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Malta, Republic of Moldova, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, and Turkey.**

a set of disciplines such as the protection of the rights of children, in general, and ICT facilitated sexual offences against children, in particular.

- The **Serbian** Judicial Academy implements basic and advanced training on high-tech crime and child internet safety in cooperation with Save the Children.

161. The nature of the training provided varies between Parties: it can form a component of prosecutors' pre-professional education, be part of a regular, ongoing training programme for practicing prosecutors, or the topic of ad hoc seminars. For example:

- In **Austria**, and in addition to training, voluntary seminars on child pornography and sexual abuse of minors take place on a biannual basis;
- In **Denmark**, the Director of Public Prosecutions offers a yearly, three-day course to train prosecutors on cases involving crimes against children;
- In **Hungary**, specialised trainings, meetings, round tables and conferences are organised for prosecutors, and prosecutors can enrol in an LL.M. on juvenile justice;
- In **Latvia**, prosecutors must pass two training courses on children's rights, as part of an education program on specialised knowledge consisting of 40 lessons including 24 lessons on knowledge perfection;
- In **Spain**, sexual offences against children (particularly in relation to 'child pornography') form an essential part of prosecutors' education allowing them to access the Prosecution Service.

162. In a number of Parties, a combination of different types of training are implemented:

- in **Turkey**, the prosecutors' training is rather practical: aspiring prosecutors visit Child Monitoring Centres (ÇİM) for a total of 8 hours, in order to follow investigatory and examination activities in crimes where the victim is a child.
- in other Parties, the training courses are characterised by the multiplicity of resources available to prosecutors, including guides or online FAQs (**Bosnia and Herzegovina, Serbia, Sweden**). In **Sweden** the Prosecution Authority offers a yearly, two weeks course to train prosecutors on cases involving crimes against children. One week is dedicated to violence against children and one week is dedicated to sexual abuse of children. A three-days education on cybercrime including ICT crimes is also offered within the Prosecution Authority.

163. Another difference between the Parties is whether the training is mandatory or voluntary.

- For a number of Parties, specialised training on sexual exploitation and abuse of children is mandatory for prosecutors specialised or assigned to cases involving children (**Spain**). In **Bosnia and Herzegovina**, this requirement is embedded in the law. In **Latvia**, specialised training on the protection of children's rights is mandatory for all prosecutors working with children.
- Participation in specialised seminars tends to be voluntary (**Austria, Germany**), as are post-qualification courses open to all prosecutors (**Denmark, Spain**).

- More general training on children's issues and sexual offences tends to be compulsory (**Andorra, Spain**). Evaluation of the prosecutors' participation in the professional development activities is mandatory (**Latvia**).

164. The Parties detailed a range of training contents, including:

- children's rights (**Bosnia and Herzegovina, Bulgaria, Hungary, Latvia, Portugal**);
- interviewing children and other procedures (**Denmark, Romania, Turkey**), including communicating with children throughout criminal proceedings (**Latvia, Poland**);
- sexual violence against children (**Andorra, Bulgaria, Denmark, France, Germany, Hungary, Italy, Portugal, Romania, Spain, Turkey**);
- online child sexual abuse and sexual exploitation (**Bosnia and Herzegovina, Bulgaria, Czech Republic, France, Germany, Poland, Sweden**);
- child sexual abuse material, specifically (**Austria, Bosnia and Herzegovina, Czech Republic, Denmark, Finland, France, Germany, Poland, Portugal, Spain**);
- interdisciplinary approaches (**Germany, Portugal**);
- international collaboration (**Bulgaria, Germany**);
- investigation of digital offences (**Iceland**);
- specific issues relating to high-tech or cybercrime (**Czech Republic, France, Hungary, Serbia**);
- promoting the development of best practices and enhancing conscious case management (**Hungary**).

165. Few countries specified whether training for prosecutors covered the challenges raised by child self-generated sexual images and/or videos, and ICT-facilitated coercion or extortion. However, some partial exceptions were found in **Austria** and **the Czech Republic**, where seminars on issues surrounding child sexual abuse materials are regularly held, **Iceland** where a special course for prosecutors addressing the issue was held in the autumn 2019, **Portugal**, which includes harassment for sexual videos in its ongoing training, and **Italy**, which, in 2018, devoted a training course addressing judges, prosecutors and attorneys, on children's rights in the digital environment including topics which were then included among the criminal offenses covered by the so-called "Red Code" (Law No 69/2019). In **Bosnia and Herzegovina**, the Guidelines for acting in case of violence against children in the ICT environment cover the use of social media networks, which could be of particular relevance for these specific areas. In **Germany**, the Federal Ministry of Justice and Consumer Protection will offer a seminar at the German Judicial Academy in 2022 which will cover, among other things, the use of investigative authority to combat child pornography. This advanced training measure will be directed both to judges and public prosecutors.

166. **Cyprus** specified that it does not have specialised training in place for prosecutors.

### ***Promising practices***

In **Austria**, the judiciary provides specialised training to prosecutors, prosecutor trainees and judges on the topics of sexual exploitation and sexual abuse of children, including sexting, violence and hate on the Internet, and cybercrime and the darknet. In addition, training on child pornography and sexual abuse of minors takes place every two years.

In the **Czech Republic**, the Judicial Academy regularly organises or co-organises educational events related to ICT facilitated criminal offences including sexual offences, available to prosecutors, judges, and, depending on the capacity of the courses, legal and judicial trainees, as well as assistants to judges and prosecutors. Among these, two long seminars were organised in 2021 on the theme “Cybercrime – selected issues”, focusing, among others, on “threats on social networks, especially against children, cyberbullying, cybergrooming, sexting, cyberstalking, extortion, production and distribution of child pornography”. In addition, a three-day seminar “Juveniles and minors” was organised in 2019, focusing on the issue of “children and risks of cyberspace”, including on the issues of “crimes committed by children and on children through the cyber environment and the protection of children, cyberbullying, sexting, webcamtroulling, cybergrooming”.

In **Finland**, there are specialised public prosecutors (senior specialised prosecutors and district prosecutors) in all prosecutor districts of the National Prosecution Authority who are responsible for prosecution of sexual offences and ICT-facilitated sexual offences, including when committed by children against other children. In addition, the specialised prosecutors have undergone all training available on issues such as “child abuse materials” and “sexual offences against children” and have become trainers themselves. Training courses on the issue of ICT-facilitated sexual offences against children, including offences involving the production of sexual images or videos representing a child are also available to prosecutors.

In **Poland**, the National School of Judiciary and Public prosecution will organise a training course entitled “Crimes against minors committed via the Internet”. The proposed key topics included, inter alia, characteristics of internet crime against minors, online threats, grooming offence, child pornography, methodology to conducting proceedings in cases concerning the production and distribution of pornographic content with the participation of a minor. The training will be addressed to judges and judge’s assessors adjudicating in criminal divisions, prosecutors and prosecutors’ assessors. Polish judges and prosecutors also participated in international trainings organised in the framework of cooperation with the ERA Academy of European Law on “Soliciting children online for sexual purposes” and on “preventing child sexual abuse material online”.

In **Portugal**, the Centre for Judicial Studies provides ongoing training for judges and prosecutors that covers the possibility of being harassed for the “realisation of sexual videos”. The course also underlines the need for close links between the Criminal and the Family and Children jurisdictions.

The **Swedish** Prosecution Authority is currently working to implement the project ‘Crimes against children, close relationships and sexual offences against adults and children – a developed best practice’. The project is carried out in close cooperation with the police and includes further development of the methodology and work procedure for prosecutors.

### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation III-15**

The Lanzarote Committee requires **those Parties that are not already doing so**<sup>140</sup> to put training in place for prosecutors on aspects of child sexual exploitation and sexual abuse.

#### **Recommendation III-16**

The Lanzarote Committee requests **those Parties that are not already doing so**<sup>141</sup> to ensure that training on ICT facilitated sexual offences against children is available for prosecutors who are or will be working on these issues.

#### **Recommendation III-17**

The Lanzarote Committee invites **those Parties that are not already doing so** to ensure that training on the challenges raised by child self-generated sexual images and/or videos and ICT-facilitated coercion or extortion of children is available to prosecutors.<sup>142</sup>

### **III.2.3 Training of judges**

167. The majority (34 out of 43)<sup>143</sup> of Parties have relevant training in place for judges.

- Of these, most (28) have their own training programmes in place, which are used either in full or partly to carry out training for judges (**Andorra, Austria, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Finland, Georgia, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Spain, Sweden, Switzerland, and Turkey**). In several others, training is made available by external organisations.
- In six Parties, training is provided by the Party and by external organisations (**Bosnia and Herzegovina, Denmark, Latvia, Luxembourg, Montenegro, Poland and Romania**).

<sup>140</sup> Albania, Cyprus, Greece, Luxembourg, Monaco, San Marino, Ukraine.

<sup>141</sup> Albania, Andorra, Belgium, Cyprus, Estonia, Georgia, Greece, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Romania, San Marino, Slovak Republic, Slovenia, Switzerland, Turkey and Ukraine.

<sup>142</sup> Such trainings can also be part of broader training programmes.

<sup>143</sup> Andorra, Austria, Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, and Turkey.

- In many Parties, judges and prosecutors are trained together and/or have the same training options available to them (**Andorra, Austria, Bosnia and Herzegovina, Czech Republic, France, Germany, Italy, Poland, Portugal, Romania, Serbia and Turkey**).

168. The Committee notes the following specific training arrangements for judges:

- In **Finland**, judges were offered a voluntary course on the Lanzarote Convention and related legislative amendments in 2011.
- In **Italy**, the Juvenile Court works with ‘honourable judges’, with high and proven professionalism and competence, in relation to protection of and problems relating to children.
- It is mandatory in **Latvia** for judges who participate in cases on violence against children to pass a 40-hour training course on children’s right to protection. There is, however, no specific focus on ICT-facilitated offences against children.
- Before entering into office, magistrates in **Luxembourg** must undergo basic training, which includes issues of youth protection, as well as internships in the youth courts, teams and law enforcement agencies. They also visit institutions which take care of children, including minor offenders. In addition, magistrates can access continuing education, both in Luxembourg and abroad, on a voluntary basis.
- In the **Republic of Moldova**, training for judges on examining offences relating to sexual exploitation and sexual abuse of children is provided within the National Institute of Justice.
- In **North Macedonia**, under Article 101 of the Law on Juvenile Justice, the judge specialised in juvenile cases is required to undergo annual training.
- In **Romania**, in addition to pre-professional education, magistrates are provided with continuous, compulsory training by the National Institute of Magistracy.
- In the **Russian Federation**, training of judges provided by the Russian State University of Justice includes the specifics of trial on sexual offences against minors on the Internet.
- In **Sweden**, a two-day training session is organised on an annual basis for criminal law judges, also aimed at providing them with the opportunity to meet and discuss selected issues, and to exchange experiences. During the 2016 session, criminal trial procedures involving children and online sexual offences against children were two major themes. Training sessions on sexual offences, in general, are offered by the Courts of the Judicial Training Academy. Permanent judges are not subject to mandatory training. The Swedish Judicial Training Academy offers judges a course in cybercrime which includes a session on child pornography. From the 2021 training session for criminal law judges one of the themes was crimes committed on a distance (i.e. ICT facilitated offences) which included information on sexual offences against children
- In **Serbia**, there is no advanced training or specialisation organised for judges on cybercrime.

169. **Liechtenstein** and **San Marino** specified that no specialised training was in place for judges.

## **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

### **Recommendation III-18**

The Lanzarote Committee requests **those Parties that are not already doing so**<sup>144</sup> to ensure that training on ICT facilitated sexual offences against children is available for judges who are or will be working on these issues.

### **Recommendation III-19**

The Lanzarote Committee invites **all Parties** to ensure that training on the challenges raised by child self-generated sexual images and/or videos and ICT facilitated coercion or extortion of children is available to judges.<sup>145</sup>

## **III.2.4 Training overall**

170. Very few trainings specifically address the theme of the monitoring round: the challenges raised by child self-generated sexual images and/or videos. Most of the training covered in this chapter deals with general issues involving the protection of children from sexual exploitation and abuse (usually, but not always, facilitated by ICT).

171. However, the number of Parties that are training their relevant professionals on how to interview and otherwise deal with children in cases of sexual exploitation and sexual abuse is encouraging. This gives hope that this will translate into a better understanding of the challenges raised by child self-generated sexual images and/or videos and ICT-facilitated coercion and extortion of children.

172. Joint (or “joined-up”) training can ensure coherence and consistency across all aspects and steps of criminal proceedings. In many instances, prosecutors and judges are trained together (as mentioned above); in fewer instances, law enforcement and other judicial authorities are offered joint training (**Poland, Romania**). In the context of the Council of Europe End Online Child Sexual Exploitation and Abuse@Europe (EndOCSEA@Europe) regional project, several national trainings in an online format have been held in a multi-stakeholder setting, reuniting representatives of law enforcement, judges and prosecutors from **Ukraine** and the **Republic of Moldova**, in 2020-2021.

173. For some Parties, the speed of development of modern technologies and the internet is a challenge (**Croatia, Germany, Portugal, Slovak Republic, Switzerland**): it requires constant development of IT experts’ knowledge, which can be crucial during the investigation phase. These identified difficulties underscore the need for on-going, post-qualification training of all professionals involved in proceedings concerning ICT-facilitated sexual exploitation and abuse, which is ideally mandatory.

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<sup>144</sup> **Albania, Andorra, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Georgia, Greece, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Switzerland, Turkey and Ukraine.**

<sup>145</sup> Such trainings can also be part of broader training programmes.

174. The method of training provided also merits attention. Several countries specified that training involved not just theoretical, but also practical elements (**Denmark, France, Luxembourg, Poland, Turkey**), including reviewing video interrogations with children (**Denmark**) or by studying a practical case where future prosecutors have to deal with a situation where an adult sexually solicits a 15-year-old child via ICTs and then meets her (**France**). It is also suggested that training be based on simulated cases of ICT-facilitated sexual offences involving child self-generated sexual images and/or videos.

#### ***Promising practice***

In **Romania**, the CYBEREX (Romanian Centre for Excellence in Combatting Cybercrime) provides training courses in the field of cybercrime investigation for legal professionals (judges, prosecutors and police officers) both in matters of substantive and procedural law, as well as in forensic issues.

#### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

##### **Recommendation III-20**

The Lanzarote Committee invites **Parties that are not already doing so** to offer joint (or “joined-up”) training for professionals, and particularly law enforcement, prosecutors and judges, involved in legal proceedings involving ICT-facilitated child sexual exploitation and sexual abuse, in order to ensure consistency at all stages.

##### **Recommendation III-21**

The Lanzarote Committee invites **Parties that are not already doing so** to ensure that training on ICT-facilitated sexual offences against children for law-enforcement, prosecutors and judges contains a practical element, involving simulated or real cases.

### ***III.3 Effective investigation and prosecution***

#### ***Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies (ICTs) (adopted 12 May 2017)***

*7. Recognising the transnational character often present in sexual offence against children which are facilitated by ICTs, and the fact that this may complicate the identification of the victims and prosecution of offenders;*

*(...)*

*13. In implementing the Lanzarote Convention, Parties should ensure appropriate responses to technological developments and use all relevant tools, measures and strategies to effectively prevent and combat sexual offences against children which are facilitated through the use of ICTs;*

175. The provisions of the Lanzarote Convention relating to proceedings and ensuring the effectiveness of investigations should be read in line with the Interpretative Opinion, which applies them to sexual offences against children facilitated through the use of information

and communication technologies. In addition, specific responses may be necessary to address the specific challenges raised by ICT-facilitated offences, including its often transnational nature, and the resulting complication in identifying victims and prosecuting offenders. This also includes activities relating to international cooperation, which is dealt with in Chapter V below.

### III.3.1 Victim identification

#### ***Lanzarote Convention, Chapter VII - Investigation, prosecution and procedural law***

##### ***Article 30 – Principles***

*5. Each Party shall take the necessary legislative or other measures, in conformity with the fundamental principles of its internal law:*

*(...)*

*– to enable units or investigative services to identify the victims of the offences established in accordance with Article 20, in particular by analysing child pornography material, such as photographs and audiovisual recordings transmitted or made available through the use of information and communication technologies.*

##### ***Explanatory report***

*218. The second indent [of Article 30, Paragraph 5] urges parties to develop techniques for examining material containing pornographic images in order to make it easier to identify victims. It is essential that every possible means be used to facilitate their identification, not least in the context of co-operation between States, as provided for additionally in Article 38 paragraph 1.*

176. Article 30(5) of the Lanzarote Convention calls on Parties to develop techniques for examining child sexual abuse material for the purpose of victim identification. Read in conjunction with Article 20 of the Lanzarote Convention, the term “victim identification” refers to the analysis of photographs and films depicting the sexual abuse of a child – known as child sexual abuse material (CSAM) – with the objective of identifying the child and/or abuser appearing in such material and intervening to safeguard the child. It thus consists in a combination of image analysis and traditional investigative methods.

177. Image analysis is the examination of the digital and visual content of those photographs and films for identification purposes. Clues can come from many places and in many forms, and it is the task of the victim identification specialists to retrieve those clues and piece them together using a range of specialised tools. The results of this analysis in the virtual world will be crucial to the investigation that can then take place in the physical world.

178. After child sexual abuse images or videos are seized or identified by Parties’ law enforcement agencies, this material shall be analysed for victim identification purpose. In such cases, the following should be determined:

- Whether the child depicted is being sexually abused or exploited currently or in the past;
- Whether the child originates from or resides in the country in which CSAM was identified, or in another country;

- Whether the child sexual abuse or sexual exploitation case is or is not known at the national or international level;
- Whether the child victim is or is not yet identified.

179. Given the transnational character of ICT-facilitated sexual exploitation and sexual abuse, international cooperation may frequently be necessary in order to identify victims and pursue investigations and other proceedings. The Lanzarote Committee already held that “Parties shall, in accordance with Article 38 of the Convention, co-operate in order to face the transnational character often present in sexual offences against children facilitated through the use of ICTs.”<sup>146</sup> In this context, Article 38(1) calls on Parties to cooperate with one another, in particular to reduce obstacles to rapid sharing of information and evidence.<sup>147</sup>

180. Most Parties (32 out of 42)<sup>148</sup> have victim identification units within law enforcement for cases of ICT facilitated sexual offences against children. A number of Parties have victim identification functions located within units dedicated specifically to child abuse material or cyber-related sexual offences (**Denmark, Finland, France, Hungary, Italy, Republic of Moldova**). Others locate these functions within cybercrime or high-tech crime departments (**Bulgaria, Croatia, Liechtenstein, Portugal, Slovak Republic, Switzerland, Turkey**), police and investigation services (**Czech Republic, Germany, Romania, Spain**), departments for combating illegal content, telecommunications or human trafficking (**Ukraine**), or serious and organised crime (**Belgium**).

181. There is no victim identification function in **Montenegro**, and **San Marino**.

182. The assessment of the victim’s age is necessary in order to determine whether sexual material involves children, and therefore whether it is child sexual abuse material. Many Parties stated that the assessment of (potential) victims’ ages was a challenging and time-consuming task (**Hungary, Liechtenstein, Portugal, Spain, Germany, Slovenia**). For **Hungary**, if it is questionable whether the perpetrator has actually misidentified the child’s age, assessing the age of the child will take place by involving of a forensic doctor or expert anthropologist. It should be noted, of course, that carrying out age assessment should only be necessary for a “new” image and/or video, that is not already within an accessible database of known images of child sexual abuse.

### ***Promising practices***

In a number of Parties, victim identification functions are located within units dedicated specifically to child sexual abuse materials, namely: **Finland’s** Child Abuse Material Group, **France’s** Centre for the analysis of images of child pornography (CNAIP), **Italy’s** National Centre for the Fight against Child Pornography on the Internet (CNCPO), and **the Republic of Moldova’s** Child Protection Section of the Centre for Combating Cybercrime.

<sup>146</sup> Interpretative Opinion, para. 19.

<sup>147</sup> International cooperation is covered in Chapter V below.

<sup>148</sup> **Albania, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Malta, Republic of Moldova, Netherlands, Poland, Portugal, Romania, Russian Federation, Spain, Slovenia, Sweden, Switzerland, Turkey, and Ukraine.**

In 2017 Europol launched an initiative TRACE an OBJECT, in order to strengthen the global victim identification efforts.<sup>149</sup> Citizens can help by clicking on an object, selected from the genuine CSAM, they recognise and providing Europol with the information they have on the object. This can be done anonymously. Once the origin of an object is identified, Europol will inform the competent law enforcement authority of the involved country to further investigate this lead and potentially speed up the identification of both the offender and the victim. A good practice, which is advisable in this regard includes spreading information on this initiative by including a link to the objects selected by Europol on the website of CSEA dedicated law enforcement units.

### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation III-22**

The Lanzarote Committee requires **Montenegro** and **San Marino** to take measures to enable units or investigative services to identify the victims of the offences established in accordance with Article 20 of the Lanzarote Convention, in particular by analysing child sexual abuse material.

#### **Recommendation III-23**

The Lanzarote Committee requires **Bosnia and Herzegovina, Georgia, Luxembourg, North Macedonia** and **Serbia** to set-up victim identification function within law enforcement in charge of combating ICT facilitated sexual offences against children.

183. In the **Czech Republic, France** and the **Republic of Moldova**, there are national databases for identification of victims in child abuse materials, while the national police of **Liechtenstein** can access the National Image Hash Value Database (NDHS) of the **Swiss** Cybercrime Coordination Unit. **Georgia, Lithuania, Portugal** and the **Republic of Moldova** have access to the NCMEC database.<sup>150</sup>

184. Such databases are designed to assist investigators in the automated categorisation of media-evidence files (images & videos) and within victim identification process. This can significantly reduce the amount of time required, by an investigator, to analyse seized media files found on computer hard drives and in other digital storage sources. The number of case media-evidence files that require examination can be counted in millions which can take an investigator months to analyse. With the implementation of such databases, this process can be reduced to days.

185. Beyond national databases, INTERPOL hosts an International Child Sexual Exploitation (ICSE) image and video database. The database is a powerful intelligence and investigative tool which allows specialised investigators to share data with other actors across the world. It uses sophisticated image and video comparison software to make connections between

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<sup>149</sup> <https://www.europol.europa.eu/newsroom/news/europol-launches-public-appeal-to-help-identify-victims-of-child-sexual-exploitation>.

<sup>150</sup> National Center for Missing & Exploited Children. See further <http://www.missingkids.org/home>.

victims, abusers and places of abuse.<sup>151</sup> As of October 2020, the database has helped identified 23,564 victims worldwide.

186. 31 (out of 43)<sup>152</sup> Parties make an active contribution to the INTERPOL's ICSE database. Many Parties do so through units specialised in cybercrime or high-tech crimes (**Andorra, Bulgaria, Croatia, Czech Republic, Portugal, Switzerland, Turkey**). Several do so through units dedicated to cybercrime involving children, sexual offences, or child abuse materials (**Denmark, France, Hungary, Italy, Republic of Moldova, Romania**), through serious crime units (**Belgium**), or investigative and police offices (**Czech Republic, Germany, Spain**). **Germany** also has ICSE users within its National Central Bureaus for the International Criminal Police Organisation. Several countries have active users in more than one department or unit.

187. **Poland** has been carrying out an analysis of the possibility of organising trainings with Interpol trainers on the use of the ICSE database.

188. In addition, seven other Parties are connected to the ICSE database, but do not actively contribute to it (**Bosnia and Herzegovina, Greece, Latvia, Liechtenstein, Montenegro, San Marino, Slovak Republic**). A number of obstacles were cited in active contribution to the database, including a lack of national experts specialising in the identification of victims of online child abuse material (**Liechtenstein**), as well as national legal challenges relating to when photographs can be contributed to the database (**Bosnia and Herzegovina**). Other Parties expressed some scepticism about the utility of the database in their national context (**Latvia**), or indicated that national systems already integrate data from the ICSE database (**Montenegro**). It should be noted, however, that active contribution to the ICSE database can assist other countries in their investigations. As such, it can be seen as part of efforts to cooperate internationally on combatting child sexual exploitation and abuse, in line with Article 38(1), rather than a tool that serves only domestic purposes.

189. **Albania** and **North Macedonia** currently have no connection to the ICSE database.

### ***Promising practices***

In 2014, experts from **Denmark, France, Germany, Netherlands, Spain, Sweden** and the **United Kingdom** (as well as Australia, the USA, EUROPOL and INTERPOL) engaged in a Victim Identification Taskforce (VIDTF) to harness international cooperation in victim identification.<sup>153</sup> This initiative has been continued, including its 10<sup>th</sup> edition in October-November 2021.<sup>154</sup>

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<sup>151</sup> See:

<https://www.interpol.int/en/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database>.

<sup>152</sup> **Andorra, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Netherlands, North Macedonia, Poland, Portugal, Romania, Russian Federation, Slovak Republic, Slovenia, Spain, Switzerland, Turkey** and **Ukraine**.

<sup>153</sup> See:

<https://www.europol.europa.eu/activities-services/europol-in-action/operations/victim-identification-taskforce>.

<sup>154</sup> <https://www.europol.europa.eu/newsroom/news/global-europol-taskforce-identifies-18-child-victims-of-sexual-abuse>

In **Finland**, a policeman from the National Bureau of Investigation was sent by the National Police Board in 2016 and 2017 to Interpol’s Crimes Against Children Office for six months to familiarise himself with the work of the unit specialising in victim identification and will also participate in a victim identification course arranged by Interpol and Europol.

### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation III-24**

The Lanzarote Committee invites all **Parties** to ensure that measures, services and technology available to those in charge of identifying child victims of ICT-facilitated sexual offences are up to date, reflecting current practices across Parties, include the establishment and use of national child abuse material databases, and that resources are sufficiently allocated.

#### **Recommendation III-25**

The Lanzarote Committee invites **all Parties** to engage in and strengthen inter-Party cooperation for the purpose of identifying child victims of ICT facilitated sexual offences, including, where appropriate, by providing access to each other’s databases or shared databases.

#### **Recommendation III-26**

The Lanzarote Committee invites **Albania** and **North Macedonia** to establish a connection with the INTERPOL’s ICSE database.

#### **Recommendation III-27**

The Lanzarote Committee invites **Bosnia and Herzegovina, Greece, Latvia, Liechtenstein, Montenegro** and **San Marino** to ensure that any obstacles to active contribution to INTERPOL’s ICSE’s database are removed and that national contributions are implemented in practice, regardless of the nationality of the victims.

### III.3.2 Challenges in the prosecution of perpetrators

#### **Lanzarote Convention, Chapter VII - Investigation, prosecution and procedural law**

##### **Article 30 – Principles**

(...)

3. *Each Party shall ensure that the investigations and criminal proceedings are treated as priority and carried out without any unjustified delay.*

4. *Each party shall ensure that the measures applicable under the current chapter are not prejudicial to the rights of the defence and the requirements of a fair and impartial trial, in conformity with Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.*

5. *Each Party shall take the necessary legislative or other measures, in conformity with the fundamental principles of its internal law:*

– *to ensure an effective investigation and prosecution of offences established in accordance with this Convention, allowing, where appropriate, for the possibility of covert operations;*

(...)

##### **Explanatory report**

##### **Article 30 – Principles**

216. *Paragraph 3 recognises the principle according to which investigations and proceedings should be treated as priority and without unjustified delays, as the excessive length of proceedings may be understood by the child victim as a denial of his testimony or a refusal to be heard and could exacerbate the trauma which he or she has already suffered. The negotiators wished to emphasise that this provision reflects the principle established in Article 6 ECHR, which states that “everyone is entitled to a (...) hearing within a reasonable time” and that in proceedings involving children, this principle should be applied with particular care (...)*

217. *Paragraph 5, first indent, states that the Parties must take the necessary legislative or other measures to ensure an effective investigation and prosecution of the offences established in the Convention. This is a general obligation which applies to all the offences established in the Convention. It is for the Parties to decide on the methods of investigation to be used. However, States should allow, where appropriate and in conformity with the fundamental principles of their internal law, the use of covert operations. It is left to the Parties to decide on when and under which circumstances such investigative methods should be allowed, taking into account, inter alia, the principle of proportionality in relation to the rules of evidence and regarding the nature and seriousness of the offences under investigation.*

190. Article 30(3) of the Lanzarote Convention determines the principles of priority and efficiency, meaning that prosecutions and criminal proceedings must be carried out without unjustified delay. This is for the dual purpose of avoiding aggravating the child’s trauma and ensuring that the suspected perpetrator’s right to a fair trial under Article 6 ECHR is upheld.

191. Article 30(5) (first indent) further states that Parties must take the necessary legislative measures to ensure effective investigation and prosecution of offences defined by the Lanzarote Convention. Where appropriate and in conformity with the fundamental principles

of their internal law, Parties should allow the use of covert operations. Parties should take into account, inter alia, the principle of proportionality in relation to the rules on evidence and regarding the nature and seriousness of the offences under investigation.

192. As the Interpretative Opinion makes clear, the character of ICT-facilitated sexual offences complicates the prosecution of perpetrators (paragraph 7). In particular, Parties identified three main challenges in the prosecution of perpetrators who commit these kinds of offences involving child self-generated sexual images and/or videos: perpetrator identification, data retention and the closely related issue of obtaining and handling evidence. Paragraphs 13 and 14 of the Interpretative Opinion should also be recalled in responding to these challenges.

***Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies (ICTs) (adopted on 12 May 2017)***

*7. Recognising the transnational character often present in sexual offence against children which are facilitated by ICTs, and the fact that this may complicate the identification of the victims and prosecution of offenders;*

*(...)*

*13. In implementing the Lanzarote Convention, Parties should ensure appropriate responses to technological developments and use all relevant tools, measures and strategies to effectively prevent and combat sexual offences against children which are facilitated through the use of ICTs;*

*14. In order to ensure effective investigation and prosecution of sexual offences against children facilitated through the use of ICTs, resources should be allocated and training should be provided to authorities responsible for investigation and prosecution;*

**Perpetrator identification**

193. The Lanzarote Committee acknowledges the difficulties experienced by Parties to the Convention in identifying perpetrators who use ICTs for the purpose of committing sexual offences against children.

194. For example, **Austria**, **Germany** and **Hungary** specify that perpetrators who have sexually abused children, produced or disseminated child sexual abuse material are often difficult to trace and identify, when child abuse material has been shared multiple times. Similarly, **Luxembourg** states that, where the electronic device used to commit an offence is shared by several persons (for example, a computer in a company, to which many persons have access), it can be difficult to identify the perpetrator. In addition, **Bulgaria** reports that tracking internet connections, especially when connections have been through servers from different countries including through hidden IP addresses, as well as use of encrypted messages, can be a challenge in identifying perpetrators.

195. **France**, **Germany**, and **Hungary** recall that perpetrators also often seek to hide their identity online, for example through the use of fake names, open servers, or softwares which hide their identity. **Germany** points out that anonymisation services can make it impossible to locate the IP address of a sender or user. Specifically, **Estonia**, **Hungary**, **Germany**,

**Liechtenstein**, and **Switzerland** refer to the use of the Darknet and virtual private networks which make it more difficult to detect offences and their perpetrators.

196. In addition, **France** notes that access providers or GAFAM (Google, Apple, Facebook, Amazon and Microsoft) respond with difficulty to requisitions in the absence of partnership agreement protocols.

It is important to mention the production order prescribed in Article 18 of the **Convention on Cybercrime** (Budapest Convention) as an effective legal tool to be used to reveal the perpetrator's identity. This legal instrument enables the Parties' competent authorities to compel a person on its territory to provide specific stored computer data, or a service provider offering its services on the territory of a Party to submit subscriber information. Subscriber information is required in order to identify which services and related technical measures have been used or are being used by a subscriber, such as the type of telephone service used (e.g., mobile), type of other associated services used (e.g. call forwarding, voice-mail, etc.), telephone number or another technical address (e.g., e-mail address), and once the technical address is known, subscriber information is required in order to assist in establishing the identity of the perpetrator of the criminal offence.

197. While acknowledging the above-mentioned difficulties, the Lanzarote Committee recalls Article 30(5), first indent of the Lanzarote Convention which requires Parties to the Convention to “take the necessary legislative or other measures, in conformity with the fundamental principles of its internal law to ensure an effective investigation and prosecution of offences established in accordance with this Convention, allowing, where appropriate, for the possibility of covert operations”.

- In **Bulgaria**, undercover operations can be permitted by a court, and special intelligence means can be used when necessary for the investigation of the crime whereby a child under the age of 18, or a person who looks like they are under 18 years old, are used for the purpose of the creation of pornographic material.
- In **Poland**, Article 19 of the Law on Police permits the use of special investigative techniques (i.e., covert operations) in case of any sexual offences against children, including offences related to CSAM.
- In **Portugal**, covert operations may be carried out in cases of prevention and repression of offences, including offences against freedom and sexual self-determination. These must be punishable by more than five years' imprisonment, provided that the identity of the offender is unknown, or that children under the age of 16 or other persons without legal capacity are expressly referred to as the victims of the offences.
- In the **Republic of Moldova**, covert operations can be carried out if there is a suspicion of a serious, especially serious or exceptionally serious crime, which includes ICT-facilitated sexual offences against children, such as grooming and trafficking in children for sexual exploitation. In the case of crimes related to child sexual abuse material, covert operations can only be conducted if another serious cumulative crime is suspected, such as child trafficking. However, other investigative measures are permitted, such as wiretapping.

- In the **Russian Federation**, investigations of sexual offences against children through ICTs are carried out, including undercover operations, based on Federal Law N 144-FZ of 12 August 1995 (as amended on 30 December 2020) "On Operational Investigative Activities". This law defines the rules for the observance of human and civil rights and freedoms in the implementation of operational-search activities, on the one hand, and provides for the receipt of computer information, among other sources of information and measures for its receipt, control of messages sent through various communication channels, access to information from technical communication channels, undercover operative activities.
- In **Slovenia** the Criminal Procedure Act allows for all covert operations related to sexual offences against children facilitated by ICTs (covert surveillance, undercover operations, obtaining subscriber and content data from service providers, wiretapping, mail monitoring, etc).
- It is possible to use secret coercive measures in **Sweden** during the preliminary investigation regarding sexual crimes. One example is secret surveillance of electronic communications, which can be used in the preliminary investigation of offences in respect of which a less severe penalty than imprisonment for six months is not prescribed for the offence and for child pornography offences that are not to be regarded as minor offences. Another example is secret room surveillance which may be used in the preliminary investigations for an offence if it can be assumed taking account the circumstances that the offence will carry a penalty of more than four years imprisonment and it concerns human trafficking, rape, rape of a child or gross child pornography offences.

### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation III-28**

The Lanzarote Committee requests **those Parties that are not already doing so**<sup>155</sup> to take the necessary legislative or other measures, in conformity with the fundamental principles of their internal law, to ensure an effective investigation and prosecution of ICT facilitated sexual offences against children, allowing, where appropriate, for the possibility of covert operations.

#### **Recommendation III-29**

The Lanzarote Committee invites **all Parties** to engage in and strengthen inter-Party cooperation for the purpose of identifying perpetrators of ICT facilitated sexual offences against children, including, where appropriate, by providing access to each other's databases or shared databases containing information on such perpetrators.

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<sup>155</sup> **Albania, Andorra, Belgium, Bosnia and Herzegovina, Bulgaria, Denmark, Estonia, Georgia, Germany, Greece, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, North Macedonia, Norway, San Marino, Serbia, Slovak Republic, Spain, Turkey, and Ukraine.**

## **Data retention**

198. In **Bulgaria** and the **Slovak Republic**, the legal framework on telecommunication data storage is a problem in the prosecution phase, particularly insofar as providing a unified and reasonable time up until which data is stored by telecommunications service providers. In this regard, the **Slovak Republic** explained that, after the Court of Justice of the European Union (CJEU) annulled Directive 2006/24/EC on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks,<sup>156</sup> at the European Union level, provision of information on user IP addresses has been left dependent on the decision of the telecommunication services provider.

199. Other Parties also noted the limited duration of the electronic data retention as a challenge in the national context (it is limited to 6 months in **Luxembourg**, for example) compared to the investigation needs (**France, Luxembourg**). As a result, if a complaint is filed late, the prosecution authorities may no longer be able to obtain the identity of the IP number holder who has downloaded or coerced a child to obtain self-generated sexual images and/or videos. (**Luxembourg**).

200. On the other hand, the CJEU's concerns about interferences with the right to respect for private life and the protection of personal data demonstrates the difficult balance that must be struck between effectively investigating and prosecuting child sexual exploitation and abuse, while upholding the rights of the suspected perpetrator (as required by Article 30(4) of the Lanzarote Convention).

201. The issue of time-limited data retention also highlights the need for timely investigations, as required by Article 30(3) of the Convention, as well as the importance of having effective reporting mechanisms in place (Article 12 of the Convention).

202. The Lanzarote Committee, while acknowledging the above-mentioned difficulties, nevertheless recalls that Article 30(3) of the Lanzarote Convention requires Parties to the Convention to “ensure that the investigations and criminal proceedings are treated as priority and carried out without any unjustified delay”.

### **Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation III-30**

The Lanzarote Committee requires **all Parties** to ensure that investigations and criminal proceedings in ICT facilitated sexual offences against children are treated as priority and carried out without any unjustified delay.

## **Obtaining and handling evidence (further issues)**

203. **Austria, Denmark, Germany, Hungary, Latvia, Liechtenstein, Lithuania, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Sweden and Turkey** indicate that a key

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<sup>156</sup> Joined cases [C-293/12 and C-594/12](#) (judgment of 8 April 2014).

challenge for a successful prosecution phase is to obtain electronic evidence that can be validly used before courts.

204. As for the challenge with electronic evidence, there is a high risk that evidence is erased (**Austria, Germany, Hungary**), either by the perpetrator of the criminal offence, or the victim himself/herself, out of shame or fear (**Germany**). Further, computer data can be altered or moved, rendering it impossible to trace a crime to its perpetrator.

205. The Lanzarote Committee therefore considers that it is important for the Parties to be able to order preservation of specified stored computer data in connection with a specific criminal investigation or proceedings so that the data is kept safe from modification, deterioration or deletion. This can be done by means of search and seizure of stored computer data. On the other hand, this must be done while respecting a suspected perpetrator's rights to a fair trial and to privacy, including in relation to their data.

In *Trabajo Rueda v Spain*,<sup>157</sup> the European Court of Human Rights found a violation of Article 8 of the European Convention on Human Rights (right to respect for private life) after the applicant's computer was seized and files inspected on the grounds that he possessed child sexual abuse material. While emphasising that child sexual abuse is a grave human rights interference, the action, which had been carried out without the usual requirement of prior judicial authorisation, had been disproportionate. In this situation, the computer was already in the hands of the police and prior authorisation could have been obtained fairly quickly, without impeding police enquiries.

206. **Luxembourg** recalls that some communication services do not even retain data. This is the case of the Snapchat network/application where images can be sent but are not retained and therefore cannot be retrieved. **Sweden** stresses that a key challenge is to obtain electronic evidence stored in the cloud since this requires mutual legal assistance, most of the time with countries which are not Parties to the Lanzarote Convention, and that such legal assistance can take more than a year to be provided.

207. **Cyprus, Germany, Finland, Latvia, and Switzerland** note that where evidence is obtained, searching the data of devices in order to isolate and analyse it requires a considerable amount of time, resources and work. In **Germany**, where there are complex proceedings, analysis may take between 1.5 to 2 years or even longer; this may also lead to reduced sentences for the perpetrator due to excessively long duration of proceedings. In **Luxembourg**, computers or devices seized by the Police are first analysed from a technical point of view by the Judicial Police Service. Extracting all computer data from a computer takes from 4 to 6 months. The time invested in such work varies according to the volume of data found on the devices and the number of investigators in charge of these missions. As it is becoming more and more common to use the Internet on a daily basis, it is clear that investigators are increasingly confronted with a very large volume of data to exploit. This leads to longer processing and investigation timeframes.

208. Authorities are increasingly faced with encrypted data. This is the case, for example, of WhatsApp messaging service, which has end-to-end encryption. The exploitation of encrypted

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<sup>157</sup> App No. [32600/12](#) (judgment of 30 May 2017).

information can be particularly time-consuming. **Germany, Luxembourg, and Switzerland** recall that it may even happen that the encryption is so effective that the law enforcement specialists cannot decode the entirety of the data entered. As a consequence, prosecution authorities face challenges in their work (**Bulgaria**), and offences in relation to encrypted data can remain unpunished.

209. The Lanzarote Committee acknowledges that the heavy task, both in time and resource, of analysing data generated through ICTs during investigations is a major challenge to ensuring timely investigations (as required by Article 30§3 of the Lanzarote Convention), which requires significant investments in human, financial and physical resources. In particular, national and international cooperation through databases and other information sharing tools can provide valuable assistance, as can investment in specific technologies, including artificial intelligence technologies.

***Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies (ICTs) (adopted 12 May 2017)***

(...)

*13. In implementing the Lanzarote Convention, Parties should ensure appropriate responses to technological developments and use all relevant tools, measures and strategies to effectively prevent and combat sexual offences against children which are facilitated through the use of ICTs;*

210. Similarly, engaging and cooperating with the private sector, from internet service providers to developers of technologies which can be used by law-enforcement authorities, plays a pivotal role in investigating and prosecuting ICT-facilitated sexual offences against children. This may require increased self-regulation or new regulatory schemes – both at the national as well as European level – to ensure that private companies are fulfilling their responsibilities in upholding human rights.<sup>158</sup> The Lanzarote Committee notes that detailed elaboration of responding to these challenges is the subject of current work by other bodies of the Council of Europe and beyond.

At the Council of Europe, the [Second Additional Protocol to the Convention on Cybercrime on Enhanced Co-operation and Disclosure of Electronic Evidence](#) has been adopted by the Cybercrime Convention Committee (T-CY) on 28 May 2021 during its 24th plenary and by the Committee of Ministers of the Council of Europe on 17 November 2021. It focuses on international cooperation and electronic evidence. The process was driven by a recognition of the difficulties resulting from cybercrime evidence being increasingly stored on servers in foreign, multiple, shifting or unknown jurisdictions (within the cloud), and of the need to ensure rule of law and data protection safeguards.

On measures regarding child sexual abuse material, the Council of Europe [Guidelines to respect, protect and fulfil the rights of the child in the digital environment](#) (CM/Rec(2018)7) provide that:

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<sup>158</sup> See Recommendation CM/Rec(2016)3 on Human rights and business; United Nations (2011) *Guiding principles on businesses and human rights*.

- States should engage with business enterprises to provide assistance, including as appropriate technical support and equipment, to law-enforcement authorities to support the identification of perpetrators of crimes against children and collect evidence required for criminal proceedings (paragraph 63)
- States should require that business enterprises and other relevant stakeholders take all necessary steps promptly to secure the availability of metadata concerning any child sexual exploitation and abuse material found on local servers and make them available to law-enforcement authorities (paragraph 66).

On 10 December 2020, the Council of Europe launched the [Handbook for policy makers on the rights of the child in the digital environment](#), which “aims to support Council of Europe member States, and especially legislators and other “policy makers” (including governments and parliaments at central, regional and local levels) as well as academia, human rights agencies and relevant civil society organisations in implementing Recommendation CM/Rec(2018)7 and the Guidelines to respect, protect and fulfil the rights of the child in the digital environment. It is recognised that State authorities at different levels work with many other actors, including businesses and relevant international bodies, in developing policy and practice regarding children’s rights in relation to the digital environment. Hence the handbook identifies other stakeholders that member States could or should engage with to implement the guidelines and it provides concrete action points for States to engage with stakeholders and help them meet their responsibilities.” (p.11)

On 28 June 2021, the Council of Europe organised a public online event to present the independent experts’ report “[Respecting human rights and the rule of law when using automated technology to detect online child sexual exploitation and abuse \(OCSEA\)](#)”. The report represents the first step in response to the request of the Lanzarote Committee to support Council of Europe member states in light of a debate triggered in the context of the EU to allow the processing of personal and other data for the purpose of combating OCSEA. It combines Council of Europe expertise in the fields of human rights, child protection, data protection and fight against cybercrime exploring appropriate solutions to reconcile the various human rights at stake while ensuring necessary safeguards in actions carried out in the public interest.

## **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

### **Recommendation III-31**

The Lanzarote Committee invites **all Parties** to take the necessary legislative or other measures to ensure that preservation of specified stored computer data in connection with a specific criminal investigation or proceedings is made possible, fully upholding the rights of the parties involved.

### **Recommendation III-32**

The Lanzarote Committee invites **all Parties** to take the necessary legislative or other measures to ensure that the investment in human, financial and physical resources is sufficient to have data generated by ICTs analysed in a timely manner so that investigations are carried out without any unjustified delay.

## IV. Jurisdiction rules

211. Sexual exploitation and sexual abuse facilitated by ICTs are likely to be linked to more than one jurisdiction because of their online component. Just to list a couple of examples, a perpetrator could be located in a different Party to where the victim is, or one aspect of the offence can occur in a Party different to where the perpetrator and victim are present. The prosecution of offences related to child self-generated sexual images and/or videos may thus involve more than one jurisdiction. The application of rules governing the exercise of jurisdiction will be necessary to determine which Party can prosecute a particular case and under which requirements.

212. The aim of this chapter is therefore to provide an overview of jurisdictional rules applicable to offences related to child self-generated sexual images and/or videos. To that end, this chapter will recall, in light of the Lanzarote Convention, in what circumstances a Party has jurisdiction over an offence committed on its territory, by one of its nationals or habitual residents, by a person present on its territory who committed an offence abroad, and against one of its nationals or habitual residents.<sup>159</sup>

### **Article 25 of the Lanzarote Convention – Jurisdiction**

*1. Each Party shall take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:*

- a) in its territory; or*
- b) on board a ship flying the flag of that Party; or*
- c) on board an aircraft registered under the laws of that Party; or*
- d) by one of its nationals; or*
- e) by a person who has his or her habitual residence in its territory.*

*2. Each Party shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.*

*3. Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply or to apply only in specific cases or conditions the jurisdiction rules laid down in paragraph 1.e of this article.*

*4. For the prosecution of the offences established in accordance with Articles 18, 19, 20, paragraph 1.a, and 21, paragraph 1.a and b, of this Convention, each Party shall take the necessary legislative or other measures to ensure that its jurisdiction as regards paragraph 1.d is not subordinated to the condition that the acts are criminalised at the place where they were performed.*

*5. Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right to limit the application of paragraph 4 of this article, with regard to offences established in accordance with Article 18, paragraph 1.b, second and third indents, to cases where its national has his or her habitual residence in its territory.*

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<sup>159</sup> The jurisdictional rules applicable in each Party in respect of the offences referred to in this chapter, are summarised in Appendix 2 to this report.

6. For the prosecution of the offences established in accordance with Articles 18, 19, 20, paragraph 1.a, and 21 of this Convention, each Party shall take the necessary legislative or other measures to ensure that its jurisdiction as regards paragraphs 1.d and e is not subordinated to the condition that the prosecution can only be initiated following a report from the victim or a denunciation from the State of the place where the offence was committed.

7. Each Party shall take the necessary legislative or other measures to establish jurisdiction over the offences established in accordance with this Convention, in cases where an alleged offender is present on its territory and it does not extradite him or her to another Party, solely on the basis of his or her nationality.

8. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate jurisdiction for prosecution.

9. Without prejudice to the general rules of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its internal law.

#### **Explanatory report**

165. This article lays down various requirements whereby Parties must establish jurisdiction over the offences with which the Convention is concerned.

166. Paragraph 1 a is based on the territoriality principle. Each Party is required to punish the offences established under the Convention when they are committed on its territory.

167. Paragraph 1 b and c is based on a variant of the territoriality principle. These subparagraphs require each Party to establish jurisdiction over offences committed on ships flying its flag or aircraft registered under its laws. This obligation is already in force in the law of many countries, ships and aircraft being frequently under the jurisdiction of the State in which they are registered. This type of jurisdiction is extremely useful when the ship or aircraft is not located in the country's territory at the time of commission of the crime, as a result of which paragraph 1 a would not be available as a basis for asserting jurisdiction. In the case of a crime committed on a ship or aircraft outside the territory of the flag or registry Party, it might be that without this rule there would not be any country able to exercise jurisdiction. In addition, if a crime is committed on board a ship or aircraft which is merely passing through the waters or airspace of another State, there may be significant practical impediments to the latter State's exercising its jurisdiction and it is therefore useful for the registry State to also have jurisdiction.

168. Paragraph 1 d is based on the nationality principle. The nationality theory is most frequently applied by countries with a civil-law tradition. Under it, nationals of a country are obliged to comply with its law even when they are outside its territory. Under sub-paragraph d, if one of its nationals commits an offence abroad, a Party is obliged to be able to prosecute him/her. The negotiators considered that this was a particularly important provision in the context of the fight against sex tourism. Indeed, certain States in which children are abused or exploited either do not have the will or the necessary resources to successfully carry out investigations or lack the appropriate legal framework. Paragraph 4 enables these cases to be tried even where they are not criminalised in the State in which the offence was committed.

169. Paragraph 1 e applies to persons having their habitual residence in the territory of the Party. It provides that Parties shall establish jurisdiction to investigate acts committed abroad by persons having their habitual residence in their territory, and thus contribute to the punishment of sex tourism. However, the criteria of attachment to the State of the person concerned being less strong than the criteria of nationality, paragraph 3 allows Parties not to implement this jurisdiction or only to do it in specific cases or conditions.

170. Paragraph 2 is linked to the nationality of the victim and identifies particular interests of national victims to the general interests of the State. Hence, according to paragraph 2, if a national or a person having habitual residence is a victim of an offence abroad, the Party shall endeavour to establish jurisdiction in order to start proceedings. However, there is no obligation imposed on Parties, as demonstrated by the use of the expression “endeavour”.

171. Paragraph 4 represents an important element of added value in this Convention, and a major step forward in the protection of children from certain acts of sexual exploitation and abuse. The provision eliminates, in relation to the most serious offences in the Convention, the usual rule of dual criminality where acts must be criminal offences in the place where they are performed. Its aim is to combat the phenomenon of sex tourism, whereby persons are able to go abroad to commit acts which are classified as criminal offences in their country of nationality. Paragraph 4 enables these cases to be tried even where they are not criminalised in the State in which the offence was committed. This paragraph applies exclusively to the offences defined in Articles 18 (sexual abuse), Article 19 (offences concerning child prostitution), Article 20 paragraph 1 a (production of child pornography) and Article 21 paragraph 1 a and b (offences concerning the participation of a child in pornographic performances) and committed by nationals of the State Party concerned.

172. In paragraph 5, the negotiators wished to introduce the possibility for Parties to reserve the right to limit the application of paragraph 4 with regard to offences established in accordance with Article 18 paragraph 1 b second and third indents. Therefore the reservation may be applied only in relation to situations where abuse is made of a recognised position of trust, authority or influence over the child including within his or her family, or when abuse is made of a particularly vulnerable situation of the child. It was considered that these types of offences are not typically committed by “sex tourists”. Thus, Parties should have the possibility to limit the application of paragraph 4 to cases where a person actually has his or her habitual residence in the State of nationality and has travelled to the country where the offence has been committed. Such reservations should not cover cases of persons working abroad for limited periods of time, such as those involved in humanitarian or military postings or other similar missions.

173. Paragraph 6 prohibits the subordination of the initiation of proceedings in the State of nationality or of habitual residence to the conditions usually required of a complaint of the victim or a denunciation from the authorities of the State in which the offence took place. Indeed, certain States in which children are sexually abused or exploited do not always have the necessary will or resources to carry out investigations. In these conditions, the requirement of an official denunciation or of a complaint of the victim often constitutes an impediment to the prosecution. This paragraph applies exclusively to the offences defined in Articles 18 (sexual abuse), Article 19 (offences concerning child prostitution), Article 20 paragraph 1 a (production of child pornography) and Article 21 (offences concerning the participation of a child in pornographic performances).

174. Paragraph 7 concerns the principle of *aut dedere aut judicare* (extradite or prosecute). Jurisdiction established on the basis of paragraph 6 is necessary to ensure that Parties that refuse to extradite a national have the legal ability to undertake investigations and proceedings domestically instead, if asked to do so by the Party that requested extradition under the terms of the relevant international instruments.

175. In certain cases of sexual exploitation or abuse of children, it may happen that more than one Party has jurisdiction over some or all of the participants in an offence. For example, a child may be recruited into prostitution in one country, then transported and exploited in another. In order to avoid duplication of procedures and unnecessary inconvenience for witnesses or to otherwise facilitate the efficiency or fairness of proceedings, the affected Parties are required to consult in order to determine the proper venue for prosecution. In some cases it will be most effective for them to choose a single venue for prosecution; in others it may be best for one country to prosecute some alleged perpetrators, while one or more other countries prosecute others. Either method is permitted under this paragraph [paragraph 8]. Finally, the

*obligation to consult is not absolute; consultation is to take place “where appropriate”. Thus, for example, if one of the Parties knows that consultation is not necessary (e.g. it has received confirmation that the other Party is not planning to take action), or if a Party is of the view that consultation may impair its investigation or proceeding, it may delay or decline consultation.*

*176. The bases of jurisdiction set out in paragraph 1 are not exclusive. Paragraph 9 of this article permits Parties to establish other types of criminal jurisdiction according to their domestic law. Thus, in matters of the sexual exploitation and abuse of children, some States exercise criminal jurisdiction whatever the place of the offence or nationality of the perpetrator.*

## **1. Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed on the territory of a Party: the territoriality principle (Article 25(1)(a-c))**

213. In all Parties subject to the current monitoring round, the State assumes jurisdiction if the offence is committed in its territory or on a ship or aircraft registered in that State.

214. However, as sexual exploitation and abuse facilitated by ICTs may in many cases involve more than one State and given the nature of offences related to child self-generated sexual images and/or videos, it is not always evident to determine one single territory where the offence was committed. As a result, it is necessary to look at Parties’ application of the territoriality principle when the offence has a transnational perspective and was committed in the territory of more than one State, or when its result materialised in another State. In this regard, the following Parties have established laws clarifying the circumstances in which their national criminal law will be applicable to a transnational situation following the territoriality principle:

- **Albania** will have jurisdiction over offences related to conduct linked to child self-generated sexual images if the offender or the victim are present in Albania, or if the child self-generated sexual image and/or video was stored or generated in Albania.
- The **Andorran** criminal law applies to offences attempted or committed on its territory, as well as related or indivisible offences that have been attempted or committed outside the Andorran territory.
- According to the **Austrian** and **Croatian** Criminal Codes, an offence is considered to be committed in every location in which the person engaged, or is suspected of having engaged, in the proscribed conduct, or in the location in which the result of the offence, in whole or in part, occurred or is suspected of having occurred.
- In **Belgium**, an offence is considered to have been committed in its territory if one of its constituting or aggravating elements materially occurred in the territory.
- In **Bosnia and Herzegovina** criminal legislation applies also to a citizen who commits any criminal offense outside the territory.
- In **Bulgaria**, Articles 3 to 6 of the Penal Code provide the legal basis for establishing jurisdiction over transnational cases of sexual exploitation and violence against children facilitated by information and communication technologies. It provides, inter alia, that the criminal legislation applies to Bulgarian citizens who have committed crimes abroad,

and to foreigners who have committed a crime of a general nature abroad which affects the interests of the Republic of Bulgaria or of a Bulgarian citizen.

- In **Czech Republic**, a criminal offence is considered as having been committed in the territory if an offender committed the act in the national territory, either entirely or in part, even where the violation or endangering of an interest protected by criminal law occurred, or was supposed to occur, either entirely or in part, abroad. The same is true of the opposite situation: the offence shall be considered to have been committed in the territory if an offender violated or endangered an interest protected by criminal law, or if such a consequence was supposed to occur, in whole or in part, within the territory, even though the act was committed abroad. Moreover, an offence will be considered as committed in the territory of the Czech Republic if the perpetrator or accomplice to an offence committed abroad acted in whole or in part in the territory.
- In **Finland**, an offence is considered to have occurred where the criminal act was committed and where the consequences of the offence, in accordance with the offence's statutory definition, became apparent.
- According to the Penal Code of **France** and **Monaco**, an offence is deemed to be committed on the territory of the Parties if one of its constituent elements has been carried out in their territories.
- Pursuant to section 9(1) of the Criminal Code of **Germany**, the place of the offence is both the place where an action was taken and the place where the intended objectives were achieved. The place where the action was taken is wherever the perpetrator pursues, during the stage at which the action is being committed, activities directed at realising the constituent elements of the offence. The place at which the intended objectives were achieved is the place where the result occurs or should have occurred according to the intention of the offender, when the result is a part of the constituent elements of the offence. This rule allows for Germany to prosecute offences whereby either the perpetrator or the victim is in Germany, and the other party is in another State.
- According to Article 6(1) of the General Penal Code no. 19/1940 of **Iceland**, punishment shall be imposed for the offences covered by the Lanzarote Convention, even if they are committed outside the Icelandic state and irrespective of the identity of the perpetrator.
- According to section 3 (1) of its Criminal Code, **Hungary** applies the principle of "unity of actions", which means that when any of the objective constituent elements of the criminal offence is realised in Hungary, even if some of the constituent elements of the criminal offence had been committed or realised abroad, the criminal offence can fall under the Hungarian jurisdiction.
- In **Latvia**, according to Section 2 of the Criminal law, the criminal procedure may be conducted if at least one of the actions falling within the constituent element of the criminal offence is committed in the territory of Latvia.
- In **Luxembourg**, Article 7-2 of the Code of Criminal Procedure (*Code d'instruction criminelle*) of the Grand Duchy of Luxembourg provides that "Any offence shall be deemed to have been committed on the territory of the Grand Duchy of Luxembourg where an act characterising one of its constituent elements has been committed in the Grand Duchy of Luxembourg."
- In the **Republic of Moldova**, an offence is considered to have been committed in the

place where the act was carried out. A transnational offence will also be considered to be committed in the Republic of Moldova if: it was committed on the territory of the Republic of Moldova and on the territory of at least another State; the offence was committed on the territory of the Republic of Moldova, but a substantial part of its organisation and control took place in another State, and vice versa; the offence was committed on the territory of the Republic of Moldova, with the involvement of an organised criminal group or a criminal organisation (association) carrying out criminal activity in more than one State, and vice versa; or if the offence was committed on the territory of the Republic of Moldova, but has serious consequences in another State, and vice versa.

- In the **Netherlands**, the Dutch Supreme Court established that prosecution based on the territoriality principle was also applicable when the offence was committed both in the Netherlands and abroad, including when behaviour which forms a part of the offence took place in the Netherlands, but the offence was committed abroad.
- In **Norway**, according to Section 7 of the Penal Code, a criminal act is considered to have taken place where the act was committed. However, when the punishability of an act is contingent on or affected by an actual or intended effect, the act is also deemed to have been committed at the place where the effect has occurred or was intended to be caused.
- Pursuant to Article 6(5) of the **Polish** Criminal Code, the place where the prohibited act is committed is the place where the offender acts, where the offender fails to perform an action that they were obliged to perform, where a result constituting an element of the prohibited act occurs, or where the offender intends said result to occur. The Polish legislator therefore adopted the concept of multi-locality where an offence may be committed in several places.
- In **Portugal**, Article 7 of the Criminal Code provides that the offence is considered to have been committed at the place where the agent acted or, in the case of omission, should have acted, and at the place where the typical result or the result not included in the type of crime was produced. Portugal has national jurisdiction as long as one of these elements is located in its territory. In addition, Portugal, pursuant to articles 4 and 5 of the Criminal Code, has jurisdiction over crimes committed outside its territory when it is a crime against the freedom or sexual self-determination of minors and that certain elements are met, namely; the perpetrator is found in Portugal and cannot be extradited or surrendered as a result of the execution of a European arrest warrant or other international cooperation instrument binding on the Portuguese State; when committed by Portuguese nationals or by someone who habitually resides in Portugal; or when committed against a child who habitually resides in Portugal.
- In **Romania**, Article 8(4) of the Criminal Code provides that “the offense shall be considered committed on the territory of Romania also when on that territory or on a ship under the Romanian flag or on an aircraft registered in Romania an act of execution, instigation or complicity was performed or the result of the crime occurred, even in part.” Pursuant to Article 9, the Romanian criminal law is considered to apply to offenses committed outside Romanian territory by a Romanian citizen or legal entity if dual criminality applies, or if the offence was committed in a location that is not subject to any State’s jurisdiction. Dual criminality does not need to be met if the sentencing stipulated by Romanian law is life imprisonment or a term of imprisonment longer than 10 years, or

if the offence concerns an obligation set by an international treaty. Additionally, Romania applies its criminal law when extradition or surrender of the offender has been requested and denied.

- In the **Russian Federation**, pursuant to article 12 of the Criminal Code, if the victim or guilty person is found outside the Russian Federation, the provisions of the national legislation and international treaties of the Russian Federation on the provision of legal assistance, the extradition and transfer of criminal proceedings are applied for the purposes of criminal prosecution. In addition, citizens of the Russian Federation and stateless persons permanently residing in the Russian Federation who have committed a crime outside the Russian Federation are subject to criminal liability in accordance with this Code, if there is no foreign court decision regarding these persons on this crime.
- In **San Marino**, law no. 61/2002 has extended its territorial jurisdiction to include offences committed abroad by or to the detriment of a San Marino citizen, without prejudice to Art. 7 of the Criminal Code.
- In **Serbia**, both the active and passive personality principles apply. In addition, it applies universal jurisdiction to offences punishable by five years' imprisonment or a heavier penalty, pursuant to laws of the country of commission, if such person is found on the territory of Serbia and is not returned to the foreign state. However, unless otherwise provided, courts may not impose in such cases a penalty heavier than set out by the law of the country where the criminal offence was committed.
- In **Slovenia**, a criminal offence is committed both in the place where the perpetrator was acting as well as in the place where the unlawful consequences of such act occurred (Article 19(1) of the Criminal Code). Therefore, in such cases, jurisdiction is established because the offence is considered as having been committed on the territory of the Republic of Slovenia.
- In the **Slovak Republic**, a criminal offence is considered to have been committed within its territory in cases when: the offender commits the act, either in whole or in part, on its territory, even if the resultant violation or threat to an interest protected by Criminal Code occurs entirely or partially outside its territory; or, in cases where the offender commits the act outside the Slovak Republic, but the resultant violation or threat to the interest protected by Criminal Code was takes place, or was intended to take place on the territory of the Slovak Republic.
- Crimes committed outside **Sweden** are adjudged by a Swedish court when the crime has been committed by a Swedish citizen or an alien domiciled in Sweden, by an alien not domiciled in Sweden who, after having committed the crime, has become a Swedish citizen or has acquired domicile in Sweden or who is a Danish, Finnish, Icelandic or Norwegian citizen and is present in Sweden, or by any other alien, who is present in Sweden, and the crime under Swedish law can result in imprisonment for more than six months. Swedish courts have jurisdiction over crimes committed within its territory. An act is considered to have been committed in Sweden if any part of it was committed there. This shall not apply if the act is not subject to criminal responsibility under the law of the place where it was committed (double criminality) or if it was committed within an area not belonging to any state and, under Swedish law, the punishment for the act cannot be more severe than a fine.
- Pursuant to article 8 of the Criminal Code of **Switzerland**, an offence is considered to be

committed at the place where the person commits it or unlawfully omits to act, and the place where the offence has taken effect.

- Pursuant to the article 8 of the **Turkish** Criminal Code, where a criminal act is partially, or fully, committed in Turkey, or the result of a criminal act occurs in Turkey, the offence shall be presumed to have been committed in Turkey, and be subject to application of Turkish criminal law.
- In accordance with the Criminal Code of **Ukraine**, any individual who has committed an offence on the territory of Ukraine shall be criminally liable thereunder. An offence shall be considered to have been committed on the territory of Ukraine if it has been initiated, continued, completed or discontinued on the territory, and if either the principal offender to such offence, or at least one of its accomplices, acted on the territory of Ukraine.

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation IV-1**

The Lanzarote Committee requests **those Parties that are not already doing so**<sup>160</sup> to take the necessary legislative or other measures to establish jurisdiction over transnational cases of child sexual exploitation and abuse facilitated by ICTs, when one of the constituent elements of the offence has taken place in their territory.

***2. Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs based on the nationality, residency or location of the perpetrator having committed the offence***

***Jurisdiction based on nationality (Article 25(1)(d))***

215. The Lanzarote Convention requires all Parties to assume jurisdiction in cases where the offence covered by the Convention is committed by one of their nationals, even if the offence occurs abroad (Article 25(1)(d)). All Parties covered by this monitoring round, except for Cyprus, informed that they can prosecute offences committed abroad by their nationals.

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation IV-2**

The Lanzarote Committee requires **Cyprus** to take the necessary legislative or other measures to establish jurisdiction over cases of child sexual exploitation and abuse facilitated by ICTs committed by one of its nationals, even if the offence occurs abroad.

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<sup>160</sup> Bulgaria, Cyprus, Denmark, Estonia, Georgia, Greece, Italy, Liechtenstein, Lithuania, Malta, Montenegro, North Macedonia, San Marino, Serbia.

### ***Jurisdiction based on residency (Article 25(1)(e))***

216. The Lanzarote Convention also provides that Parties should take the necessary legislative and other measures to establish jurisdiction over offences committed by persons who have their habitual residence in their territory (Article 25(1)(e)). A minority of Parties have made reservations to this provision in accordance with Article 25(3):

- **Latvia, Poland, the Russian Federation and Switzerland** reserved the right not to apply this jurisdiction rule. They therefore do not establish jurisdiction over any offence covered by the Convention if the offence was committed by a person who has his or her habitual residence in their territory.
- **Germany**,<sup>161</sup> **Montenegro**<sup>162</sup> and **Slovenia**<sup>163</sup> declared that they will apply this provision in accordance with their national legislation.
- **Hungary** has reserved the right not to apply this jurisdictional rule; however, it may have extraterritorial jurisdiction over persons with habitual residence in the country, as this rule is established on the basis of other general principles of the Criminal Code. Indeed, although the Hungarian Criminal Code does not recognise habitual residence in the country as a ground for establishing jurisdiction, it does not enumerate this ground expressis verbis, which is why Hungary has made a reservation. The general principles cover all possible cases where the establishment of jurisdiction should be ensured: crimes committed by Hungarian or other nationals in the country or abroad, regardless of their residence or habitual residence

217. The Lanzarote Committee notes that **Albania, Cyprus, Estonia, Georgia, Italy, Monaco, North Macedonia, San Marino, Serbia, Spain and Turkey** don't establish jurisdiction over offences established in accordance with the Convention committed abroad by persons who have their habitual residence in their territory.

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<sup>161</sup> Pursuant to Article 25(3) of the Convention, the Federal Republic of **Germany** reserves the right to establish jurisdiction for offences committed abroad by persons who have their habitual residence in the territory of the Federal Republic of Germany (Article 25, paragraph 1 e) only in accordance with the conditions stipulated in section 7 (2) no. 2 StGB. German criminal law does not contain any provision that implements Article 25 paragraph 1 e in its entirety, i.e. there is no provision pursuant to which offences committed abroad by foreigners or stateless persons who have their habitual residence in Germany are in principle always subject to German criminal law. The kinds of cases relevant in practice are covered by section 7 (2) no. 2 StGB, whereby German criminal law is applicable to offences committed abroad if the offender was a foreigner or stateless at the time of the offence and is discovered in Germany and, although the Extradition Act would permit extradition for such an offence, is not extradited. However, it is conceivable that exceptional cases may arise where such prerequisites are not met.

<sup>162</sup> In accordance with Article 25(3) of the Convention, **Montenegro** declares that it will take over prosecution for the case stipulated in Article 25(1)(e), in accordance with its own criminal legislation.

<sup>163</sup> Pursuant to Article 25(3) of the Convention, **Slovenia** declares that it reserves the right to apply the rule of jurisdiction referred to in Article 25(1)(e), under the conditions laid down in Articles 10 and 13 of the Criminal Code (Official Gazette of RS, no. 55/08, 66/08 – corr. 39/09, 55/09 – Odl. U.S 91/11 KZ-1).

## **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

### **Recommendation IV-3**

The Lanzarote Committee invites **Parties which have made a reservation in accordance with Article 25(3) with regards to Article 25(1)(e)**<sup>164</sup> to consider removing this reservation and establish jurisdiction for offences under the Convention when such offences are committed abroad by persons having their habitual residence in their territory.

### **Recommendation IV-4**

The Lanzarote Committee requires **those Parties that are not yet doing so and which have not made a reservation to the application of Article 25(1)(e) of the Lanzarote Convention**<sup>165</sup> to establish jurisdiction over offences established in accordance with the Convention committed abroad by persons who have their habitual residence in their territory.

### ***Jurisdiction not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed (Article 25(6))***

218. According to Article 25(6) of the Lanzarote Convention, with regard to the two aforementioned jurisdictional grounds (offence committed by one of its nationals or by a person who has his or her habitual residence in its territory), Parties shall take the necessary measures to ensure that jurisdiction is not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed for the prosecution of offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of child pornography (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21).

- In **Austria, Croatia, the Russian Federation, Spain and Switzerland** the offences in question are prosecuted ex officio.
- In **Belgium**, the offence of possession of “child pornography” will be prosecuted ex officio if the victim is a Belgian national. If the offence was committed against a foreigner, the prosecution will only be possible at the request of the Public Prosecutor’s Office and if preceded by a complaint from the victim or his/her family, or any official notice given to the Belgian authorities by the authorities of the State where the offence was committed.
- In **France**, the prosecution of offences of sexual assault of a minor, recourse to prostitution of a minor, corruption of a minor, possession of child pornography images and child sexual abuse (“*atteinte sexuelle*”) (child sexual abuse excluding rape or sexual assault) committed by a French national or habitual resident abroad must not be preceded by a report from the victim or his/her family, or a denunciation from the State in which the offence was committed.
- In **Hungary**, these criminal offences are subject to public prosecution and the

<sup>164</sup> **Germany, Hungary, Latvia, Montenegro, Poland, Russian Federation, Slovenia and Switzerland.**

<sup>165</sup> **Albania, Estonia, Georgia, Italy, Monaco, North Macedonia, San Marino, Serbia and Turkey.**

proceedings can be initiated both *ex officio* and upon a report. Hungarian law shall also be applied to Hungarian nationals committing these crimes abroad. If such crimes are committed by a foreigner abroad (regardless of the place of their residence), Hungarian criminal proceedings can only be initiated by the Prosecutor General. The Prosecutor General decides on the matter by taking into consideration whether the habitual residence of the perpetrator is in Hungary, most of the evidence is or can be collected in Hungary, or it is in the interest of the victim; thus, when conducting the proceeding is Hungary is more practical.

- In **Luxembourg**, jurisdiction for an offence committed by a person who has his/her habitual residence in the Party will not be subject to these requirements.
- In **Monaco**, the prosecution of severe offences (“crimes”) committed by nationals abroad will not have to be preceded by a report from the victim or denunciation from the authorities of the State where the offence was committed, whereas the prosecution of less severe offences (“délits”) will.
- According to Section 5 of the **Norwegian** Penal Code, prosecution of criminal acts committed abroad by a Norwegian national or by a person who has his or her habitual residence in Norway, is not dependent on a report from the victim or denunciation from the state where the offence was committed. However, criminal acts committed abroad shall, as a general rule, only be prosecuted if it is in the public interest (“*allmenne hensyn tilsier det*”). The decision is based on discretion, where the seriousness of the crime, among other things, is a significant factor.
- Pursuant to Article 9(1) of the **Polish** Criminal Code, procedural authorities act *ex officio* for offences specified in the Lanzarote Convention.
- In **Portugal**, article 178 of the Criminal Code requires a complaint to prosecute sexual acts committed with adolescents between 14 and 16 (Article 173). However, this provision only governs marginal situations, where the conduct does not involve another crime such as rape, sexual harassment, sexual fraud, sexual coercion, rape or sexual abuse of a person incapable of resistance (Article 178(1)) or when it does not involve the death or suicide of the victim (Article 178(3)). In all these situations, the criterion of a complaint from the victim is set aside. Furthermore, prosecution can always initiate the procedure when the interests of the victim so advise (Article 113(5)(a), Criminal Code).
- In **Slovenia**, in cases where criminal offences are committed “against sexual integrity” or where they include “elements of violence committed against minors”, the provisions of the Criminal Code relating to the filing of a report from the victim, or the exercise of a private action do not apply, and the perpetrator is prosecuted *ex officio* (Article 15a of the Criminal Code).

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation IV-5**

The Lanzarote Committee requires **those Parties that are not yet doing so**<sup>166</sup> to remove the requirement that prosecution can only be initiated following a report from the victim or a denunciation from the State of the place where the offence was committed for offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of “child pornography” (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21), when committed by one of their nationals or by a person who has his or her habitual residence in its territory.

***Jurisdiction not subordinated to the condition that the acts are criminalised at the place where they were performed (Article 25(4))***

219. For offences committed abroad by one of their nationals, Article 25(4) of the Lanzarote Convention additionally provides that Parties should take the necessary legislative or other measures to ensure that its jurisdiction is not subordinate to the condition that the acts are criminalised at the place where they were performed, i.e. subject to the dual criminality principle. This concerns the following offences: sexual abuse (Articles 18), offences concerning child prostitution (Article 19), the production of child pornography (Article 20(1)(a)), and offences concerning the participation of a child in pornographic performances (Article 21(1)(a) and (b)). This provision does not apply to the offences of possessing, offering, distributing, transmitting, procuring child pornography, and the fact of knowingly obtaining access to child pornography through ICTs. The Lanzarote Committee however notes that the challenges raised by child self-generated sexual images and/or videos mostly concern the latter offences committed across boundaries. It therefore considers that the dual criminality principle should also not apply to offences of possessing, offering, distributing, transmitting, procuring child pornography, and the fact of knowingly gaining access to child pornography through ICTs, when child self-generated sexual images and/or videos are involved.

220. The Committee, in addition, highlights that solicitation of children for sexual purposes (i.e., grooming) (Article 23)<sup>167</sup> is an offence committed from a distance and it happens that the victim and the abuser are in different countries. In such case, the Committee holds that, if the offence is committed by a national, it shall have no importance if the offence is criminalised in the victim's country. Moreover, in many cases, especially of grooming for production of child sexual abuse material, there can be no physical contact with the child, and it can be even not possible to identify from which country is the child depicted in the resulted images and/or videos.

221. Only the **Russian Federation** reserved the right, in accordance with Article 25(5), to limit the application of this provision with regard to offences established in accordance with

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<sup>166</sup> **Albania, Andorra, Belgium, Bosnia and Herzegovina, Bulgaria, Cyprus, Denmark, Estonia, Georgia, Germany, Greece, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, San Marino, Serbia, Slovak Republic, Turkey, Ukraine.**

<sup>167</sup> See the [Opinion on Article 23](#) (Solicitation of children for sexual purposes through information and communication technologies – Grooming) adopted by the Lanzarote Committee on 17 June 2015.

Article 18(1)(b), second and third indents (abuse of a recognised position of trust, authority or influence; abuse of a particularly vulnerable situation of the child), to cases where nationals of the Russian Federation also have their habitual residence in its territory.

222. **Albania** reported that their criminal laws apply to acts committed by their nationals abroad if it is also punishable at the place of the commission (principle of dual criminality). In **Serbia** and **Bosnia and Herzegovina**, while a dual criminality requirement was not explicitly mentioned, the court can't impose a penalty heavier than set out by the law of the country where the criminal offence was committed.

223. **Poland** reported that it would assume jurisdiction irrespective of the laws of the State where the offence was committed in case of sexual abuse or exploitation of children, in light of Poland's international obligations under the Lanzarote Convention. In **Germany**, the **Netherlands** and **Portugal**,<sup>168</sup> the principle of dual criminality is not a requirement for offences of child sexual abuse committed by nationals. In **Denmark**, courts will have jurisdiction to prosecute a Danish national who commits any act involving sexual abuse of children, regardless of whether the act is criminalised in the place where it is committed. In **Monaco**, the principle of dual criminality will not apply to the prosecution of severe offences ("*crimes*") committed by nationals abroad, whereas the prosecution of less severe offences ("*délits*") will.

224. **Andorra, Austria, Croatia, Denmark, Finland, France, Latvia, Liechtenstein, Lithuania, Luxembourg, Republic of Moldova, Portugal, Norway, Slovak Republic** and **Slovenia** reported that they would assume jurisdiction over offences involving sexual abuse or sexual exploitation of children, irrespective of the laws of the State where the offence was committed, if committed by one of their nationals or by a person who has his or her habitual residence in their territory.

225. Under the **Turkish** Penal Code, if a Turkish citizen commits an offence in a foreign country punishable by imprisonment for one year or more, and if the offender is found in Turkey, then the offender is punished according to the Turkish laws provided that this person is not convicted in the said foreign country for the same offence and there is possibility for a trial to proceed in Turkey. This trial is filed only upon complaint by the injured party or the foreign country. In such cases, the complaint must be brought within six months of the date of entry of the citizen into Turkey.

226. In **Estonia**, the national criminal law will apply to any acts committed outside the territory of Estonia regardless of the law of the territory where the offence was committed, if the act is criminalised as a result from an international obligation binding on Estonia. This is also the case in **Georgia** and **San Marino** for offences committed by a national or a stateless person (but not in the cases of persons who have their habitual residence in their territories).

227. The criminal laws of **Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Georgia, Greece, Iceland, Poland, Romania, Slovenia, Spain** and **Ukraine** have a clause which provides

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<sup>168</sup> The Committee highlights that EU countries are also bound by the EU Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States specifically on sexual exploitation of children and « child pornography » crimes (Article 2.2.), where verification of the double criminality of the act is eliminated in the provided conditions.

for the possibility of derogating from the general rules on jurisdiction based on international instruments. Is it sometimes unclear which provisions of the Criminal Code can be adapted or excluded, and whether this allows full compliance with Article 25(1)(d), (e) and 25(4) of the Lanzarote Convention. However, this seems to be the case in the following cases:

- According to Title 154, Article 5(1) of the Criminal Code, **Cypriot** criminal law applies to all offences committed in a foreign country by any person, if the offence is provided for in an international treaty or convention binding the Republic of Cyprus.
- The **Greek** penal laws apply to Greeks and foreign nationals, irrespective of the laws of the place where the crime was committed, for acts committed abroad that are criminalised by international conventions that are signed and ratified by the Greek State.
- According to the Criminal Code of the **Republic of Moldova**, foreign citizens (whether they do or do not have their habitual residence in the territory) who commit crimes outside the territory of the Republic of Moldova shall be criminally liable under the Criminal Code and shall be subject to criminal liability in the territory of the Republic of Moldova provided that the crimes committed are set forth in the international treaties to which the Republic of Moldova is a party (including the Lanzarote Convention).
- In **Poland**, according to Article 5 of the Penal Code, Polish criminal jurisdiction applies to each and every offender, regardless of his/her nationality, who commits a prohibited act in Poland, or on a Polish vessel or aircraft, unless Poland is party to an international agreement stating otherwise. Offences committed outside Polish territory are normally subject to the condition of dual criminality, but this does not apply to offences foreseen in international agreements to which Poland is a party, which include offences of sexual exploitation or sexual abuse of children.
- In addition to situations where an international treaty requires otherwise, the dual criminality requirement is not applied in **Romania** when extradition or surrender of the offender has been requested and denied;

#### ***Promising practice***

In **Iceland**, Article 6 of the General Penal Code explicitly mentions the Lanzarote Convention among the international instruments on the basis of which specific jurisdictional rules apply. It provides that “punishment shall be imposed according to the Icelandic Penal Code for the following offences even if they are committed outside the Icelandic state and irrespective of the identity of the perpetrator (...); conduct covered by the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007”.

228. In some cases, foreign nationals who commit a criminal offence outside the territory of the Party can be prosecuted by the Party if an international treaty so requires. This can, in practice, cover persons who are habitually resident in the country, as requested by Article 25(1) e) of the Convention. In these cases, however, there is no clear reference to exemption of the application of the dual criminality principle. Acts committed outside **Denmark** can be prosecuted there, irrespective of the nationality of the offender, where the act falls within an international instrument obliging Denmark to have criminal jurisdiction. Penalties shall be imposed in accordance with the **Icelandic** Penal Code for conduct specified in the Lanzarote Convention, even if they have been committed outside Iceland, irrespective

of the nationality of the offender, and even if the deed is not considered a punishable offence under the laws of the state involved. Foreign nationals who have committed criminal offences outside **Ukraine** shall be criminally liable in Ukraine under its Criminal Code in such cases as provided for by the international treaties. In **Norway**, jurisdiction can be established if Norway has an obligation to prosecute such offenses pursuant to an international agreement or international law.

229. In other cases, reference to international treaties is made to exclude the application of the dual criminality principle, but it does not necessarily relate to the other provisions concerned, including extraterritoriality for acts of habitual residents. This is the case in **Poland**, for example. In the case of **Estonia**, the penal law applies to the acts of nationals committed abroad in case it is punishable at the place of the commission, except where criminalisation of the act arises from an international obligation which is binding upon Estonia. In **Georgia**, if an act is not considered a crime under the legislation of the State where it was committed, but it is a crime under national legislation, a Georgian national or a person who is stateless and habitually resident in Georgia shall be liable only where the act constitutes a serious or particularly serious crime directed against the interests of Georgia, or if criminal liability for this act is prescribed by international treaties to which Georgia is a party. **Romanian** criminal law applies to offences committed outside the Romanian territory by a Romanian citizen or legal entity if the act is also criminalised by the criminal law of the country where it was committed, or if it was committed in a location that is not subject to any State's jurisdiction - unless otherwise required under an international treaty to which Romania is a party. **Spanish** jurisdiction shall also be established with regard to criminal offences committed outside the Spanish territory, provided those criminally responsible are Spanish, and where the act is criminalised in the place where it was committed, except in cases where, by virtue of an international treaty or a normative act of an international organisation to which Spain belongs, that requirement is waived. If the crime concerned is against sexual freedom and sexual integrity committed over minors, the victim having Spanish nationality is also enough for jurisdiction, and habitual residence of either the perpetrator or victim is likewise sufficient.

230. In **Austria**, a perpetrator who is not an Austrian national at the time of the offence, who is in Austria and who cannot be extradited will be under the jurisdiction of Austrian courts, without application of the principle of dual criminality, for offences of child sexual exploitation and child sexual abuse (severe coercion, rape, sexual coercion, sexual abuse of minors, sexual abuse of juveniles, pornographic representations involving persons under age, promotion of prostitution and pornographic performances involving persons under aged). **Croatian** criminal legislation will be applicable to a foreigner who commits a criminal offence punished of at least 5 years of imprisonment under Croatian law, if the act is also considered as a criminal offence in the territory where it was committed and if extradition of the perpetrator is permitted under national or international law but has not been made. In **Czech Republic**, jurisdiction will be granted for the prosecution of acts committed abroad by a foreigner or a stateless person who has not been granted permanent residence in the territory of the Czech Republic if the act is criminalised in the territory it was committed, the offender was apprehended in the Czech Republic, extradition and transfer proceedings were held but did not result in extradition or transfer, and the party which requested extradition or transfer of the offender requests criminal prosecution of the offender in Czech Republic. The law of **Liechtenstein** will be applicable to offences related to child sexual exploitation and

sexual abuse committed by a foreigner present in Liechtenstein who cannot be extradited. **Portugal** has jurisdiction provided that 1) the offender is found in Portugal and cannot be extradited or surrendered as a result of the execution of a European arrest warrant or of another instrument of international cooperation binding upon the Portuguese State; 2) or when the facts are committed by Portuguese nationals or by those who habitually reside in Portugal; 3) or when the crimes are committed against children who habitually reside in Portugal. In **Turkey**, under Article 12 of the Criminal Code, a foreign offender who committed an offence against foreign victim can be subject to criminal proceedings in Turkey upon request from the Minister of Justice, and 1) if the offence is subject to a penalty of imprisonment of a threshold of at least 3 years under Turkish law; and 2) if there is no extradition agreement applicable, or the State where the offence has been committed or of which the offender is a national refuses to grant extradition.

### ***Promising practices***

Some Parties can prosecute persons who are neither nationals nor persons who have their habitual residence in their territory for sexual abuse or exploitation of children committed abroad, including children who are not their nationals, when the offender is present on their territory:

- **Germany** applies a principle of universal jurisdiction in relation to, among other offences, the dissemination of “child pornography” and “juvenile pornography” pursuant to sections 184b and 184c of the Criminal Code.
- In **Iceland** and in the **Republic of Moldova**, offences under the Lanzarote Convention will be punishable according to the Penal Code, even if they are committed outside the territory and irrespective of the identity of the perpetrator.
- In **Latvia**, in accordance with Article 4, paragraph 1, of the Criminal Law, Latvian citizens, non-citizens and foreigners with a permanent residence permit in the Republic of Latvia shall be held liable in accordance with this Law within the territory of Latvia for a crime committed in the territory of another state or outside the territory of a state, irrespective of whether the crime has been recognised as criminal and punishable in the territory of commitment. In addition, Paragraph 3 of Section 4 of the Criminal Law provides that foreigners who do not have a permanent residence permit in the Republic of Latvia and who have committed serious or particularly serious crimes in the territory of another state, which were directed against the Republic of Latvia or against the interests of its inhabitants, shall be held criminally liable in accordance with this Law, irrespective of the laws of the state in which the crime was committed, if they have not been held criminally liable or committed for trial in accordance with the laws of the state where the crime was committed.
- In **Luxembourg**, a foreigner present in the territory of the Party who has committed offences under the Lanzarote Convention, can be prosecuted in the same way as a national or habitual resident of Luxembourg.
- Under the Criminal Code of **Monaco**, a person who has committed sexual abuse or exploitation against children can be prosecuted in the Principality of Monaco even if the offences were committed outside the territory by a foreigner or against foreign minors, in cases where the offender is present in Monaco.

- Article 11 of the **Slovenian** Criminal Code stipulates that it shall apply to any person who, in a foreign country, commits any criminal offence, which according to the international agreement has to be prosecuted in all signatory states, irrespective of the location where it was committed.
- Under **Swedish** law, the following crimes committed by nationals, foreigners domiciled in Sweden, foreigners not domiciled in Sweden but who have become Swedish citizens, have acquired domicile in Sweden after the crime or who are Danish, Finnish, Icelandic or Norwegian citizens and are present in Sweden, or by any other foreigner present in Sweden will not be subject to the dual criminality principle if the offence can, under Swedish law, result in imprisonment for more than six months: rape, aggravated rape, sexual coercion, aggravated sexual coercion, sexual exploitation of a person in a position of dependence, aggravated sexual exploitation of a person in a position of dependence, rape of a child, aggravated rape of a child, sexual exploitation of a child, sexual abuse of a child, aggravated sexual abuse of a child, exploitation of a child for sexual posing, aggravated exploitation of a child for sexual posing, purchase of a sexual act from a child, child pornography and aggravated child pornography crimes.
- **Switzerland** can establish jurisdiction in case of offences committed against a person under eighteen years of age, irrespective of the laws of the country of commission and the nationality of the offender, if the offender is present in Switzerland. The dual criminality principle is not applicable, including for offences where the accused is not a national or habitual resident of the Party.

## **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

### **Recommendation IV-6**

The Lanzarote Committee requires **those Parties that are not yet doing so**<sup>169</sup> to remove the requirement for dual criminality for offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of child pornography (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21), when committed by one of their nationals.

### **Recommendation IV-7**

The Lanzarote Committee invites **Parties that are not yet doing so** to remove the requirement for dual criminality for offences of possessing, offering, distributing, transmitting, procuring child pornography, and the fact of knowingly gaining access to child pornography through ICTs, when child self-generated sexual images and/or videos are involved when committed by one of their nationals.

### **Recommendation IV-8**

The Lanzarote Committee invites **those Parties that are not yet doing so** to remove the requirement for dual criminality for offences concerning solicitation of children for sexual purposes (Article 23) when committed by one of their nationals.

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<sup>169</sup> **Albania, Cyprus, Georgia, Italy, Malta, Monaco, Montenegro, North Macedonia, San Marino, Serbia, Slovak Republic and Ukraine.**

### ***3. Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the passive personality principle (Art. 25(2))<sup>170</sup>***

231. As detailed in the Explanatory Report of the Convention, Parties are not obliged, but can endeavour, to establish jurisdiction over an offence committed against one of its nationals or a person having habitual residence in the territory under Article 25(2). The passive personality principle is applied in respect of offences committed against a national in **Andorra, Austria, Belgium, Bosnia and Herzegovina** (only for offences punishable of imprisonment of at least 5 years and with the limitation that the local court can't impose a sentence heavier than the sentence prescribed by the law of the country where the offence was committed), **Bulgaria, Croatia, Czech Republic, Denmark** (only for certain offences punishable of imprisonment of at least 6 years, e.g. sexual offences and incest in relation to this report), **Estonia, Finland, France, Germany, Hungary, Italy, Liechtenstein, Monaco, Netherlands, North Macedonia, Republic of Moldova, Norway** (only for offences punishable of imprisonment of at least 6 years), **Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Switzerland, Turkey, Ukraine. Andorra, Austria, Croatia, Czech Republic** (only in the case of a stateless person granted permanent residence), **Denmark** (only for certain offences punishable of imprisonment of at least 6 years, e.g. sexual offences and incest in relation to this report), **Finland, Iceland, Latvia** (only for serious or especially serious crimes), **Liechtenstein, Netherlands, Norway** (only for offences punishable of imprisonment of at least 6 years), **Portugal, Russian Federation** (only in the case of a stateless person granted permanent residence) and **Spain** will also establish jurisdiction over an offence committed against persons who have their habitual residence in their territory. In **Iceland**, the authorities can take jurisdiction over offences committed abroad by a foreign national if they affect its own citizens. This includes all offences under the Lanzarote Convention, without any limitation.

232. In order to apply the passive personality principle in **Andorra, Austria, Iceland, Italy, Finland** (only in case of certain offences), **Latvia, Liechtenstein** and the **Netherlands**, the dual criminality principle is not a prerequisite of prosecution. By comparison, in the contrary, the penal codes of **Croatia, Czech Republic, Denmark** (only for certain offences punishable of imprisonment of at least 6 years, e.g., sexual offences and incest in relation to this report), **Estonia, Germany, Monaco, Poland**, (except when the child is a habitual resident), **Slovak Republic** and **Spain** require dual criminality. In **Belgium**, the dual criminality principle is only applicable to offences of possession of "pornographic material" and is not for other offences resulting from conduct related to child self-generated sexual images and/or videos. The **Hungarian** Criminal Code states that the act must be criminalised under Hungarian legislation, in **Ukraine** the prosecution of offences in such cases shall be prescribed by international treaties. In **Poland**, the requirement of dual criminality does not apply to offences foreseen in international agreements to which Poland is a party. In **Portugal**, the dual criminality principle is not applicable in the case of crimes committed against a child's sexual determination and freedom, whether the perpetrator is a national or not. If the act is not punishable under the

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<sup>170</sup> See also Section IV-5 below (Ensure that victims in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence (article 38§2)).

jurisdiction of the state where it was committed, it can be prosecuted in **Slovenia** only with the permission of the Ministry of Justice, and in **North Macedonia** only with the consent of the public prosecutor.

233. Further conditions of prosecution in these cases can be the report of the victim (**France, Monaco, Turkey**) or request or authorisation from the relevant state body (**Monaco, Romania**) or denunciation by the State where the offence was committed (**France**). In **Romania** and **Turkey**, it is not possible to assume jurisdiction unless there are no proceedings or investigations brought in the State where the offence was committed. In **Latvia**, the perpetrator must have not been held criminally liable or committed to stand trial in the jurisdiction where the offence was committed. In the **Russian Federation**, the perpetrator must have not been already convicted in a foreign State. In **Croatia**, the perpetrator must be present on the territory of the Republic.

234. In **Luxembourg**, jurisdiction is applicable for an offence committed against a resident of Luxembourg upon request of the victim, if the offence was committed on the territory of another European Union member state, and the victim cannot bring charges before the authorities of the Party where the offence was committed.

235. Only **Malta** reported explicitly that this principle is not applicable under their domestic law.

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation IV-9**

The Lanzarote Committee requests **Albania, Bosnia and Herzegovina, Denmark, Georgia, Greece, Lithuania, Luxembourg, Malta, Montenegro** and **Norway** to endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with the Lanzarote Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.

## V. International cooperation

236. The fact that ICTs are increasingly part of children's lives and new technologies have no frontiers, makes it nowadays clearer than ever to understand why collective coordination between all stakeholders is essential. Case-law and examples of successful arrests of offenders<sup>171</sup> show the importance of international cooperation in all the aspects, from the starting point, to the prosecution, and shows the need for coordinated international answers not only in fighting sexual exploitation and sexual abuse against children but also in areas related to prevention, protection and assistance to child victims and persons related to them.

237. This evolution gives a new priority dimension to Article 38 of the Lanzarote Convention.

### **Chapter IX of the Lanzarote Convention – International co-operation**

#### **Article 38 – General principles and measures for international co-operation**

*1. The Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:*

- a. preventing and combating sexual exploitation and sexual abuse of children;*
- b. protecting and providing assistance to victims;*
- c. investigations or proceedings concerning the offences established in accordance with this Convention.*

*2. Each Party shall take the necessary legislative or other measures to ensure that victims of an offence established in accordance with this Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.*

*3. If a Party that makes mutual legal assistance in criminal matters or extradition conditional on the existence of a treaty receives a request for legal assistance or extradition from a Party with which it has not concluded such a treaty, it may consider this Convention the legal basis for mutual legal assistance in criminal matters or extradition in respect of the offences established in accordance with this Convention.*

*4. Each Party shall endeavour to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states.*

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<sup>171</sup> Examples of relevant case-law include court decisions in Norway (see Sylwander, K.R., Vervik, A-K. & Greijer, S. (2021). Online child sexual exploitation and abuse: A review of Norwegian case law. Oslo: ECPAT Norway: <https://static1.squarespace.com/static/55e5a4aae4b0a8e8abf5dcac/t/6062d3248f03b063e7d4b72a/1617089319499/ECPAT+Norway+Report+Online+and+media+facilitated+child+sexual+abuse+19+March+2021.pdf>). As for a textbook example of how international police cooperation can put offenders behind bars, see the Twinkle case in Portugal: <https://www.interpol.int/News-and-Events/News/2020/International-collaboration-leads-to-arrest-of-child-sexual-abuser-in-Portugal> and: <https://www.europol.europa.eu/newsroom/news/here%E2%80%99s-how-international-collaboration-led-to-arrest-of-child-sexual-abuser-in-portugal>.

## **Explanatory report**

### **Chapter IX – International co-operation**

251. Chapter IX sets out the provisions on international cooperation between Parties to the Convention. The provisions are not confined to judicial cooperation in criminal matters. They are also concerned with cooperation in preventing the sexual exploitation and abuse of children and in protecting and assisting victims (see paragraph 10 above).

252. As regards judicial cooperation in the criminal sphere, the Council of Europe already has a substantial body of standard-setting instruments. Mention should be made here of the European Convention on Extradition (ETS 24), the European Convention on Mutual Assistance in Criminal Matters (ETS 30), their Additional Protocols (ETS 86, 98, 99 and 182), and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141). These treaties are cross-sector instruments applying to a large number of offences, and can be implemented to permit judicial cooperation in criminal matters in the framework of procedures aiming at the offences established in the Convention.

253. For this reason, the negotiators opted not to reproduce, in this Convention, provisions similar to those included in cross-sectoral instruments such as those mentioned above. For instance, they did not want to introduce separate mutual assistance arrangements that would replace the other instruments and arrangements applicable, on the grounds that it would be more effective to rely, as a general rule, on the arrangements introduced by the mutual assistance and extradition treaties in force, with which practitioners were fully familiar. This Chapter therefore includes only provisions that add something over and above the existing conventions.

254. Moreover, the Parties may agree to co-operate on the basis of existing international instruments, in particular the above-mentioned Council of Europe conventions and, in the case of European Union member States, the instruments adopted in this connection, especially the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States. They may also agree to co-operate by means of arrangements based on uniform or reciprocal legislation. This principle exists in other Council of Europe conventions, in particular the European Convention on Extradition (ETS 24), in order to enable Parties with an extradition system based on uniform legislation, namely the Scandinavian countries, or Parties with a system based on the reciprocal application of their legislation, namely Ireland and the United Kingdom, to base their mutual relations solely on this system.

### **Article 38 – General principles and measures for international co-operation**

255. Article 38 sets out the general principles that should govern international co-operation.

256. First of all, it obliges the Parties to co-operate widely with one another and in particular to reduce, as far as possible, the obstacles to the rapid circulation of information and evidence. The monitoring mechanism provided for in the Convention (Chapter X) may, *inter alia*, cover the implementation of this principle and the way in which existing co-operation instruments are applied to the protection of children against sexual exploitation and sexual abuse.

257. Article 38 then makes it clear that the obligation to co-operate is general in scope: it covers preventing and combating sexual exploitation and sexual abuse of children (first indent), protecting and providing assistance to victims (second indent) and investigations or procedures concerning criminal offences established in accordance with the Convention (third indent).

258. Paragraph 2 is based on Article 11, paragraphs 2 and 3, of the Council of the European Union Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings. It is designed to make it easier for victims to file a complaint by enabling them to lodge it with the competent authorities of the State of residence.

259. These authorities may then either initiate proceedings if their law permits, or pass on the complaint to the authorities of the State in which the offence was committed, in accordance with the relevant provisions of the co-operation instruments applicable to the States in question.

260. Paragraph 3 authorises a Party that makes mutual assistance in criminal matters or extradition conditional to the existence of a treaty to consider the Convention as the legal basis for judicial co-operation with a Party with which it has not concluded such a treaty. This provision, which serves no purpose between Council of Europe member States because of the existence of the European Conventions on Extradition and on Mutual Assistance in Criminal Matters, dating from 1957 and 1959 respectively, and their respective Protocols, is of interest because of the possibility provided to third States to accede to the Convention (cf. Article 46).

261. Lastly, under paragraph 4, the Parties must endeavour to include preventing and combating the sexual exploitation and sexual abuse of children in development assistance programmes benefiting third States. Many Council of Europe member States carry out such programmes, which cover such varied areas as the restoration or consolidation of the rule of law, the development of judicial institutions, combating crime, and technical assistance with the implementation of international conventions. Some of these programmes may be carried out in countries faced with substantial sexual exploitation and sexual abuse of children. It seems appropriate, in this context, that action programmes should take account of and duly incorporate issues relating to the prevention and punishment of this form of crime.

238. Article 38 leads to the following model of international cooperation under the Lanzarote Convention:

- I. Cooperation through the applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, for the purpose of:
  - a) prevention of and combating sexual exploitation and sexual abuse of children;
  - b) protection of and assistance to the victims; and
  - c) investigations and proceedings (article 38 §1).
- II. Ensure that victims in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence (Article 38(2)).
- III. Integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third States (Article 38(4)).

239. The present chapter is designed to follow this model of cooperation of Article 38, with regard to the issues raised by the sharing of child self-generated sexual images and/or videos.

## **V.1 General cooperation obligation (Article 38(1))**

240. As recalled in paragraph 255 of the Explanatory report to the Lanzarote Convention, “Article 38 sets out the general principles that should govern international co-operation”. Therefore, the best possible implementation of Article 38(1) of the Lanzarote Convention starts with increasing the number of Parties to the Lanzarote Convention, even beyond the Council of Europe membership, and continues with the fact that Parties to the Lanzarote Convention should ratify all other relevant international and regional instruments.

### **V.1.1 Ratification or accession to the Lanzarote Convention and withdrawal of reservations**

241. Recalling that the Lanzarote Convention is the main, most comprehensive international instrument to protect children against sexual exploitation and sexual abuse, the Lanzarote Committee considers that calling on states to adhere to the Lanzarote Convention falls under its functions of facilitating the effective use of the Convention.<sup>172</sup>

#### ***Lanzarote Committee call to States which are not Parties to the Lanzarote Convention***

The Lanzarote Committee calls on **Morocco** to finalise its accession procedure and **all other States** across the globe to launch processes in the coming months in order to become parties to the Convention.

242. In accordance with Article 41(3)(a). of the Lanzarote Convention, because an important amount of time has passed since the great majority of the ratifications to the Lanzarote Convention, and since national legislation of the Parties concerned evolved since then, it seems appropriate for the Lanzarote Committee to evaluate the effects of those Parties’ reservations with a significant impact on self-generated sexual images and/or videos. In particular, the concerned Parties should evaluate the necessity for maintaining reservations made in accordance to Article 20(4) of the Lanzarote Convention, activating the right not to apply, in whole or in part Article 20(1)(f). of the Convention which implies the criminalisation of knowingly obtaining access, through information and communication technologies, to child pornography, when committed without right, with a view to withdraw such reservation, in accordance with Article 48 of the Lanzarote Convention. This concerns **Bulgaria, Hungary, Monaco** and **the Russian Federation**. The concerned Parties should also evaluate the necessity for maintaining reservations made in accordance to Article 21(2) of the Lanzarote Convention, activating the right to limit the application of Article 21(1)(c) of the Convention to cases where children have been recruited or coerced in conformity with paragraph 1.a or b, with a view to withdraw such reservation, in accordance with Article 48 of the Lanzarote Convention. This concerns **Bulgaria** and **the Russian Federation**.

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<sup>172</sup> See Article 41, §3, a. of the Lanzarote Convention.

## **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

### **Recommendation V-1**

The Lanzarote Committee invites **Bulgaria, Hungary, Monaco and the Russian Federation** to withdraw the reservation they made in accordance to Article 20(4) of the Lanzarote Convention, activating the right not to apply, in whole or in part Article 20(1),f. of the Convention.

### **Recommendation V-2**

The Lanzarote Committee invites **Bulgaria and the Russian Federation** to withdraw the reservation they made in accordance to Article 21(2) of the Lanzarote Convention, activating the right to limit the application of Article 21(1),c. of the Convention.

## **V.1.2 Ratification of other Council of Europe instruments by Parties**

243. Article 38(1) of the Lanzarote Convention establishes that *“the Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws”*.

244. The Lanzarote Convention Explanatory report, in its paragraph 251, explains that Chapter IX-International Cooperation *“sets out the provisions on international cooperation between Parties to the Convention. The provisions are not confined to judicial cooperation in criminal matters. They are also concerned with cooperation in preventing the sexual exploitation and abuse of children and in protecting and assisting victims (see paragraph 10)”*. As further noted in paragraph 254 of the Report, *“the Parties may agree to co-operate on the basis of existing international instruments, in particular the above-mentioned Council of Europe conventions<sup>173</sup> (...). They may also agree to co-operate by means of arrangements based on uniform or reciprocal legislation (...)”*.

245. The implementation of Article 38 of the Lanzarote Convention could thus be facilitated by cooperation based on the Council of Europe instruments for judicial cooperation listed in paragraph 252<sup>174</sup> of the Explanatory Report and complementary cooperation based on other relevant applicable instruments, when these instruments are applicable to the States in question.

246. Given the particular focus of the current monitoring round on the protection of children against sexual exploitation and sexual abuse facilitated by ICTs, the Committee highlights as relevant, cooperation based on the instruments referred to in the Council of Europe *“Guidelines to respect, protect and fulfil the rights of the child in the digital environment”<sup>175</sup>*.

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<sup>173</sup> Referring to paragraph 252 which lists the European Convention on Extradition (ETS 24), the European Convention on Mutual Assistance in Criminal Matters (ETS 30), their Additional Protocols (ETS 86, 98, 99 and 182), and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141).

<sup>174</sup> See footnote above.

<sup>175</sup> See at: <https://rm.coe.int/guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-th/16808d881a>

247. International organisations, like the Council of Europe, are important to facilitate cooperation among Parties. The intersectoral nature of the issue at stake in the current monitoring round can be tackled from different angles: Council of Europe work through intergovernmental structures such as the Steering Committee for the Rights of the Child (CDENF) and its predecessor, the Ad hoc Committee for the Rights of the Child (CAHENF), or by the Steering Committee for Educational Policy and Practice (CDPPE), the European Steering Committee for Youth (CDEJ), the Cybercrime Convention Committee (T-CY), the Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data and the Committee of Experts on the Operation of European Conventions on Co-operation in criminal matters (PC-OC) are important for this purpose.

#### ***Promising practice***

In **Denmark** the specific guidelines issued by the Committee of Experts on the Operation of European Conventions on Co-operation in criminal matters (PC-OC) are part of the instructions passed to prosecutors, and the relevant guidelines are incorporated into the general guidelines for prosecutors.

### **V.1.3 European Union instruments**

248. According to Article 43(3) of the Lanzarote Convention “Parties which are members of the European Union shall, in their mutual relations, apply Community and European Union rules, in so far as there are Community or European Union rules governing the particular subject concerned and applicable to the specific case, without prejudice to the object and purpose of the present Convention and without prejudice to its full application with other Parties”.

249. Such European Union instruments, which facilitate cooperation in criminal matters between members of the European Union, are [Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime](#), [Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters](#), [Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States](#) and [Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union](#). The European Judicial Network in criminal matters (EJN) and Eurojust are also relevant in this field.

### **V.1.4 Bilateral or multilateral agreements**

250. Even if Article 43(2) of the Lanzarote Convention states that “the Parties to the Lanzarote Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it”, Parties don’t seem

to use this possibility sufficiently. There exist however traditional international cooperation instruments on extradition, prevention, mutual assistance in investigation and prosecution of criminal matters but there are only few less traditional arrangements.

251. The Lanzarote Committee highlights the Council of Europe Guidelines to respect, protect and fulfil the rights of the child in the digital environment<sup>176</sup>, in particular paragraph 119:

*“States should co-operate with each other by applying relevant international and regional instruments and arrangements, to the widest extent possible, for the purpose of respecting, protecting and fulfilling the rights of the child in the digital environment. In particular, they should:*

- a. have an adequate legal basis for providing assistance and, where appropriate, should have in place treaties, arrangements or other mechanisms to enable efficient co-operation with other States;*
- b. ensure that their competent authorities can rapidly, constructively and effectively use clear channels or mechanisms for the effective transmission and execution of requests for information and other types of assistance;*
- c. have clear and efficient processes for the prioritisation and timely execution of requests;*
- d. not prohibit or place unreasonable or unduly restrictive conditions on the provision of assistance or co-operation.”*

### **Promising practices**

**Belgium** (German Community): Media centre works with **Germany** for the production of information materials in German.

**Estonia**: In cooperation with **Latvian** Dardedze Centre, there have been trainings on interviewing children – the specialist from two countries learned how to delicately interview children and ask questions about issues concerning sexuality and violence.

**France** and **Romania** have a strong bilateral cooperation on the issue of sexual exploitation of children, in particular on cross-border care for child victims of human trafficking.

**Romania** reports European projects with **Bulgaria**, **Italy** and **Spain** for the development of good practice manuals.

An agreement was signed in 2007 on the cooperation within the member States of the Commonwealth of Independent States (CIS) (**Armenia**, **Azerbaijan**, Belarus, Kazakhstan, Kyrgyzstan, **Republic of Moldova**, **Russian Federation**, Tajikistan and Uzbekistan) on the fight against trafficking in human beings, and a model law on combatting trafficking in human beings was adopted at the 30<sup>th</sup> plenary session of the Interparliamentary Assembly of the CIS Member States (Resolution No. 30-11 of 3 April 2008).

<sup>176</sup> <https://rm.coe.int/guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-th/16808d881a>

252. International assistance projects are almost not mentioned, except by **Belgium, Denmark, Italy** and **Spain**. **Spain** refers to the “Child National Strategy for cooperation”, approved in 2015, designed expressly for cooperation affairs, which could be an interesting instrument to develop this kind of projects.

### ***Promising practices***

**Denmark** is actively working since 2018 with the Technical Working Group on the prevention of sexual exploitation, abuse and harassment (PSEAH) instituted by the UK. This group was lifted to a taskforce in the OCDE DAC which developed the Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance<sup>177</sup> Denmark has also updated bilateral and multilateral agreements with partners and engaged into a stronger dialogue with NGOs.

The **Italian** Development Cooperation supports anti-trafficking projects by financing IOs interventions and targeted actions, directly or through IOs and NGOs, to prevent and combat child trafficking, abuse and exploitation, including in travel and tourism, involvement in armed conflicts, child labour.

253. Regarding reciprocal legislative framework (**Scandinavian countries**), the Council of the Baltic Sea appears as an important asset, being referred to by **Estonia** with regard to participating on an Expert group for the cooperation of children at risk, in the area of prevention, and also in the fields of investigations and prosecution. **Hungary, Latvia** and **Romania** have also referred to it (in the context of the PROMISE projects supporting Barnahus). **Finland** also mentioned the co-operation with other Nordic countries in relation to extradition (Nordic arrest warrant, transfer of proceedings and enforcement of sentences in criminal matters).

### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation V-3**

The Lanzarote Committee requests **all Parties** to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention.

#### **Recommendation V-4**

The Lanzarote Committee invites **all Parties** to consistently analyse the possibilities to expand international cooperation with countries which are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention.

#### **Recommendation V-5**

The Lanzarote Committee invites **all Parties** to assess on a regular basis the difficulties that they face when dealing with international cooperation and remedy them.

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<sup>177</sup> <http://www.oecd.org/dac/gender-development/dac-recommendation-on-ending-sexual-exploitation-abuse-and-harassment.htm>

## **V.2 Specific cooperation for the purpose of preventing and combating sexual exploitation and sexual abuse of children (Article 38(1)(a))**

254. It seems to be easier for Parties to cooperate with other States on preventing and combating sexual exploitation and sexual abuse of children, through less traditional initiatives than international conventions, in particular when these initiatives concern matters related to child self-generated sexual images and/or videos.

255. These initiatives, can be either public or private, State-g geared or not, and they can cover all the areas of preventing, combating, protecting, providing assistance, investigating or proceeding against the different aspects of child illegal content online:<sup>178</sup>

- INHOPE<sup>179</sup>: INHOPE supports a network of 50 hotlines in 46 countries, with the objective to combat CSAM and promote legislative and policy changes (**Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Russian Federation, Slovenia, Spain, Sweden, Turkey, Ukraine and United Kingdom**);
- The PROMISE Barnahus Network<sup>180</sup> and its series of projects: **Albania, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, Germany, Hungary, Iceland, Ireland, Latvia, Lithuania, Luxembourg, Malta, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovenia, Spain, Sweden, Ukraine and United Kingdom**;
- WeProtect Global Alliance – to end child sexual exploitation and abuse online<sup>181</sup>: **Albania, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom**;
- European Financial Coalition against commercial sexual exploitation of children online<sup>182</sup>: **Denmark, Switzerland and United Kingdom**;
- Virtual Global Taskforce (VGT)<sup>183</sup>: **Netherlands and United Kingdom**;
- INSAFE and Safer Internet Centres<sup>184</sup>: **Bulgaria, Estonia, France, Germany, Hungary, Poland, Portugal, Romania and Spain**;
- ECPAT<sup>185</sup>: **Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy,**

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<sup>178</sup> Countries which are not Parties to the Lanzarote Convention are not listed below even if they are part of these initiatives. Their names can be found on the respective websites.

<sup>179</sup> [www.inhope.org/](http://www.inhope.org/)

<sup>180</sup> <https://www.barnahus.eu/en/>

<sup>181</sup> <https://www.weprotect.org/>

<sup>182</sup> <http://www.europeanfinancialcoalition.eu/>

<sup>183</sup> <http://virtualglobaltaskforce.com>

<sup>184</sup> <https://www.betterinternetforkids.eu/>

<sup>185</sup> <https://ecpat.org/>

**Luxembourg, North Macedonia, Republic of Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Spain, Sweden, Switzerland, Turkey, Ukraine and United Kingdom;**

- END Violence against Children<sup>186</sup>: **Armenia, Finland, France, Georgia, Republic of Moldova, Montenegro, Romania, and Sweden;**
- Victims Support Europe<sup>187</sup>: **Switzerland;**
- EMPACT (European Multidisciplinary Platform Against Criminal Threats) cybercrime CSE/CSA<sup>188</sup>: **Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, and United Kingdom.**

256. Most of these initiatives concern child self-generated images issues, mainly from a preventing and combating perspective. They are flexible and have a variable geometry that allows different kinds of participation, from different actors, at different paces and from different parts of the world. Europol works with a wide network of law enforcement agencies across Europe and several partners, within the European Financial Coalition against Commercial Sexual Exploitation of Children, the Virtual Global Taskforce (VGT), the Safer Internet network and others to counter this threat. VGT, gathers members such as the Korean National Police, Indonesian National Police, Philippine, or New Zealand. Victim Support Europe has partners such as the European Commission or E-Justice.

257. The Lanzarote Committee also highlights the added value of the cooperation projects led by the Council of Europe and the fact that any Party can ask for the setting up of activities needed to assist it in their efforts to implement Council of Europe standards.<sup>189</sup> These initiatives can cover a large spectrum of activities, from designing strategies, improving child-friendly justice for children, to publishing books guidelines or environmental scans.

258. The Lanzarote Committee highlights again the Council of Europe Guidelines to respect, protect and fulfil the rights of the child in the digital environment<sup>190</sup>, in particular paragraph 120: “States should support regional and international capacity-building efforts to improve policy and operational measures to respect, protect and fulfil the rights of the child in the digital environment, including the pooling and sharing of successful education and awareness-raising tools.”

259. Only the **Russian Federation** and the **Slovak Republic** refer to international police cooperation in the area of prevention, and only 4 Parties refer to police cooperation on training/vetting/selection: **Bosnia and Herzegovina, Denmark** (specially on ICSE training), **Hungary** and **Slovenia**. **Croatia** refers to the collaboration with the European Cybercrime training and education Group (ECTEG) and, together with **Slovenia**, with the European Police College (CEPOL). European law enforcement representatives attend the Europol’s central training course “Combatting the Sexual Exploitation of Children on the Internet” (COSEC)

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<sup>186</sup> <https://www.end-violence.org/>

<sup>187</sup> <https://victim-support.eu/>

<sup>188</sup> <https://www.europol.europa.eu/empact>

<sup>189</sup> <https://www.coe.int/en/web/children/co-operation-projects>

<sup>190</sup> <https://rm.coe.int/guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-th/16808d881a>

(Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, and United Kingdom).<sup>191</sup> They also attend the Europol-Interpol-Cepol co-organised training course on victim identification (VID training course) (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, and Switzerland).

260. Despite the efforts of some Parties described above, the Lanzarote Committee considers that more should be done by all Parties to the Lanzarote Convention to cooperate with other States on preventing and combating sexual exploitation and sexual abuse of children, in particular in matters related to child self-generated sexual images and/or videos.

### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation V-6**

The Lanzarote Committee invites **all Parties** to assess, strengthen and develop international cooperation between the Parties of the Lanzarote Convention for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.

#### **Recommendation V-7**

The Lanzarote Committee invites **all Parties** to consistently analyse the possibilities to expand international cooperation with countries which are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.

#### **Recommendation V-8**

The Lanzarote Committee invites **all Parties** to strengthen cooperation with relevant intergovernmental bodies, and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their world-wide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.

#### **Recommendation V-9**

The Lanzarote Committee invites **all Parties** to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.

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<sup>191</sup> The course is also attended by experts from countries outside Europe, e.i. Australia, Canada, Colombia, New Zealand, Singapore and the United States.

**Recommendation V-10**

The Lanzarote Committee invites **all Parties** to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.

***V.3 Specific cooperation for the purpose of protecting and providing assistance to victims (Article 38(1)(b))***

261. **Switzerland** reported the work with Victim Support Europe and a site related to victims assistance where a part is specifically dedicated to victims of offences committed outside the country. **Cyprus, Denmark, Finland, the Republic of Moldova and Switzerland** also referred to the protection of victims, raising awareness and training in EMPACT. The Council of the Baltic States coordinates the Promise Barnahus Network and its projects, which promote safety, healing and justice for child victims and witnesses of violence, including online sexual violence, through cross-border exchange, development of practical tools and training in therapeutic interventions. An informal European Network of national coordinators on therapy is set up in the context of the Promise training in several different forms of therapy in Barnahus.

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation V-11**

The Lanzarote Committee invites **all Parties** to assess, develop and strengthen cooperation between them to protect and provide assistance to victims in matters related to child self-generated sexual images and/or videos.

**Recommendation V-12**

The Lanzarote Committee invites **all Parties** to regularly analyse the possibilities to expand international cooperation with countries which are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention, for the purpose of protecting and providing assistance to victims in matters related to child self-generated sexual images and/or videos.

**Recommendation V-13**

The Lanzarote Committee invites **all Parties** to assess, develop and strengthen cooperation with relevant intergovernmental bodies, transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their world-wide scope, and their flexibility to work for the purpose of protecting and providing assistance to victims in matters related to child self-generated sexual images and/or videos.

#### ***V.4 Specific cooperation for the purpose of investigations or proceedings concerning the offences established in accordance with the convention (Article 38(1)(c))***

262. The most used form of international cooperation by Parties is police cooperation mainly in relation to investigation and prosecution concerning the offences established in accordance with the Lanzarote Convention. **Croatia** refers specifically to a European Initiative (CIRCAMP, Copal internet related Child abusive material project); 5 Parties refer to FBI: **Croatia, Cyprus, Hungary, Spain** and **Ukraine** (VCACITF) and 3 NCMEC's CyberTipline (**Cyprus, Hungary** and the **Republic of Moldova**). **Finland, Hungary, Romania** and **Slovak Republic** mention other forms of police cooperation. **Slovenia** also refers to police cooperation with the US-Based National Centre for Missing and Exploited Children (NCMEC).

263. Collecting and sharing information by law enforcement agencies either through Interpol's ICSE (International Child sexual exploitation) image database is extremely well evaluated, as it is through Europol's secured information exchange network application (SIENA). The knowledge and expertise are exchanged also through the Victim Identification Task Force (VIDTF), regularly organised by Europol which aims to enable partners to identify, locate and safeguard unknown sexually exploited and abused children in a coordinated operational way. In addition, the strategic cooperation among law enforcement authorities, experts and other stakeholders is achieved through the European multidisciplinary platform against criminal threats (EMPACT) cyber CSE initiative<sup>192</sup>, which is coordinated by European Union member States with the support of Europol. It is open to all EU member States, Schengen Associated States, international organisations and partners, and non-EU partners (third countries) having operational cooperation agreements with Europol. The mentioned initiative covers a wide range of operational and strategic goals.

##### ***Promising Practice***

In **Germany**, in particularly urgent cases, the liaison officers of foreign agencies with the Federal Criminal Police Office (BKA) are involved. This occurs regularly, for example, in connection with combating child abuse committed abroad by German perpetrators who are travelling. Conversely, findings reported by foreign police stations, German diplomatic or consular missions or non-governmental organisations abroad regarding perpetrators or relevant circumstances in Germany are transmitted to the competent *Land* Criminal Police Offices (LKA) for the initiation of further prosecution measures.

264. While questions related to data are essential, Parties referred to them only rarely. Special attention should be given to data retention (requirements regarding how long personal data may be retained) and to the blocking of illegal content.

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<sup>192</sup> More information on the EMPACT initiative is available here: <https://www.europol.europa.eu/empact>

***Promising practices***

**Hungary** has passed a legislation requiring data relating to email connections and consultation of sites with CSAM to be stored for one year, which allows investigations to be conducted in cases of this type. The relevant authorities are therefore able to identify criminals and offenders who have used the services of Internet service providers to send messages or consult sites with CSAM and can reply to requests from foreign agencies. The Hungarian victims have the option of requesting the removal of footage depicting child sexual abuse by sending an alert through online hotlines or by reporting directly to the police.

In **Georgia**, in case of requests for preservation of data sent by the national contact points of Parties to the Convention on cybercrime (ETS 185) or by the 24/7 national network established under Article 35 of this Convention, the request is recorded, and receipt is confirmed by email upon delivery/opening of the report (if requested by sender). The next step is an initial review to make sure that the conduct at stake constitutes an offence in the jurisdiction of both the requesting State and Georgia (dual criminality) for which the judicial cooperation central authority may be consulted. If approved, the relevant internet service provider (ISP) is approached and requested to preserve data, and if ISP confirms data preservation, the requesting authority will be notified accordingly. If preservation is not available, the requesting country is offered urgent mutual legal assistance procedures. Given the nature of preservation requests, they are all treated as urgent.

265. **Bulgaria** and **Hungary** specifically mentioned cooperation with Interpol regarding blocking of illegal content through the use of the worst-of list from this institution.

266. Cross-border exchange and competence building is crucial to ensure harmonised practice to implement common legal frameworks that guarantee children's procedural safeguards and protect children from (re-)traumatisation during criminal investigation and judicial proceedings. Child-friendly investigations and judicial proceedings are central to achieving safety, healing and justice for children who have been exposed to online sexual violence. The Promise Barnahus network and competence centre facilitate cross-border exchange on good practice, develop practical tools (including for example the Barnahus Quality Standards and guidance for child-friendly interviews in Barnahus) and provide training for forensic interviewers from e.g. **Bulgaria, Croatia, Iceland, Ireland, Poland** and **Slovenia** (scheduled for more countries). The forensic interviewers have formed an informal network and are engaged in an exchange and common learning through online training and Avatar practice.

## **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

### **Recommendation V-14**

The Lanzarote Committee invites **all Parties** to maintain and develop efforts to strengthen international cooperation in investigation and proceedings concerning the offences established in accordance with the Lanzarote Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to child self-generated sexual images and/or videos.

### **Recommendation V-15**

The Lanzarote Committee invites **all Parties** to analyse the possibilities to expand international cooperation with countries which are not Parties to the Lanzarote Convention, on investigation and proceedings concerning the offences established in accordance with the Lanzarote Convention, in matters related to child self-generated sexual images and/or videos.

### **Recommendation V-16**

The Lanzarote Committee invites **all Parties** to further maintain and develop efforts to strengthen international cooperation in investigation and proceedings concerning the offences established in accordance with the Lanzarote Convention, with countries which are not Parties to the Lanzarote Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of collecting data, training, vetting, and selection in matters related to child self-generated sexual images and/or videos.

## ***V.5 Ensure that victims in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence (Article 38(2))<sup>193</sup>***

267. Article 38(2) of the Lanzarote Convention applies also to child victims of sexual exploitation or sexual abuse in matters related to child self-generated sexual images and/or videos, in order to better protect them. Therefore, Parties to the Lanzarote Convention have to ensure that children who fall victims when they are in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.

268. In **Iceland** and in **Slovenia**, there exist no procedural rules that would limit the possibility for a victim to make a complaint. Article 13(3) of the Slovenian criminal code states that it applies to anyone who commits any criminal offence abroad which, under relevant

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<sup>193</sup> See also Section II.3 above (Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the passive personality principle (Article 25(2)).

international agreement(s) or general rules recognised by the international community, is subject to prosecution, regardless of the location where it was committed.

269. **Serbia** states that victims can make a complaint in the diplomatic consular section of the Serbian embassy in the territory of another Party to the Lanzarote Convention.

270. In **Hungary**, section 3 (1) c) of the Criminal Code states that the Hungarian criminal law applies to acts committed by Hungarian nationals abroad, if the act constitutes a criminal offence under Hungarian law. In addition, section 3 (2) a)/aa) of the Criminal Code states that the Hungarian criminal law applies to acts committed by foreigners abroad, if the act constitutes a criminal offence under Hungarian law and is also punishable under the law of the place where it was committed. Finally, if this rule cannot be invoked, section 3 (2) a)/ac) of the Criminal Code states that the Hungarian criminal law applies to acts committed by foreigners abroad, if the act is to be prosecuted under an international treaty promulgated by an Act (such as the Lanzarote Convention).

271. **Denmark** confirmed that if its nationals or residents are victims of a crime committed abroad, they must, as a general rule, report the crime in the country where the crime was committed. However, if it has not been possible to report the crime in the country where it was committed, or if the victim has been subject to sexual assault, serious sexual violence or the like, the victim can report the crime to their national police. As with other Parties (i.e. **Belgium, Romania and Sweden**), this applies, however, only if the crime has been committed in another country of the European Union. This situation flows from the transposition of Directive 2012/29 of the European Parliament and the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.<sup>194</sup> Some Parties which are members of the European Union do not have this limitation (i.e. **Austria, Czech Republic, Finland, France, Germany, Greece, Hungary, Latvia, Luxembourg, Portugal, Slovak Republic and Spain**).

### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation V-17**

The Lanzarote Committee requires **Andorra, Bosnia and Herzegovina, Georgia, Liechtenstein, Monaco, Montenegro, North Macedonia, Norway, San Marino, Turkey and Ukraine** to ensure that victims of sexual exploitation or sexual abuse in matters related to child self-generated sexual images and/or videos in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.

#### **Recommendation V-18**

The Lanzarote Committee requires **Belgium, Croatia, Cyprus, Denmark, Estonia, Italy, Lithuania, Malta, Poland, Romania and Sweden** to ensure that the victims of sexual

<sup>194</sup> See, Article 17§2: “Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.”?

exploitation or sexual abuse in matters related to child self-generated sexual images and/or videos in the territory of Parties to the Lanzarote Convention which are not members of the European Union other than the one where they reside, may make a complaint before the competent authorities of the State of their residence.

***V.6 Integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third States (article 38 §4)***

272. No Party to the Lanzarote Convention communicated that it integrates, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos, in assistance programmes for development provided for the benefit of third States, as required by Article 38§4 of the Lanzarote Convention. **France** refers to the fact that actions co-financed by the French Development Agency (*Agence Française de Développement*) for French NGOs include, among others, projects to protect children against sexual exploitation and sexual abuse (in particular, female genital mutilation), especially with ECPAT-France. France does however neither refer to assistance programmes for the benefit of third States nor to such programmes in matters related to child self-generated sexual images and/or videos.

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation V-19**

The Lanzarote Committee invites **all Parties** to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos, in assistance programmes for development provided for the benefit of third States.

## VI. Assistance to victims

273. While the ultimate aim in the fight against sexual exploitation and abuse is to prevent such actions from taking place, it is also essential to ensure that children who have already been victims of sexual offences, as well as those adults who were sexually exploited or sexually abused as children, including when they occur as a result of the self-generation by children of sexual images and/or videos, receive the most appropriate and best possible support, assistance and psychological help.

274. This chapter provides a comparative study of national mechanisms for assisting child victims of sexual exploitation and abuse, particularly where this results from the self-generation of sexual images and/or videos. The first part identifies the different reporting mechanisms, including helplines, available to children and those who wish to help. The second part is devoted to all other measures, legislative or otherwise, to provide support, assistance and psychological help to children.

### **Lanzarote Convention – Chapter IV – Protective measures and assistance to victims**

#### **Article 12 – Reporting suspicion of sexual exploitation or sexual abuse**

1. Each Party shall take the necessary legislative or other measures to ensure that the confidentiality rules imposed by internal law on certain professionals called upon to work in contact with children do not constitute an obstacle to the possibility, for those professionals, of their reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of sexual exploitation or sexual abuse.

2. Each Party shall take the necessary legislative or other measures to encourage any person who knows about or suspects, in good faith, sexual exploitation or sexual abuse of children to report these facts to the competent services.

#### **Article 13 – Helplines**

Each Party shall take the necessary legislative or other measures to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity.

#### **Article 14 – Assistance to victims**

1. Each Party shall take the necessary legislative or other measures to assist victims, in the short and long term, in their physical and psycho-social recovery. Measures taken pursuant to this paragraph shall take due account of the child's views, needs and concerns. (...)

3. When the parents or persons who have care of the child are involved in his or her sexual exploitation or sexual abuse, the intervention procedures taken in application of Article 11, paragraph 1, shall include: – the possibility of removing the alleged perpetrator;  
– the possibility of removing the victim from his or her family environment. The conditions and duration of such removal shall be determined in accordance with the best interests of the child.

4. Each Party shall take the necessary legislative or other measures to ensure that the persons who are close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care.

**Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**

**Article 12 – Reporting suspicion of sexual exploitation and sexual abuse**

89. Under paragraph 1 Parties must ensure that professionals normally bound by rules of professional secrecy, (such as, for example, doctors and psychiatrists) have the possibility to report to child protection services any situation where they have reasonable grounds to believe that a child is the victim of sexual exploitation or abuse. Although in many member States systems of mandatory reporting are already in place, and are considered to be crucial in detecting abuse and preventing further harm to children, the Convention does not impose an obligation for such professionals to report sexual exploitation or abuse of a child. It only grants these persons the possibility of doing so without risk of breach of confidence. It is important to note that the aim of this provision is to ensure the protection of children rather than the initiation of a criminal investigation. Therefore, paragraph 1 provides for the reporting possibility to child protection services. This does not exclude the possibility provided in certain States to report to other competent services.

90. Each Party is responsible for determining the categories of professionals to which this provision applies. The phrase “professionals who are called upon to work in contact with children” is intended to cover professionals whose functions involve regular contacts with children, as well as those who may only occasionally come into contact with a child in their work.

91. In paragraph 2, Parties are required to encourage any person who has knowledge or suspicion of sexual exploitation or abuse of a child to report to the competent services. It is the responsibility of each Party to determine the competent authorities to which such suspicions may be reported. These competent authorities are not limited to child protection services or relevant social services. The requirement of suspicion “in good faith” is aimed at preventing the provision being invoked to authorise the denunciation of purely imaginary or untruthful facts carried out with malicious intent.

**Article 13 - Helplines**

92. This article is particularly intended to apply to persons who may be confronted with a situation of sexual exploitation or sexual abuse. It could happen that persons to whom the child is entrusted do not know how to react. Moreover, child victims may also seek to obtain support or advice without knowing who to turn to. This emphasises the importance of the development of means whereby persons can safely reveal that they know about or have been victims of sexual abuse or sexual exploitation, or simply talk to a person outside their usual environment. Therefore Parties must encourage and support the setting up of such information services as telephone or Internet helplines to provide advice to callers. The Convention leaves to Parties any follow up to be given to calls received. These assistance services should be as widely available as possible. In some States, for example, such services are available 24 hours a day, 7 days a week.

**Article 14 – Assistance to victims**

93. Article 14 sets out the assistance measures which Parties must provide for victims of sexual exploitation and abuse. The aim of the assistance provided for in paragraph 1 is to “assist victims, in the short and long term, in their physical and psycho-social recovery”. The authorities must therefore make arrangements for those assistance measures while bearing in mind the specific nature of that aim.

94. The paragraph states that victims should receive assistance “in the short and long term”. Any harm caused by the sexual exploitation or abuse of a child is significant and must be addressed. The nature of the harm done by sexual exploitation or abuse means that this aid should continue for as long as is necessary for the child’s complete physical and psychosocial recovery. Though this Convention relates

*primarily to children, the consequences of sexual exploitation or abuse of children may well last into adulthood. For this reason, it is important to establish measures which also provide those adults who were sexually exploited or sexually abused as children the opportunities to reveal these facts and to receive appropriate support and assistance if such assistance is still needed.*

*95. Assistance to victims in their “physical recovery” involves emergency or other medical treatment. The negotiators wished to draw particular attention to the fact that, given the nature of the offences established in this Convention, the obligation could include all forms of medical screening with special attention to sexually transmissible diseases and HIV infection and their subsequent treatment.*

*96. “Psycho-social” assistance is needed to help victims overcome the trauma they have been through and return to a normal life in society.*

*97. The provision stresses that the child’s views, needs and concerns must be taken into account when taking the measures pursuant to this paragraph.  
(...)*

*99. Paragraph 3 provides for the possibility, where the parents or carers of the victim are involved in the case of sexual exploitation or abuse, of removing either the alleged perpetrator or the victim from the family environment. It is important to stress that this removal should be envisaged as a protection measure for the child and not as a sanction for the alleged perpetrator. The removal of a parent who is the alleged perpetrator of sexual abuse against his or her child could be a good solution when the other parent supports the child victim. The other option may be to remove the child from the family environment. In such case, the length of time of the removal should be determined in the best interests of the child.*

*100. The negotiators recognised that the application of paragraph 4 would be limited, but felt that in certain particularly serious cases it would be justified for those persons close to the victim, including for example family members, friends and classmates, to benefit from emergency psychological assistance. These assistance measures are not meant to benefit the alleged perpetrators of sexual exploitation and abuse, who can instead benefit from the intervention programmes and measures in Chapter V.*

## **VI.1 Reporting mechanisms available to child victims**

275. It appears that all Parties have reporting mechanisms in place to assist child victims of criminal offences, including when related to sexual exploitation and abuse.

276. All Parties mention more than one method of reporting accessible to children, such as telephone helplines, available staff, websites, chatlines, and various other applications accessible to children.

277. Many helplines are run in collaboration between different bodies, including ministries and NGOs. This can be very effective for victims who benefit from this synergy and broader services (**Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Republic of Moldova, Russian Federation and Switzerland**).

278. Most Parties have developed comprehensive reporting procedures that respect the best interests of the child, ranging from helplines to case handling and prosecution procedures.

However, it is necessary for each Party to ensure that all procedures are made easier for child victims to access the necessary help and support they need. In this respect, this statement by the **Ukrainian NGO Rozrada** is particularly striking:

*“the hotline system must have around it the network of institutions including NGOs that can answer to questions of respondent and give real help. For example, such member of network must have free counselling fund and be ready to give free psychological help. Respondents must have possibilities to have access to these institutions around the clock. This is only one right way to be useful to respondents.”*

279. Some Parties have carried out advertising campaigns to raise awareness on violence facilitated by ICTs, informing all children about the possibility of calling for help when encountering sexual abuse and violence. This is the case, for example, of **Germany, Hungary, the Slovak Republic, Sweden and Switzerland**.

280. In many Parties, helplines for children are accessible 24 hours a day, 7 days a week (**Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Estonia, Finland, France, Greece, Hungary, Iceland, Italy, Liechtenstein, Republic of Moldova, Poland, Russian Federation, Slovenia, and Switzerland**).

281. Some Parties have special helplines advising professionals working with children. This is for example the case in **Germany**, where the "*Hilfetelefon Sexueller Missbrauch*", the hotline for sexual abuse, provides advice to children affected by the situations covered by this report, as well as to "persons in the social environment of children", "specialised staff" and all other interested parties.

282. In some Parties, part of the team running the assistance service has been specifically trained on the topic of online child sexual abuse and exploitation. This is the case in **Malta**, where the two professionals working for the national hotline have undergone several trainings on the online risks that children may encounter. Both are accredited as analysts by INHOPE and have been trained by Interpol on how to deal with "illegal/indecent online material". In **Poland**, first contact workers operating within the Network of Assistance to Victims financed by the Justice Fund, providing all victims, including children, with legal, psychological, therapeutic and if necessary, medical assistance, receive additional training and support of specialists with high qualifications and experience in providing assistance to persons affected by domestic violence and victims of criminal acts of sexual freedoms.

### ***Promising practices***

In **Bulgaria**, the priority of the Hotline and the Consultative Line for safe Internet is to stop the dissemination of images of child sexual abuse (child pornography) and to combat other forms of sexual abuse of children on the Internet, as well as to remove or restrict Internet content that is inappropriate or harmful to children. Any adult or minor who wants to report online content or behaviour that is illegal under Bulgarian law or may have a traumatic or harmful effect on minors can easily report it to [www.safenet.bg](http://www.safenet.bg). The anonymity of the reporters is guaranteed. In addition, the Bulgarian Safer Internet Centre operates a Hotline receiving and acting upon reports of online child sexual exploitation and abuse material, sexual grooming, cyberbullying and non-illegal but harmful for children online content in close cooperation with national LEA and Interpol. The helpline is addressed to children, young people, parents,

teachers and other professionals, and organises awareness-raising events aiming at making Internet a safer place for children. The Centre has also developed in cooperation with national authorities, the “Rules to be safe online”. The objective is to guarantee the right of the child to access appropriate information and materials online, to synthesize in one place the information on the dangers on the Internet, to provide specific guidelines for child protection and safe behaviour on the computer networks of schools, and to improve the coordination and responsibilities of all stakeholders.

In **Croatia**, a specific web application has been developed to enable internet users to report content related to various types of child sexual exploitation and abuse, including the posting of sexual images or video recordings. It is ensured that the reporting procedure was child-friendly and straightforward, emphasising that this way of reporting reduces the fear and psychological pressure usually caused by more formal reporting procedures. In turn, victims whose images are published on the Internet or who have independently produced sexual content receive assistance at the Polyclinic for the Protection of Children and Young People of the City of Zagreb, a specialized institution for providing help to children who suffer from psychological traumas.

Free applications have also been developed in **Finland** and **Montenegro**, both in collaboration between state authorities and organisations advocating for children’s rights. They aim at facilitating the reporting of online violence against children, for example sexual harassment online, and contain information to help children solve different problematic situations, including online exposure to self-generated sexual content.

In **Ireland**, “Hotline.ie”,<sup>195</sup> the Irish national centre combatting illegal content, in cooperation with the Department of Justice and the Irish National Police and Security Service, has developed in 2021 a new reporting service to help young people and adults whose intimate images and videos have been shared online without their consent. “Hotline.ie” already offered the possibility to report child sexual abuse material and activities related to the sexual exploitation of children. The launch of the new service is part of a wider awareness campaign to highlight that sharing or threatening to share intimate images of another person without their consent is a form of abuse, and there are now laws in place to stop it with penalties of up to seven years of imprisonment. On this occasion, the Harassment, Harmful Communications and Related Offences Act, enacted in February 2021, created new offences which criminalise the non-consensual distribution of intimate images.

In **Israel**, the “105 Hotline” (Child Online Protection Bureau)<sup>196</sup> is a multidisciplinary service aimed at helping children, adolescents, parents and professionals, as well as the public at large about any harm caused to children in the cyberspace. The service offers a way to report, inter alia, extortion, online child sexual abuse, cyberbullying, and provides help in removing abusive, offensive and harmful contents as well as consulting and information about safe internet surfing and harm to children. The hotline is staffed by police officers specifically trained and experts in online harm to children from the Ministry of Public Security, Ministry of Education, Ministry of Health, Ministry of Labour, Social Affairs and Social Services and Ministry of Justice.

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<sup>195</sup> See <https://hotline.ie/>

<sup>196</sup> See [https://www.gov.il/en/Departments/Units/105\\_call\\_center](https://www.gov.il/en/Departments/Units/105_call_center)

### ***Difficulties to implement the Convention***

283. Some Parties have set up telephone lines which are not free of charge, such as in **Finland**<sup>197</sup> and **Monaco**. This undermines general access to the service, even more so in the case of vulnerable children.

284. Few Parties have support services, such as helplines, specifically designed for child victims of online sexual abuse, and only a small minority provide examples of assistance measures provided when sexual abuse occurs in the context of the dissemination of child self-generated sexual images and/or videos.

#### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

##### **Recommendation VI-1**

The Lanzarote Committee requires Parties that are not yet already doing so<sup>198</sup> to take the necessary legislative or other measures to encourage and support the establishment of information services, such as telephone or internet helplines, to provide advice to child victims of sexual exploitation and sexual abuse facilitated by ICTs as well as persons wishing to help them, in a confidential manner or with due regard for their anonymity. These information services should be made available as widely as possible. This can be done in several ways: the service is available at extended hours, it is delivered in a language that the caller, and especially the child, can understand, and it is free of charge.

##### **Recommendation VI-2**

The Lanzarote Committee invites all Parties that are not already doing so to promote awareness raising or specialised training for professionals who provide advice to children through telephone or internet helplines on ICT-facilitated sexual exploitation and abuse of children – including the risks associated with child self-generated sexual images and/or videos – and on how to provide appropriate support to victims and to those who wish to help them.

### ***VI.2 Legislative or other measures to provide children with support, assistance and psychological help***

285. It appears that most Parties have adopted legislative or other measures to provide support, assistance and psychological help to child victims of sexual abuse or exploitation.

286. However, if a majority of Parties have legislation containing adequate provisions to assist child victims, many concern the protection of children in general (**Albania, Belgium, Bulgaria,**

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<sup>197</sup> Under an agreement negotiated by the Government of Åland, children can contact the *Barnens hjälptelefon* (Children's telephone helpline), which is charged at the local rate. This is in addition to *Nollalinja* ("Zero Line") in Finland, which is a nationwide free-of-charge helpline open 24/7 for anyone who has experienced violence or a threat of violence in a close relationship.

<sup>198</sup> **Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Iceland, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Romania, San Marino, Serbia, Slovak Republic, and Ukraine.**

**France, Latvia, Republic of Moldova, North Macedonia, Portugal, Slovenia, Slovak Republic, Turkey and Ukraine).**

287. Others focus on assistance to child victims of sexual violence (**Andorra, Cyprus, Denmark, Germany, Greece, Italy, Liechtenstein and Lithuania**).

288. Ultimately, only 5 Parties have legislation addressing the problem of child abuse facilitated by information and communication technologies (**Bosnia and Herzegovina, Croatia, Romania, Slovenia and Switzerland**), and only one has a specific law addressing the issue of child self-generated sexual images and/or videos (**Hungary**).

289. There are cases where Parties seem to portray providing support services as a consequence of reporting, investigation, or legal procedures. When this is the case, support, assistance and psychological help are provided at the time of judicial proceedings. While this is undoubtedly necessary, it is essential to ensure that this is not the only type of victim support available in the country, as many victims of sexual abuse and exploitation often do not reach the stage of the judicial process.

290. Not all Parties provided detailed information on how existing victim support mechanisms currently address offences arising from the production, possession, distribution or transmission of child self-generated sexual images and/or videos.

291. Some laws specify the child's right to access help even without parental consent (**Czech Republic, Hungary and Slovak Republic**). Such clauses eliminate certain paradoxes that are often left to the discretion of professionals.

292. Some Parties have specific mechanisms to facilitate access to their victim assistance services for national children who are abroad:

- In **Estonia**, a special helpline is available for children located outside the national territory.
- In **Bulgaria**, a coordination mechanism was established in 2010 to support and accompany child victims of trafficking upon their return, using a multidisciplinary approach.

293. In some Parties the government also provides moral and financial compensation to victims of crime, including children victims of sexual abuse, such as the **Czech Republic, Hungary, Latvia, Norway, Poland and Switzerland**.

294. In only two Parties, **Liechtenstein** and **Poland**, are independent psychotherapists and psychiatrists listed as services that child victims can access free of charge through their health insurance. This practice provides children with greater opportunities to access services.

295. Globally speaking, there is a significant lack of data collection and information on the number of victims who have received support, assistance and psychological help in the context of child self-generated sexual images and/or videos.

296. **Albania, France, Germany, Liechtenstein, Luxembourg, Portugal, Serbia and Turkey** acknowledged that they had no specific data on any dimension of the proportion of child

victims in such contexts. **Estonia, Finland, Moldova, San Marino, Switzerland and Ukraine** provided general information not specifically related to the question. **Belgium, Bosnia and Herzegovina, Hungary, Italy, Netherlands, Romania and Slovenia** provided data referring to the number of calls received by helplines on this issue without indicating what kind of follow-up was given to these calls.

297. In total, only **Croatia, Iceland and Latvia** provided information on the number of children who received support, assistance and psychological help in connection with the dissemination of child self-generated sexual images and/or videos.

298. With a few exceptions, the data provided are still limited and insufficient to develop evidence-based services and procedures, especially due to a lack of information specifically related to the issues or a lack of uniformity in the figures provided by the Parties, even concerning the time periods selected.

299. Some Parties report having a wide range of mechanisms and services, but do not provide statistical data on reported cases. It is not sure whether this is due to a lack of data or a lack of mechanisms in place to collect and analyse the data. **Liechtenstein**, for example, has numerous services to assist victims and their families, including the service of private practitioners whose expenses are covered by health insurance and the 24/7 Crisis Intervention Team, but offers no statistical data. In **Albania**, according to national statistical data, no cases have been reported or referred, which appears to be unrealistic.

300. In some Parties, different local authorities have different services available (**Austria, Belgium, Bosnia and Herzegovina, Finland, Germany and Sweden**). A standard and congruent service across a country may make it easier for children to access and receive help when they need it.

301. There are instances where what the Party reports is contradicted by the statement of an NGO in the same country. For example, in **Moldova**, the **NGO La Strada** states that the laws mentioned by the State refers to procedures of identification, evaluation, assistance, referral, monitoring and evidence of children at risk or separated from their parents. The law lists the categories of children that may be considered at risk but does not regulate any of the categories covered by the 2nd monitoring round of the Lanzarote Committee. It is also interesting to note that, according to La Strada, the second law mentioned by the state of Moldova does not ensure the protection of child victims of sexual abuses online; it focuses more on preventing child separation from the family. La Strada goes on by mentioning a third law which the state of Moldova failed to mention, which is better suited for the purpose of this report. However, although the law was adopted in 2016, the national authorities have not yet established a normative framework that would regulate how to implement the provisions of the law.

302. National legislation addressing specifically the risks associated with child self-generated sexual images and/or videos is still widely lacking and is addressed either within more generic laws of sexual abuse or through domestic violence laws. This may give way for wider legal interpretations and loopholes to avoid conviction.

***Promising practice***

In **Poland**, first contact workers operating within the Network of Assistance to Victims financed by the Justice Fund receive additional training and support of specialists with high qualifications and experience in providing assistance to persons affected by domestic violence and victims of criminal acts of sexual freedoms. The Network of Assistance to Victims provides all victims, including children and the victim's closest relatives, with legal, psychological, therapeutic and if necessary, medical assistance. Free assistance for the victim is provided by legal advisers, attorneys-at-law, psychologists, psychotherapists and doctors authorized to provide the above-mentioned services on the basis of national law, including specific provisions regulating the right to practice a profession. The Justice Fund also provides financial aid for children.

***Recommendations as to steps to be taken to improve the effective implementation of the Convention***

**Recommendation VI-3**

The Lanzarote Committee requires Parties which are not already doing so<sup>199</sup> to take the necessary legislative or other measures to assist child victims of sexual exploitation and abuse, in the short and long term, in their physical and psycho-social recovery, these measures must take due account of the child's views, needs and concerns.

**Recommendations VI-4**

The Lanzarote Committee invites **Parties which are not already doing so** to ensure that the assistance measures referred to in Recommendation VI-3 are available to child victims of sexual exploitation and abuse facilitated by ICTs, including offences due to the production, possession, distribution or transmission of child self-generated sexual images and/or videos.

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<sup>199</sup> Albania, Austria, Belgium, Bulgaria, Estonia, Finland, Georgia, Iceland, Latvia, Lithuania, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, San Marino, Serbia, Slovak Republic, Spain, Sweden, Turkey, Ukraine.

## VII. Civil society involvement and cooperation

303. Civil society involvement in the protection of children against sexual exploitation and sexual abuse is crucial and acknowledged by the Lanzarote Convention. Projects and programmes carried out by civil society as well as cooperation between the competent state authorities and civil society cover a wide range of issues with a more or less broad scope. It appears that child self-generated sexual images and/or videos are either dealt with within a broader activity or, sometimes, they are however also the core of targeted activities.

304. The first part of this chapter therefore deals with cooperation per se between state authorities and civil society - the forms it takes at all levels, the type of support provided, who provides it. The second part is devoted to the content of projects and programmes carried out by civil society, whether in cooperation with the State or not, in the field of prevention of ICT-facilitated sexual exploitation and abuse of children, as well as assistance to victims of sexual exploitation or abuse offences, including those related to the sharing of child self-generated sexual images and/or videos.

### **Lanzarote Convention – Extracts**

#### **Article 9 – Participation of children, the private sector, the media and civil society**

1. Each Party shall encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children.

(...)

4. Each Party shall encourage the financing, including, where appropriate, by the creation of funds, of the projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse.

#### **Article 10 – National measures of co-ordination and collaboration**

(...)

3. Each Party shall encourage co-operation between the competent state authorities, civil society and the private sector, in order to better prevent and combat sexual exploitation and sexual abuse of children.

#### **Article 14 – Assistance to victims**

(...)

2. Each Party shall take measures, under the conditions provided for by its internal law, to cooperate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.

### **Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse - Extracts**

#### **Article 9 – Participation of children, the private sector, the media and civil society**

67. Paragraph 1 recognises that the development of policies and measures, including action plans, to combat the sexual exploitation and abuse of children must of necessity be informed by children's own views and experiences in accordance with their evolving capacity.

(...)

75. Paragraph 4 requires Parties to encourage the financing of projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse. The negotiators wish here to recognise and highlight the important work of NGOs in this field.

#### **Article 10 – National measures of co-ordination and collaboration**

In paragraph 3, in respect of the necessity of a comprehensive and multidisciplinary approach, States are required to encourage co-operation between competent State authorities, civil society and the private sector in the prevention of and fight against sexual exploitation and abuse of children. The reference to civil society is a generic term covering non-governmental organisations and the voluntary sector. This paragraph, as in paragraph 2 b, recognises and supports the important role of civil society in preventing sexual exploitation and abuse of children. For many children and families, NGO's are more acceptable to them in their search for support than formal State institutions and bodies. For that reason, while responsible for meeting the obligations laid down in Article 10, Parties must involve such bodies in the implementation of preventive measures.

#### **Article 14 – Assistance to victims**

98. NGOs often have a crucial role to play in victim assistance. For that reason, paragraph 2 specifies that each Party is to take measures, under the conditions provided for by national law, to cooperate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in victim assistance. In many states, NGOs work with the authorities on the basis of partnerships and agreements designed to regulate their cooperation.

## **VII.1 Modalities of cooperation between state authorities and civil society in prevention and assistance to child victims of sexual exploitation and sexual abuse facilitated by ICTs, in particular as regards child self-generated sexual images and/or videos**

### **VII.1.1 Framework for cooperation between state authorities and civil society in prevention and assistance to child victims**

305. It appears that most Parties support civil society stakeholders as partners in the prevention of child sexual abuse and exploitation and victim assistance activities. However, the framework in which this cooperation takes place differs significantly from State to State.

306. Different State authorities are responsible for the cooperation with civil society concerning the prevention activities carried out. Usually, this cooperation is decided at the national government level, but the responsible ministries vary widely. It should be noted that only a minority of cooperation projects are decided upon by a national body specifically dedicated to children's rights.<sup>200</sup> Other stakeholders are the ministries, agencies or

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<sup>200</sup> In **Albania**, the State Agency for the Protection of Children's Rights signed a cooperation agreement in April 2016 with the National Children's Counselling Line Alo 116 111, which aims to improve the referral system for children at risk, through increased cross-sector co-operation and co-ordination work between public and non-public structures. It also signed a cooperation agreement with the Together Albania Foundation, which aims at informing all institutions, civil society organisations, children, young people about the online counselling service [www.nukjevetem.al](http://www.nukjevetem.al) which offers free help to children, while respecting their anonymity and referral of child cases at risk that is signalled via the web site [www.nukjevetem.al](http://www.nukjevetem.al). In **Latvia**, the national Council on the

departments of health, justice, economy, interior, women, science and sports. In some Parties, cooperation projects are decided upon by the Ombudspersons as well as the Police.

307. Some state authorities encourage the implementation of prevention projects and programs carried out by civil society not only at the federal/national level but also at the regional/local level (**Austria, Belgium, Bosnia and Herzegovina, Germany, Italy, Poland, Romania, Switzerland, Turkey**).

308. On the other end of the spectrum, civil society encompasses very different actors. NGOs are the most involved counterparts in this field, along with the media (**Andorra, Belgium, Bulgaria, Croatia, Cyprus, Finland, France, Germany, Iceland, Italy, the Netherlands, North Macedonia, Norway, Portugal, Ukraine, Switzerland**) and different helplines (**Austria, Bulgaria, Denmark, Estonia, Finland, Hungary, Italy, Norway, Portugal, Serbia**). Schools and other educational institutions are also frequent actors (**Belgium, Bosnia and Herzegovina, Cyprus, Denmark, Georgia, Germany, Hungary, Iceland, Italy, Lithuania, Norway, Portugal, Spain, Switzerland**), as well as academia (**Cyprus, Germany**), foundations, youth sports clubs (**Belgium**), businesses (**Germany**) and family planning centres (**Bulgaria, Cyprus, Denmark, Luxembourg**).

### **VII.1.2 Forms of cooperation between state authorities and civil society in prevention and assistance to victims**

309. The forms that cooperation between state authorities and civil society takes vary significantly from one Party to another.

310. Many Parties emphasise that their support for the development of prevention activities by civil society takes the form of financial support and grants (**Andorra, Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, France, Germany, Iceland, Italy, Lichtenstein, Luxembourg, Serbia, Slovenia, Spain, Switzerland, Sweden**).

311. Parties also mention the training opportunities they offer to civil society actors concerning the online environment and related risks but also the opportunities it presents for children's rights (**Austria, Belgium, Bulgaria, Cyprus, Georgia, Hungary, Lithuania, Monaco, Poland, Portugal, Romania, Switzerland**).

312. There are cases where state and civil society representatives favour cooperation through working groups (**Belgium, Bulgaria, Hungary, Luxembourg, Norway, Switzerland, Ukraine**), the organisation of seminars (**Bosnia and Herzegovina**) or forums (**Bulgaria**), in which both sides are represented and work together on the issue at stake.

313. Sometimes it is the know-how of one of the parties that is sought by the other: civil society is consulted during the drafting of new legislation (**Finland, Republic of Moldova**,

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cooperation of children's rights reviews the "political challenges related to the interdisciplinary cooperation in the field of the rights of the child". Convened by the Minister of Welfare, it includes social welfare, child protection representatives, police from the local and state level, representatives from the local educational board, as well as optional members such as educational institutions, residential institutions, prison facilities, commission assessing if the child needs special education because of his/her disability, municipal commission reviewing cases of administrative violations, State probation service, and nongovernmental organisations.

**Switzerland, Turkey, Ukraine**), or the State is called upon to give its expertise on specific subjects (**Georgia, Germany, Switzerland**) or its logistical advice (**Andorra**) to civil society actors.

314. Finally, some forms of cooperation are more atypical and are mentioned very rarely; this is the case of equipment donations in **Belgium**, state sponsorship to civil society campaigns in the **Czech Republic and Malta**, and coordination of civil projects in **Estonia**.

315. Most Parties develop and support different activities which are aimed at raising the awareness of not only children but also adults such as parents, educators, doctors and social workers about existing risks and dangers of ICTs for children (**Albania, Andorra, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, France, Georgia, Germany, Hungary, Iceland, Italy, Liechtenstein, Lithuania, Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Slovak Republic, Serbia, Slovenia, Spain, Switzerland**).

#### ***Promising practices***

Some countries have embedded this need for cooperation between the state authorities and civil society in their regulatory or legislation frameworks, thus making it more sustainable:

- In **Cyprus**, the National Strategic and Action plan for the protection and prevention of child sexual abuse and exploitation and child pornography provides that state authorities should implement prevention projects and programmes in cooperation with other services/NGOs/private sector.
- In **Estonia**, most of the national prevention activities are coordinated by the Strategy for Preventing Violence for 2015-2020 and its implementation plan, which is amended annually.
- In **Luxembourg**, a national programme and Action plan for the promotion of emotional and sexual health, supported by five Luxembourg ministries and Family Planning, HIV-AIDS Berodung and the Psychological Centre for School Guidance, also provides for the strengthening of the networking of partners in the field, and consultation with a wide range of civil society actors.
- In **Switzerland**, several forms of support for private non-profit organisations are provided for in the Federal Law on the Promotion of Children and Youth.
- In **Turkey**, the Child Protection Code provides that public authorities, families and non-governmental organisations and other stakeholders shall work in collaboration for the protection of children, including from sexual abuse and exploitation. In 2014, the Ministry of Interior issued a circular on "Measures to Prevent Sexual Abuse of Children Online", which foresees that awareness-raising activities should be carried out in partnership with civil society and local governors.

#### ***Difficulties to implement the Convention***

316. In some Parties (**Montenegro, Poland, Ukraine**), there is no systemic policy to encourage civil society to develop prevention projects in this area. A first difficulty is the lack

of financial support provided to civil society, forcing NGOs to secure their own budget and threatening in return the sustainability of the projects. The second problem is that there is sometimes no cooperation plan covering the whole national territory on the fight against sexual exploitation and sexual abuse of children online. Finally, civil society organisations are sometimes required to seek formal approval from the State to see their projects implemented in practice.

### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation VII-1**

The Lanzarote Committee requires **Parties which are not already doing so**<sup>201</sup> to involve civil society bodies in the implementation of preventive measures in the field of sexual exploitation and abuse of children.<sup>202</sup>

#### **Recommendation VII-2**

The Lanzarote Committee requests **Parties which are not already doing so**<sup>203</sup> to encourage the financing of projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse.<sup>204</sup>

#### **Recommendation VII-3**

Whilst recalling that cooperation may be regulated through partnerships and agreements, the Lanzarote Committee invites **all Parties** to expand cooperation with civil society in order to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards the challenges raised by the exploitation of child self-generated sexual images and/or videos.

#### **Recommendation VII-4**

The Lanzarote Committee invites **all Parties** to ensure that the forms of cooperation that take place with civil society in the field of prevention and protection of children against sexual exploitation and abuse are of a sustainable nature.

## ***VII.2 Civil society involvement in the protection of children against sexual exploitation and sexual abuse facilitated by ICTs, in particular as regards child self-generated sexual images and/or videos***

317. Civil society involvement in the fight against sexual exploitation and sexual abuse of children facilitated by ICTs is paramount. Topics addressed by the projects and programmes carried out by civil society in this domain, whether or not in cooperation with the state

<sup>201</sup> Albania, Greece, Latvia, Montenegro, North Macedonia, San Marino, Slovak Republic, Turkey.

<sup>202</sup> Examples of projects and/or programmes will enable assessment of follow-up to this recommendation.

<sup>203</sup> Albania, Bosnia and Herzegovina, Cyprus, Georgia, Greece, Latvia, Lithuania, Malta, Republic of Moldova, Monaco, Montenegro, North Macedonia, Romania, San Marino, Slovak Republic, Turkey, Ukraine.

<sup>204</sup> Examples of projects and/or programmes will enable assessment of follow-up to this recommendation.

authorities, are of a wide variety. The specific issue of child self-generated sexual images and/or videos, is not necessarily the sole concern of the activities carried out in this regard.

### VII.2.1 Civil society involvement in prevention activities

318. Civil society prevention projects on combating sexual exploitation and abuse facilitated by ICTs are being implemented in almost all States Parties to the Lanzarote Convention.

319. However, most replies provide information about general prevention projects and programmes on violence against children (**Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Denmark, Estonia, Georgia, Hungary, Sweden, Switzerland**).

320. In some countries the interaction with civil society includes preventive and awareness-raising activities to minimise the risk of abuse that children face online (**Albania, Bulgaria, Cyprus, Croatia, Denmark, Estonia, Finland, Germany, Hungary, Iceland, Italy, Latvia, Lichtenstein, Lithuania, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Spain, Turkey, Switzerland**).

321. In turn, there are some projects specifically aimed at educating and raising awareness of children on the issue of child self-generated sexual images and/or videos (**Denmark, Finland, France, Germany, Hungary, Iceland, Republic of Moldova, Montenegro, the Netherlands, Norway, Poland, Portugal, Serbia, Slovak Republic, Spain, Switzerland**).

322. However, it should be noted that other countries refer to projects aimed at awareness-raising and education on similar issues or even covering the same situations, but the use of different terms, such as “sexting”, “cyber mobbing”, “child pedopornography”, “provocative selfies”, “revenge porn”, “sextortion”, “pedopornographic material”, “grooming”, leaves doubt as to the actual content of such projects (**Austria, Belgium, Bulgaria, Cyprus, Hungary, Italy, Latvia**). Although the objective may be the same (to combat the production, possession, distribution or transmission of self-generated sexually explicit images and/or videos and self-generated sexual content) differences in terminology can be detrimental. Such content circulates online and knows no border. Combating these offences therefore requires sustained co-operation between states, which can only be successful if there is no doubt in the vocabulary when communicating information or transmitting evidence.

323. Other civil society projects - whether or not carried out in cooperation with the State - aimed at preventing abuses related to the sharing of such content are educational activities (**Albania, Croatia, Greece, Finland, Hungary, Italy, Liechtenstein, Malta, Republic of Moldova, Monaco, the Netherlands, Norway, Portugal, Spain, Serbia**), field research and analysis (**Austria, Belgium, Bosnia and Herzegovina, Croatia, Hungary, Italy, Republic of Moldova, Portugal, Sweden, Turkey**), conducting surveys (**Bosnia and Herzegovina, Italy, Latvia**), but also sometimes the installation of protection software on private computers (**Croatia, Hungary**).

### ***Promising practices***

Many stakeholders report that civil society uses child-friendly and recreational material to convey preventive information:

- **Albania** has recourse to mobile apps: the iSigurt application was designed as part of the National Platform for Child Safety Online ([www.ISIGURT.al](http://www.ISIGURT.al)). It is accessible on smart phones and includes informative and preventive information, as well as direct links to reporting an incident to child helpline services.
- NGOs from **Albania, Cyprus** and **Finland** broadcast animated video clips for children and parents, some of them addressing the issue of online self-generated sexual content and how to prevent sexual harassment and sexual violence.
- In **Switzerland**, a comic book called the “Stories from the Internet” has been published to educate children on the risks associated with the online environment and safety practices. It has been translated and is now also used in Bosnia and Herzegovina.
- In **Andorra**, television debates focussing on children’s rights are organised: each year, different editions of the "Children's Week" (2017) are carried out jointly by UNICEF Andorra and the RTVA. They highlight the topics of discussion and debate chosen by young people in the programmes broadcasted by the RTVA, including the rights of children in the digital environment.
- In **Belgium**, a podcast has been made available to children: organised by the Yakapa organization, an abuse prevention program initiated by the Ministry of the Federation Wallonia-Brussels of Belgium, it focuses on "The use of images among young people: what can be done with them?" and supports for the setting up of training courses on the theme of screens.
- Databases can be found online in **Belgium** with information on cyberbullying and sexting.
- **Bulgaria** has launched a national campaign against "provocative selfies", with the hashtag #Dressup.
- A guidebook “The other dictionary of Internet” explaining the main online risks for adolescents, including provocative selfies, sexting, sextortion and revenge porn can be found in **Bulgaria**.
- An interactive Internet safety knowledge test can also be taken in **Bulgaria**.
- Some countries have developed interactive games on the topic of child safety online (**Bulgaria, France, Norway, Portugal**)
- In **Denmark**, there are annual creative competitions where children can submit their own art, music, films, etc. In 2016/17, the theme was “My body, my rules”, and the sharing of private images was one of the topics.
- **Estonia** organised a child rights film programme, where the issue of sexual violence against children was addressed.
- In **Greece**, the NGO **The Smile of The Child** implements projects for students, as part

of which fictional stories are depicted. One of them describes a situation where self-generated sexually explicit images are used for bullying purposes. The aim is to inform students about the dangers that can arise from the use of the Internet, and how to react if such a situation happens to them.

- In **Poland**, the National Research Institute NASK developed a campaign addressing teenagers of 13 to 17 years who are active on social media, to build awareness of the threats associated with the distribution of intimate content online and advise on where to seek help when such content is made public. The campaign addressing young people will be conducted on TikTok, while the content addressing adults will be shared on Facebook, LinkedIn, Twitter and the campaign website.
- In **Serbia**, a youth theatre is showing two plays about self-generated sexually explicit images and their possible misuse: "Children on the Internet" and "The guilty is somewhere there". The actors are teenagers, and they stage a situation where sharing this content leads the victim to the point of attempted suicide. Both plays are aimed at children and their parents.

Many Parties, including **Hungary** and **Poland**, run Safer Internet centres established under the European Commission's Safer Internet Programme.<sup>205</sup> Safer Internet Centres inform, advise and assist children, parents, teachers and carers on digital questions and fights against online child sexual abuse. The Polish Centre is formed by the National Research Institute (NASK), the coordinator of the PSIC, and the Empowering Children Foundation (ECF). The Centre undertakes a range of comprehensive measures for the safety of children and young people using the internet and new technologies. The Orange Foundation is partner of many activities undertaken within the Centre.

324. Sharing of good practice is present in **Bosnia and Herzegovina**, where one organisation carried out study visits to Safer Internet Centres in **Bulgaria** and **Poland**, before setting up its own Safer Internet Centre.

325. Some States have ensured that resources are made available to all by translating them into other languages, mainly English (**Germany, Hungary**).

### ***Difficulties to implement the Convention***

326. As mentioned above, most of the information submitted relates to general activities for the prevention and protection of children's rights in cases of violence in general. Thus, the replies from all stakeholders illustrate the limited information on the issue of child self-generated sexual images and/or videos.

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<sup>205</sup> See paragraph 255, 6th indent, above for more details on Parties with Safer Internet Centres.

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation VII-5**

The Lanzarote Committee invites **all Parties** to support civil society to carry out projects and programmes that include the issue of child self-generated sexual images and/or videos.<sup>206</sup>

**VII.2.2 Civil society involvement in victim assistance programmes (Child helplines, Victim support organisations, etc.)**

327. Programmes meant to assist victims of offences related to child self-generated sexual images and/or videos are mentioned only in a few Parties (**Albania, Bulgaria, Germany, Finland, France, Hungary, Norway, Romania, Slovenia**). The other Parties did not mention the issue of child self-generated sexual images and/or videos when they replied to the question on victim assistance mechanisms.

328. Most victim assistance mechanisms are limited to offering a helpline to report illegal material online or offences. Where they do exist, these telephonic and electronic helplines usually concern fairly broad issues such as children’s rights in general (**Croatia, Denmark, Estonia, France, Italy, Malta, Republic of Moldova, Slovak Republic, Spain**), violence against children, including sexual violence (**Albania, Croatia, Czech Republic, Germany, Romania**), and in rare cases, violence taking place in the digital environment (**Austria, Bulgaria, Finland, France, Hungary, Latvia, the Netherlands, Slovenia**). Sometimes the existence of a helpline is mentioned, but no details are provided as to the subjects it covers (**Belgium, Serbia**). The only Parties where the issue at stake is mentioned are **Denmark** and **Slovenia**, where there are helplines for victims of online sexual abuse, that include counselling for young people who experience having “private, intimate or humiliating information, pictures or videos shared online”.

329. There are a few other forms of assistance other than reporting mechanisms. Some countries mention the presence of shelters on their territory, where victims of violence, including children, can seek support in cases of sexual abuse (**Austria, Albania, Italy, Luxembourg, Poland, Portugal, Switzerland**). In **Montenegro**, such centres are available to victims of trafficking in human beings, including children, where they receive free legal, health, psychological and social protection, while in **Hungary**, Victim Support Centres, existing in 10 counties of the country, are also equipped with so-called patron rooms to provide a safe and confidential environment for assistance, in addition to a child psychologist who is always present to provide emotional and psychological support. The aim is to establish a national network of centres by 2025, which will provide effective support to all victim groups, including children. In some Parties, NGOs offer free psychological support to children (**Belgium, Estonia, Finland, Germany, Latvia, Malta, Monaco, Norway, Poland, Romania, Spain, Switzerland**), while sometimes the assistance of civil society organisations is provided during legal proceedings, through legal advice and physical assistance throughout the proceedings (**Austria, Germany, France, Malta, Monaco, Poland, Switzerland**).

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<sup>206</sup> Examples of projects and/or programmes will enable assessment of follow-up to this recommendation.

### ***Promising practices***

- In **Austria, Finland, Hungary, Latvia, Portugal, Republic of Moldova, Serbia, Slovenia, Spain** helplines/hotlines work directly in cooperation with the Police or a Criminal investigation department, in order to report directly any suspicion of abuse.
- The **Andorran** Ombudsman welcomes children without the presence of their representative or legal guardian, if they wish to present their complaints or suggestions independently.
- **Belgium** and **Finland** have a "chat" to facilitate the handling of child sexual abuse, where children can discuss their situations with the same counsellor and schedule regular appointments with him/her.
- In **France**, the Federation "La voix de l'enfant", a group of 80 associations whose aim is "to listen to and defend any child in distress, whoever and wherever he or she may be", has established, through a multidisciplinary collaboration (prosecutors, doctors and police officers), a "protected hearing room" in a high court, and has installed an "indirect confrontation room" in a central police station. These allow the child victim not to be physically confronted with the defender, unless the child requests it.
- In **France**, "Permanences et Unités d'Accueil Médico-judiciaire en milieux hospitaliers" ("Permanences and Units of Medico-legal reception in hospitals") have been set up in hospitals for child victims of sexual violence. They provide multidisciplinary care allowing all the medical, psychological and legal examinations necessary for investigations to be carried out in the same place. As of January 1, 2020, 64 such clinics were open, and many more are currently being planned.
- In **Germany**, the Ministry for Family Affairs, senior citizens, women and youth launched a network to combat "grey-zone type presentations", defined as depictions of children that would not be regarded as being liable to punishment under criminal law in every state, but that are disseminated online for sexual purposes.
- In **Romania**, the Federation of the NGOs working in the field of child protection (FONPC) carried out a project through which it set up three hearing rooms for child victims of violence, equipped according to standards in this field (unidirectional mirror, audio-video recording system).
- Another **Romanian** organisation, the International Foundation of the Child and Family (IFFC), organises weekly art therapy workshops for child victims of violence.
- In **Ukraine**, mobile applications "My Police" and "FamilyInSafe" were launched on the occasion of the Day of the Protection of Children on 1 June 2017, to help accelerate the police response in cases of child abuse.

### ***Difficulties in implementing the Convention***

330. In some countries, such as **Albania**, there is a lack of specialised assistance to child victims of sexual abuse, including psychological support.

331. Children living in rural and local communities in **Romania** are sometimes discriminated against when it comes to civil society assistance in cases of abuse.

332. In **Serbia**, the **Coalition for Monitoring Child Rights** notes the limited effectiveness of the referral mechanism for child victims of sexual exploitation crimes in general, which may result from the reluctance of children to file complaints for fear of stigmatisation, as well as the lack of efficient reintegration programmes for child victims.

333. **ECPAT Sweden** notes the need to develop a helpline for children, designed to assist them to remove pictures, and to provide support to those who suspect that they are being groomed, abused, or have other questions and concerns.

**Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention based on the views of the 306 children from 10 different Parties to the Convention who participated in this monitoring round**

**Recommendation VII-6**

The Lanzarote Committee invites **all Parties** to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards child self-generated sexual images and/or videos, and to provide example(s) of how children's views are taken into account in the context of the participation of children.

**Recommendation VII-7**

The Lanzarote Committee invites **all Parties** to seek children's views at the stage of drafting new legislation on the issues of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards child self-generated sexual images and/or videos.

## VIII. Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves<sup>207</sup>

334. Chapter II of the Lanzarote Convention, on “preventive measures”, states in Articles 5, 6 and 8 that States Parties should take the necessary measures to prevent all forms of child sexual exploitation and abuse and to protect children from their effects.

335. The last part of Article 6 refers to situations of risk, including those involving the use of new information and communication technologies. As Europol has pointed out, “The growing number of children and teenagers who own smartphones has been accompanied by the production of self-generated indecent material. Such material, initially shared with innocent intent, often finds its way to ‘collectors’, who often proceed to exploit the victim, in particular by means of extortion.”<sup>208</sup> To stop these risks from occurring, preventive measures are necessary, as noted in Article 4 of the Lanzarote Convention, which states, “Each Party shall take the necessary legislative or other measures to prevent all forms of sexual exploitation and sexual abuse of children and to protect children.”

336. Awareness-raising is one possible type of preventive measure, as recognised by Articles 5 and 8 of the Convention. The same goes for education, including non-formal learning. The boundary between “awareness-raising” and “education” is a fine one, particularly when information is given to children at school by outside parties. For this reason, the educational aspects are dealt with in the next chapter in order to focus here on awareness-raising in the narrow sense.

### **Chapter II of the Lanzarote Convention – Preventive measures**

#### **Article 8 – Measures for the general public**

- 1. Each Party shall promote or conduct awareness raising campaigns addressed to the general public providing information on the phenomenon of sexual exploitation and sexual abuse of children and on the preventive measures which can be taken.*
- 2. Each Party shall take the necessary legislative or other measures to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention.*

#### **Explanatory report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**

#### **Article 8 – Awareness-raising of the general public**

*65. Article 8 requires Parties to promote or conduct awareness raising campaigns for the general public.*

*66. Paragraph 2 is intended to prevent or prohibit any advertisement of the offences described in the*

<sup>207</sup> The table in the appendix shows the main awareness-raising tools used to help prevent risky behaviour by children with regard to self-generated sexual images and/or videos.

<sup>208</sup> <https://www.europol.europa.eu/crime-areas-and-trends/crime-areas/child-sexual-exploitation>

*Convention. The implementation of this provision is left to Parties but they must obviously take into account the case-law of the European Court of Human Rights which, based on Article 10 ECHR, guarantees the right to freedom of expression the exercise of which may be subject to certain formalities, conditions, restrictions or penalties as prescribed by law and necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, or for the protection of health or morals.*

337. The Lanzarote Committee stresses that it is vital to make children aware of the risks that they face when generating and/or sharing sexual images and/or videos of themselves (VII.1). It is in this connection that awareness-raising tools, materials, activities and campaigns, and the types of partner using them, will be considered in greater detail. It is also essential to promote awareness of these risks among parents and adults with parental responsibilities (VII.2) as well as the general public (VII.3). Lastly, the Lanzarote Committee recognises the importance of ensuring co-ordination between the bodies responsible for carrying out awareness-raising activities (VII.4).

### **VIII.1 Promoting awareness among children**

338. The Lanzarote Committee notes that the Parties have generally taken measures to raise awareness, mostly with a broad approach (covering the risks faced by children online and more specifically on social media, for example).<sup>209</sup>

339. Yet the concept of the risks that children face when they generate and/or share sexual images and/or videos of themselves is only seldom addressed directly, whether through awareness-raising activities for children (as the generators of such images and/or observers), for parents or for persons having regular contact with children, or through the materials and tools prepared on this topic.

340. The Lanzarote Committee has already commented on the need to make children aware of the risks that they face when generating and/or sharing sexual images and/or videos of themselves in its “Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children” adopted on 6 June 2019.<sup>210</sup>

***Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children, adopted by the Lanzarote Committee on 6 June 2019***

(...)

*f. Concerned by the increasing number of child self-generated sexually suggestive and explicit images and/or videos that is putting more and more children at risk of harm and conscious of the need to raise children’s awareness on alternative safer ways to express their sexuality;*

*g. Stressing that children should be informed that “any material that visually depicts a child engaged*

<sup>209</sup> For an overview of measures taken by the Parties to the Lanzarote Convention and the tools available for raising awareness among children, their parents, and persons having regular contact with them, regarding the risks that they face, see the compilation of States’ replies to Question 1 of the thematic questionnaire: <https://rm.coe.int/compilation-of-replies-to-question-1-awareness-raising-or-educational-/16808ff7db>.

The tools and practices described in this chapter do not constitute a complete list.

<sup>210</sup> <https://rm.coe.int/opinion-of-the-lanzarote-committee-on-child-sexually-suggestive-or-exp/168094e72c>

*in real or simulated sexually explicit conduct or any depiction of a child's sexual organs for primarily sexual purposes" is defined as "child pornography" by Article 20§2 of the Lanzarote Convention and that therefore child self-generated sexually suggestive or explicit images and/or videos could constitute "child pornography" (...)*

341. Nevertheless, when children are consulted it is apparent that most of them are unaware of the rules applying when they generate and/or share sexual images and/or videos of themselves and many do not realise the risks involved.

### ***What children are saying***

In **Cyprus**, children report that they are not familiar with any awareness-raising campaigns or activities explaining the risks of generating sexual images and/or videos of themselves. However, when asked how such campaigns could be carried out, they recommended that they should be organised as open events, with music, and where different messages would be disseminated through informative leaflets, attractive video clips, etc., so as to attract young people.<sup>211</sup>

The children in **Italy** state that they know of campaigns and videos on these issues. In particular, they report having seen a video on cyberbullying and one on sexting. According to them, videos are very useful prevention tools: they reported that short and impactful videos should be shown in order to talk about these issues, since, sometimes "videos are more effective than man words".<sup>212</sup>

In **Serbia**, when asked "Have you seen in town, on TV or on the Internet a campaign, advertisement, poster, video, film, video clip or anything else showing some of the potential risks of taking pictures, recording, sharing video material of naked bodies of children under 18?", very few children gave an affirmative reply.<sup>213</sup>

In **Ukraine**, children indicated that they would like to see advertisements about helplines and the dangers that exist on the internet, especially on YouTube, when downloading games, and on social networks in general.<sup>214</sup>

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*"Children state that they have never heard about any awareness-raising or educational activities addressing children (...) about the risks they face when they produce and/or share self-generated sexual images and/or videos. in our country."*

*Extract from consultations with the Public Health Foundation, Georgia, 2018*

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<sup>211</sup> Extract from consultations with the Social Welfare Services, Cyprus, 2018.

<sup>212</sup> Extract from consultations with the Associazione Agevolando; Center for Families of the Municipality of Rimini; University of Sassari - Department of History, Human Sciences and Education, Italy, 2019.

<sup>213</sup> Extract from consultations with the Child Rights Centre, on behalf of the Coalition for Monitoring Child Rights in Serbia, 2018.

<sup>214</sup> Extract from consultations with the Women's Consortium, Ukraine, 2018.

342. It is therefore essential to raise awareness among children in order to limit their risks of sexual exploitation and sexual abuse. This must be done early enough – before they reach their teens – since it has emerged that children are generating sexual images and/or videos at an ever-younger age. Awareness-raising must also be tailored to their age and degree of maturity and be in language that they can understand.

343. Thus, when a video screened in the **Republic of Moldova** in 2017 as part of the police’s “Teenage Years in Safety” information campaign dealt with online safety issues, it made no reference to the risks entailed by children generating and/or sharing sexual images and/or videos of themselves.

344. Still in the **Republic of Moldova**, and according to the children themselves,<sup>215</sup> activities seeking to prevent sexual abuse and sexual exploitation in general and sexting in particular are often conducted only once a case of abuse or exploitation has been reported in the local area or another part of the country.

345. By contrast, few Parties have awareness-raising specifically for children as viewers/observers of other children producing and/or sharing sexual images and/or videos of themselves. In **Bulgaria**, a public debate “For and against uploading sexy selfies” gathered in 2016 over 30 young people at the IT Step Academy Bulgaria in Sofia. The aim of the debate was to try to oppose views on the widespread phenomenon of uploading provocative photos on the Internet, thus discussing in more depth the consequences from such online behaviour. In the **Netherlands**, vice detectives from the national police talk once a month to young people who are able to ask questions about online sexual behaviour, such as producing and sharing sexual images, videos and content.<sup>216</sup>

**Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation VIII-1**

The Lanzarote Committee invites the Parties to ensure that explanations of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, with or without coercion, are included in the awareness-raising campaigns that they promote or conduct, whatever the target audience.

**Recommendation VIII-2**

The Lanzarote Committee invites the Parties to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and that it is “adapted to their evolving capacity” or, in other words, their age and degree of maturity.

346. For a successful awareness-raising campaign, it is necessary to have high-quality awareness-raising tools, materials and activities as well as good partners and to co-ordinate the bodies responsible for carrying out awareness-raising activities.

<sup>215</sup> Child Rights Information Centre, 2018

<sup>216</sup> [www.Vraaghetdepolitie.nl](http://www.Vraaghetdepolitie.nl)

### VIII.1.1 Awareness-raising tools, materials and activities<sup>217</sup>

347. A variety of tools, materials and activities are used to raise awareness among children: videos, cartoons, websites, posters, pamphlets, brochures, decision trees, talks, campaigns, plays and helplines. Although they are developed mainly to raise awareness among children, these tools can also be useful for promoting awareness among other key players, especially parents and persons having regular contact with children, but also the general public.

#### ***Promising practice***

In **Albania**, the #Openyoureyes campaign<sup>218</sup> has used a combination of visual messaging channels (TV advertisements, billboards and posters) to increase the impact of awareness-raising among children regarding the risks of sexual exploitation and sexual abuse that they may face online and the risk that the content/videos/images (including sexual content) that they generate may be misused by others. The message to children was: “Yes, you’ll be browsing online. Yes, you’re probably going to come across risky content and behaviour. It happens to everyone. But if we work together and support one another, you can come through these problems safe and sound.”

348. Some awareness-raising tools and materials deal with the general aspect of online safety and staying safe on social media. Others are more specific about the risks faced by children when they generate and/or share sexual images and/or videos of themselves.

349. A number of tools have been developed in **Bulgaria**:

- The State Agency for Child Protection (SACP) has prepared a handbook with rules and useful advice for children to surf the internet safely.<sup>219</sup> It includes a glossary with information on uploading and sharing photos, as well as information on cyberbullying. The handbook also includes useful contacts such as the Cybercrime Department of the General Directorate for Combating Organised Crime, the Safer Internet Centre and the 116 111 national children’s helpline.
- SCAP developed in October 2020 online safety rules<sup>220 221</sup> The aim is, among others, to carry out prevention and synthesise information on the dangers of the Internet in one place and to provide kindergartens and schools with specific guidelines for the protection of children on social networks and the Internet.

<sup>217</sup> See appendix for descriptions of the awareness-raising tools, material and activities developed by a large number of Parties to the Lanzarote Convention and other stakeholders.

<sup>218</sup> <http://landmark.al/portfolio/open-your-eyes-2/>

<sup>219</sup> <https://sacp.government.bg/sites/default/files/news/novina-1735.pdf> (in Bulgarian)

<sup>220</sup> <https://sacp.government.bg/%D0%B7%D0%B0-%D0%B4%D0%B5%D1%86%D0%B0/%D0%BF%D1%80%D0%B0%D0%B2%D0%B8%D0%BB%D0%B0-%D0%B7%D0%B0-%D0%B4%D0%B0-%D1%81%D0%B8-%D0%B2-%D0%B1%D0%B5%D0%B7%D0%BE%D0%BF%D0%B0%D1%81%D0%BD%D0%BE%D1%81%D1%82> (in Bulgarian)

<sup>221</sup> The rules have been developed in association with the General Directorate for Combating Organised Crime, the Safer Internet Centre, the Ministry of Education and Science, the Sofia Regional Department of Education, heads of educational institutions in the Bulgarian Union of State Education Employers, and the Secondary School Leaders Association of the Republic of Bulgaria.

- On the occasion of the 2019 Edition of the Safer Internet Day, the SACP organised discussions in kindergartens and schools about the rules developed for a safe Internet. This was an opportunity to present the mobile application of the SACP competition “Safety in the digital environment and in the real world”. These competitions provided an opportunity to develop mobile applications to protect children’s rights on the Internet and prevent online risks, based on a child participation process. The discussion included the dangers of selfies, fake profiles, and how to protect children from cyberbullying.
- UNICEF Bulgaria and partners developed Guidelines for online safety for children during COVID-19, where materials and resources are regularly uploaded, including advice for children themselves and their parents.<sup>222</sup>

350. In 2015 Baden-Württemberg (**Germany**) developed the “Starke Kisten” (strong boxes) scheme (a “red box” for primary schools and a “blue box” for secondary schools). These are boxes that provide work materials for the prevention of sexual violence. They also include material on the dangers of new media for sexual self-determination.

351. Since 2005, **Poland** launched many campaigns and projects dedicated to raising awareness of children, parents and teachers about online dangers. As an example, the Sieciaki.pl portal was created for children aged 6-12 since 2009 as a response to the growing level of interest in social media that the youngest Internet users were showing. The portal is equipped with social networking functions (a profile, comments, friends etc.), is moderated and creates a space for educating children in the area of safe use of social networks. Another example is the Campaign “I think, therefore I don’t send” (*Myślę, więc nie ślę*), which aimed to educate about dangers associated with sexting and raise social awareness around the phenomenon. Although this campaign, has already finished, its main product, the movie “Forever”, is still available online.<sup>223</sup> Another campaign which is currently ongoing, “Careful Parents”, addresses the importance of the role of parents in protecting children from online threats.<sup>224</sup> The latest campaign dedicated to phenomenon of self-generating sexual content by minors, is ‘Not for Show’ (Nie na pokaz), prepared by the National Research Institute as a part of the Safer Internet Project in cooperation with Tik Tok Poland.<sup>225</sup> The main message of this campaign is conveyed through 6 short movies broadcasted within this platform.

352. In **Spain**, the Spanish Data Protection Agency (AEPD) has developed various materials and tools (guides, videos and cartoons that include recommendations and tips for dealing with the risks that children face when they generate sexual images and/or videos of themselves).<sup>226</sup>

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<sup>222</sup> The Guidelines can be found at: <https://www.unicef.org/bulgaria/media/7181/file>

<sup>223</sup> <https://www.youtube.com/watch?v=8kqBu4qZebg>

<sup>224</sup> <https://uwaznirodzice.pl/> English version of the video: <https://www.youtube.com/watch?v=OYAkU63rtQY>. All campaigns can be found on the saferinternet.pl webpage: <https://www.saferinternet.pl/social-campaigns.html>

<sup>225</sup> <https://www.saferinternet.pl/nie-na-pokaz/kampania.html> (in Polish).

<sup>226</sup> [www.tudecideseninternet.es](http://www.tudecideseninternet.es) (in Spanish)

### **Promising practice**

In the **Slovak Republic**, the Sheeplive project<sup>227</sup> is a TV cartoon series for children and an international internet portal in 25 languages.<sup>228</sup> It focuses on the safety of children and young people, and particularly the risks attaching to the internet, mobile devices and new technologies. The project is precautionary in nature for younger children. For teenagers, it seeks to highlight inappropriate behaviour, and for adults it is supposed to be informative. The “Don’t Dance with the Wolf” episode<sup>229</sup> specifically considers the question of misuse of sexual photos and videos generated by children themselves.

353. **Slovenia** has a decision tree on sextortion<sup>230</sup> that helps children ask the right questions in an unfamiliar situation, enabling them to take the most appropriate action and thus reduce the risk of sextortion.

354. **Switzerland** has brochures on cyberharassment and pornography that directly address issues relating to sexual photos and videos generated by children themselves.<sup>231</sup>

355. The children consulted recommend social media as a way of spreading awareness of these tools and materials. They also state that they consider videos to be very useful prevention tools, which can be used to start a discussion.<sup>232</sup>

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*“Children suggest that the government collaborate with mobile operators and mass-media and encourage them to contribute to awareness raising and continuously communicate important prevention messages.” – Extract from consultations with the Child Rights Information Centre, Republic of Moldova, 2018*

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356. The Lanzarote Committee suggests that awareness-raising messages for children should focus on the following:

- Explaining what constitutes sexual exploitation and sexual abuse in an online environment;
- Explaining the consequences and risks of creating and disseminating sexual material;

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<sup>227</sup> [www.ovce.sk](http://www.ovce.sk)

<sup>228</sup> Bulgarian, Chinese, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Romani, Romanian, Russian, Ruthenian, Slovakian, Slovenian, Spanish and Swedish.

<sup>229</sup> <http://sk.sheeplive.eu/fairytales/netancuj-s-vlkom> This video has been produced in Estonian, German, Hungarian, Polish, Romani, Russian, Slovakian and Slovenian versions and has been subtitled in Bulgarian, Czech, Danish, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Romani, Romanian, Slovakian, Slovenian, Spanish and Swedish.

<sup>230</sup> <https://safe.si/gradiva/drevesa-odlocanja/drevo-odlocanja-sextortion> (in Slovenian)

<sup>231</sup> See, for example, the brochure “Pornographie : Agir de bon droit” (“Pornography: What the Law Says”), containing information on the topics of pornography and sexting and the law surrounding them: <https://www.skppsc.ch/fr/wp-content/uploads/sites/5/2016/12/droitpornographie.pdf> (in French)

<sup>232</sup> See in particular the statements of children consulted in Emilia-Romagna, Italy, and in Georgia, where they state that “a majority of children prefer to be reached via social media, claiming that TV is no more popular within their age range” (Public Health Foundation, Georgia, 2018).

- Presenting the alternatives available to teenagers for expressing their feelings and improving their relationships with others (such as conversations with a trusted person when a teenager has trouble dealing with the family or peers);
- Presenting the forms of support available to victims of sexual exploitation and sexual abuse.

357. The Lanzarote Committee further notes that awareness-raising tools, materials and activities must be suitable for children with disabilities so that they are not excluded, especially as they are even more vulnerable than other children. It thus draws attention to a promising practice in **Portugal**, where one of the most popular resources of PT SIC – “Net com Consciência” (<https://goo.gl/dURRGV>) – is now available in Portuguese sign language (<https://goo.gl/axFGNS>), allowing hearing-impaired people to understand it properly, and with an audio description in Portuguese (<https://goo.gl/dAS7ps>, enabling partially sighted people to better understand and enjoy all the entertaining and educational aspects of this series. “Net com Consciência” consists of 10 videos dealing with young people’s online behaviour and seeking to promote safer and more responsible internet use whilst encouraging young people to report any harmful content that they may come across online to the SIC Portuguese hotline and other helplines.

#### **Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

##### **Recommendation VIII-3**

The Lanzarote Committee invites the Parties, wherever possible, to use unchanged the awareness-raising tools, materials and activities mentioned in this report or else to adapt them to their national contexts and their own languages and, if necessary, develop new ones, concentrating on videos and distribution through social media.

##### **Recommendation VIII-4**

The Lanzarote Committee invites the Parties to have available awareness-raising tools, materials and activities suitable for children with disabilities.

### **VIII.1.2 Partners**

358. The effectiveness of awareness-raising among children also depends on the partners.

#### ***Peer-to-peer awareness-raising***

359. The peer-to-peer awareness-raising method is recommended by children<sup>233</sup>. The idea is to have a child or young adult speak to children about the personal experience (their own or other people’s) of having intimate images or videos shared against their will. This type of awareness-raising has a greater impact on children than if done by an adult, since they identify more easily with the young person talking to them. It also has the great advantage of being a practical example of participation of children in the fight against sexual exploitation and sexual abuse of children, as demanded by Article 9, paragraph 1, of the Lanzarote

<sup>233</sup> Ministry of Justice, Science and Technology Foundation, Child Support Institute (Portugal), May 2019.

## Convention.

360. A group of children in **Serbia**<sup>234</sup> said that they would send their peers “parental” messages designed to cause shame, guilt and fear in order to discourage them from sexting or sharing sexually explicit photos. These messages included the following:

- Shame on you; think first!
- Everyone can see it, even your parents, friends, teachers and neighbours.
- Open your eyes and don’t play with your life. Be clever!
- You don’t need to prove anything to anyone in that way.
- For your own safety, it would be better not to.
- Break off all contact with the person asking you and turn to an adult for help.
- Don’t do it because you’ll have bigger problems later.

361. Some examples of good practice for the peer-to-peer method:

- In **Belgium**, the [100drine.be blog](https://www.100drine.be), a web-based prevention tool for teenagers, encourages them to talk about their concerns, especially their online experiences. This is the blog of a fictional teenage girl (100drine, who focuses on finding and sharing resources) who uses it to talk about her life. Dealing with such matters as privacy and screen time, the website offers teenagers an opportunity to ask and share their questions. This is a forum open to everybody.
- In **Bulgaria**, the Children’s Council, set up as a government body, seeks to encourage children to become involved in discussing and implementing policies that are of direct relevance to them, including online risks for children in their age group. Similarly, the competition on children’s safety in the digital environment organised by the State Agency for Child Protection (SACP) was intended to identify ideas on this subject by and for children in order to anticipate the risks associated with being online (and on social media). In addition, local Commissions for Combating Trafficking in Human Beings have established and a network of young volunteers engaged in the implementation and support of prevention activities among their peers. The network’s main focus in 2019 was on the safe use of the Internet in the context of the risk of human trafficking.
- In **Germany**, the Schüler-Medienmentoren-Programm (SMEP, media mentoring programme for pupils) provides twenty hours of training for pupils to become media mentors so that they can then pass on their knowledge and skills to their peers through projects and/or working groups. Topics cover sexting, cybergrooming and online pornography as well as sexual violence in the media. Similarly, the Webhelm.de project teaches teenagers about their rights and responsibilities online and how to protect their own boundaries whilst also respecting the personality rights of others.
- In the **Netherlands**, the Safer Internet Centre’s Digiraad initiative runs awareness-raising activities by and for young people about online safety. Children, parents and schools are

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<sup>234</sup> Child Rights Centre on behalf of the Coalition for Monitoring Child Rights in Serbia (July 2018).

encouraged to make sensible use of the new media and be aware of the risks of putting sexually explicit material online ([www.mediawijsheid.nl](http://www.mediawijsheid.nl)).

- In **Poland**, the Congress of Young Internet Users (KoMIIn) was established by NASK (National Research Institute) in order to create a platform of communication for young people from all over the country (as well as for teachers) and serves as a Youth Panel for the Polish Safer Internet Centre (PCPSI). Congress participants consult educational materials, provide information on the emerging trends among youth as well as represent the PCPSI during the pan-European youth participation actions. The idea of the Congress is not only to work during meetings with the selected group but also to multiply the Congress effects on the school level by organising discussions and events locally. Moreover, the Congress empowers and promotes expert knowledge exchange among teachers involved in the project. Representatives of the congress are also involved in activities undertaken within the framework of PCPSI.
- In **Portugal**, students have developed resources specifically designed for young people. As a result, they have been closely involved in the peer-to-peer method. Their resources include a video called “What are you sharing?”, original songs about sexting, grooming, revenge pornography and cyberbullying, as well as posters warning of the risks of cyberbullying and grooming.
- In **Hungary**, upper secondary school students are trained to be mentors by professional trainers (NetMentor programme), assisted by teacher volunteers. They run sessions about online risks and responsible behaviour for their classmates and provide help to other children in specific cases. This training of child mentors includes issues relating to sexual behaviour, such as sexting and online abuse.

### ***Promising practice***

ECPAT’s “make-IT-safe” project is a peer expert training project in which children and youngsters have been taught how to use the internet and smart phones safely and how to use social media, such as Facebook, Myspace, Netlog and WhatsApp in a responsible way.

The 2-year project started in the beginning of 2013 and is based on the peer-to-peer principle, which allows youngsters (peer experts) to learn how to use new technologies and the media, as well as prevention of online violence, in a safe way and to pass the information and the knowledge to people of the same age. The project was supported by special trained teachers and youth leaders, the so-called “Coaches”.

The particularity of the project is the fact that the project was conducted by ECPAT groups in five countries, namely in **Austria, Belgium, Germany, the Netherlands** and the **United Kingdom**. The information is available in seven languages (Arabic, Serbo-Croatian, Dutch, English, French, German, Turkish).

The information provided on the project’s website (<http://www.make-it-safe.net/>) concerns [Online Risks](#), [Information for Parents and Youth Leaders](#) and [helpful Addresses](#).

## **Awareness-raising by the information and communication technology sector, the media and other professionals**

### **Chapter II of the Lanzarote Convention – Preventive measures**

#### **Article 9 – Participation of children, the private sector, the media and civil society**

(...)

2. Each Party shall encourage the private sector, in particular the information and communication technology sector, the tourism and travel industry and the banking and finance sectors, as well as civil society, to participate in the elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children and to implement internal norms through self-regulation or co-regulation.

3. Each Party shall encourage the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children, with due respect for the independence of the media and freedom of the press.

(...)

#### **Explanatory report**

69. The use of the broad term “information and communication technology” sector, which ensures that any future developments in this field will also be covered, targets in particular Internet service providers but also mobile phone network operators and search engines. There can be no doubt that the Internet is a medium much used for the purposes of the sexual exploitation and abuse of children. The use of the Internet in the production and dissemination of child pornography and in the trafficking of children for the purposes of sexual exploitation is well documented and receiving attention from a number of national and international bodies. For this reason it is important that Internet service providers themselves are involved in taking steps to raise awareness about sexual exploitation and that, as far as possible, policies are developed to regulate the use of the Internet through their systems.

(...)

74. Paragraph 3 refers to the role of the media in providing appropriate information on all aspects of sexual exploitation and abuse of children. This function should be exercised with due respect for the fundamental principle of the independence of the media and freedom of the press, in particular concerning the evaluation of the “appropriate” nature of the information provided. There is no doubt that the media play a central role in the provision of information about children and images of childhood in general which significantly influence public stereotypes, assumptions and knowledge about children. Equally though they can play a very positive role in helping to raise awareness about children who are sexually exploited or abused and about the very nature of sexual exploitation and abuse and the scale of the problem. The provision is intended also to cover the important issue of the respect of privacy of child victims.

362. In **Georgia**, children prefer information to be provided by psychologists or other relevant professionals or else by a guardian (in the case of younger children). Others prefer to be informed and contacted through social media and claim that television is no longer widely watched by their peers.<sup>235</sup>

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<sup>235</sup> Extract from consultations with the Public Health Foundation, Georgia, 2018.

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*“I think that there should be a course once a week or at least once a month where psychologists or other competent people give lectures on issues like this one. But the most important aspect is that it should be compulsory.” – Extract from consultations with the Public Health Foundation, Georgia, 2018.*

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363. Major corporations in the IT sector, such as Microsoft, have published information flyers for young people about the risks of sexting.<sup>236</sup>

364. Telecommunication companies also play a large part in raising awareness of the risks associated with internet use thanks to their extensive network coverage and development of free filtering programmes to block websites and forums making pornography easily available (**Belgium, Hungary**). These companies may work together with government departments involved in child protection and with psychologists and specialised educators. Thus, in **Andorra**, Andorra Telecom has developed an application called “App Tronic”, to alert children aged 2 to 13 to the dangers of the internet, in association with the Andorra College of Psychologists and the Department for Support to Children and Adolescents of the Ministry of Social Affairs, Justice and the Interior of the Government of Andorra.

#### **Promising practice**

In **Germany**, extensive amendments were made to the Youth Protection Act (*Jugendschutzgesetz, JuSchG*), in May 2021. Special attention was paid to children and youth media protection in order to be able to better protect children and young persons from risks such as cybergrooming or planning and setting up sexual abuse. Pursuant to the new section 24a *JuSchG*, providers such as social media services or game and film platforms are required to take preventive measures. These include simple reporting and complaint possibilities, reliable age checks, chat moderation, or tools for parents to monitor the media use of their children. Also appropriate in this context may be making available information on potential risks of sexual exploitation and planning and setting up abuse, as well as on behaviour destructive to oneself or others – for example by posting photos and videos – including corresponding aid and support services. The National Centre for Child and Youth Media Protection (*Bundeszentrale für Kinder- und Jugendmedienschutz*), which was established with the reform of the *JuSchG*, reviews the implementation, design and appropriateness of the measures taken by service providers, and supports the orientation of children and adolescents, parents and professionals, as well as of providers.

365. In most countries, besides monitoring and combating cybercrime (investigation and identification of victims and perpetrators of crimes), the police organise and/or actively assist in conducting awareness sessions:

- In **Cyprus**, the Office for Combating Cybercrime of the Cyprus Police (OCC/CP) and the Cyprus Safer Internet Centre (CyberSafety) have agreed to share and report information, in accordance with Cypriot domestic legislation, to combat illegal online content, including child sexual abuse material, online grooming and hate speech.

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<sup>236</sup> [http://download.microsoft.com/download/A/C/2/AC2AEA2B-8FF9-4A8F-85AC-6E7DFF27DFDE/BTWF\\_Sexting\\_Flyer\\_WEB.pdf](http://download.microsoft.com/download/A/C/2/AC2AEA2B-8FF9-4A8F-85AC-6E7DFF27DFDE/BTWF_Sexting_Flyer_WEB.pdf)

- In **Germany**, the police of the Land Brandenburg offer prevention events for pupils in the 6th and 7th grades. At these events, children are made aware of the responsible use of “new media” and the dangers and legal aspects associated with it. This form of preventive activity is carried out in police precincts.
- **Hungary**, the police’s National Bureau of Investigations is participating in awareness-raising through the EMPACT working group. It has also been actively involved in Europol’s “Say No!” and Amber Alert’s #Don’tBeAnEasyCatch campaigns. It also regularly holds talks on prevention (for Safer Internet Day) and takes part in round tables as part of co-operation with the International Child Rescue Group.
- In **Norway**, advice on sharing sexually explicit content online is one of the many topics covered by online police patrols (*Nettpatruljer*), along with general online safety, children’s rights online, offences such as online scams, internet viruses and online blackmail. In addition, the Norwegian National Criminal Investigation Service (Kripos) has conducted an awareness-raising campaign on illegal distribution of sexual images. The aim is to inform secondary-school pupils about what is legal and what is not and to enable them to recognise the personal and criminal consequences that sharing illegal images can entail.
- In **Slovenia**, the Police was a partner in Europol’s “Say No!” awareness-raising campaign that took place in schools, media etc.<sup>237</sup> The work later continued with the participation of the Police in the Odklikni / Click-off campaign that targeted pupils in primary schools and was focused on raising awareness about violence online and harassment of girls and women. A romantic comedy *Gajin svet* (*Gaja’s World*)<sup>238</sup> was produced that addressed online safety. In the pre-production of the film, experts for child protection against sexual harassment and violence were included as the script went under expert review, and the filmmakers produced additional video materials that were made available for educational purposes in primary and secondary schools in Slovenia. The film was meant to entertain but also to address relevant topics such as family and online abuses and enable the children to identify themselves with the main characters. It provided the basis to further develop on these topics through workshops for children, parents, teachers, and other school workers.<sup>239</sup> The film and the related events were seen by more than 80,000 people and more than 20,000 pupils attended the workshops that followed.<sup>240</sup>
- In **Ukraine**, police officers are working with social workers and the managements of general and specialist educational institutions to hold explanatory and precautionary conversations with children and provide information about the work of telephone hotlines where children can seek help.

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<sup>237</sup> <https://www.policija.si/index.php/component/content/article/35-sporocila-za-javnost/88555-slovenska-policija-se-privzema-europolovem-projektu-greci-neq-za-preprevanje-izsiljevanja-in-spolnih-zlorab-na-spletu>

<sup>238</sup> [https://www.imdb.com/title/tt7489754/?ref=ttpl\\_pl\\_tt](https://www.imdb.com/title/tt7489754/?ref=ttpl_pl_tt)

<sup>239</sup> <https://safe.si/video/gajin-svet> (video clips), <https://safe.si/gradiva/gradiva-za-ucitelje/gajin-svet-ucna-urajo-ogledu-filma> (workshop materials)

<sup>240</sup> <https://www.zurnal24.si/slovenija/gajin-svet-je-blazja-oblika-tega-kar-se-dogaja-v-sloveniji-315643>

### ***Awareness-raising by civil society***

366. Article 9 of the Lanzarote Convention makes clear that civil society also has a part to play, encouraged by the States Parties, in making children aware of the risks that they face. The Lanzarote Committee refers the reader to its consideration of the situation in this respect in the chapter on civil society involvement and cooperation above.

#### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

##### **Recommendation VIII-5**

To improve its impact, the Lanzarote Committee invites the Parties to ensure that awareness-raising for children regarding the risks of sexual exploitation and sexual abuse that they face when generating and/or sharing sexual images and/or videos of themselves is led first and foremost by their peers.

##### **Recommendation VIII-6**

The Lanzarote Committee invites the Parties to do more to encourage the information and communication technology sector, the media and other professionals to raise awareness among children, their parents, persons having regular contact with children, and the general public about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.

### ***VIII.2 Promoting awareness among parents and adults with parental responsibilities***<sup>241</sup>

367. The children consulted in the **Republic of Moldova**<sup>242</sup> believed that the general information provided to parents, when it existed, did not cover issues relating to the safety of children online.

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*“Information on the dangers on the Internet and about where to seek help in case of danger is important not only for children, but also for their parents. Raising awareness of parents can help them understand and discuss risks with their children.” – Extracts from consultations with the Women’s Consortium, Ukraine, 2018*

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368. Some children said that the lack of positive and effective communication with their parents, the lack of attention from the latter or an absence of love at home drove them to take pictures of their bodies and post them online. They then tracked the number of “likes” they received, the aim being to get noticed by their peers. Parents must therefore be made aware of this phenomenon so that they can reconsider how they interact with their children.

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<sup>241</sup> Promoting awareness-raising among professionals is dealt with in the chapter on training.

<sup>242</sup> Child Rights Information Centre, Republic of Moldova, 2018

369. In **Belgium** (Flemish Community), Mediawijs has developed a website for parents (<https://www.medianest.be/thema/relaties-seksualiteit>).

370. In **Germany**, parents and persons having regular contact with children have access, on request, to training sessions on sexual violence in general and sexual images self-generated by children in particular that are run by the departments responsible for occupational training (which come under the Ministries of Education and Cultural Affairs in the different Länder).

371. In **Hungary**, a digital media literacy programme has been set up for parents. Trained adult mentors run sessions for parents on a series of subjects relating to children’s online sexual behaviour.

372. In **Sweden**, the police authority has launched a crime prevention initiative to increase knowledge about sexual crimes against children and young people online. The initiative is based on giving the school, parents and children various tools for a safer existence online. Through the initiative “Delbart”, the police want to shed light on internet-related sexual crimes against children and young people, with the help of educational materials, films and messages on social media. Adults close to children have an important role to play in guiding children and reducing online vulnerability. Here, more knowledge is needed about what is criminal and how to talk to children and young people about these issues, both in school and at home.

373. In **Switzerland**, on behalf of the Federal Council, the Federal Social Insurance Office (OFAS) – which is responsible for the federal policy on children and youth – created the National Youth and Media Platform,<sup>243</sup> the objective of which is to protect children and young people from the risks of digital media. Through various means of information, parents, teachers and reference persons in contact with children and young people are made aware of the issue and thus strengthen their skills in the matter. As part of the “Sexuality and Internet” strong point,<sup>244</sup> the OFAS has, among other things, granted financial contributions for projects to prevent risks in matters of sexuality on the Internet (child self-generated sexual abuse material, sexting, cybergrooming, etc.).<sup>245</sup>

374. In some cases, as in **Turkey**, videos are broadcast on television in order to reach a wider audience and make families aware of the risks that children may come across online, how to keep a watch on children’s internet use, how to use secure internet software and, in the event of a criminal offence, how to call the police.

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<sup>243</sup> [www.jeunesetmedias.ch](http://www.jeunesetmedias.ch)

<sup>244</sup> [www.jeunesetmedias.ch/specialistes-expertise/points-forts-jusqua-2020/risques-en-matiere-de-sexualite-sur-internet](http://www.jeunesetmedias.ch/specialistes-expertise/points-forts-jusqua-2020/risques-en-matiere-de-sexualite-sur-internet)

<sup>245</sup> See also: <http://www.jeunesetmedias.ch/themes/sexualite-et-pornographie-sur-le-web>

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation VIII-7**

The Lanzarote Committee invites the Parties to introduce or step-up awareness-raising for parents and persons with parental authority about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.

**VIII.3 Promoting public awareness**

375. Public awareness programmes do not seem to have been set up in States Parties to the Lanzarote Convention. Of course, awareness-raising tools developed in other circumstances can also be used to promote public awareness. However, they are not necessarily tailored to the specific needs of the latter. The Lanzarote Committee nevertheless draws attention to the obligation under Article 8 of the Convention: “Each Party shall promote or conduct awareness raising campaigns addressed to the general public providing information on the phenomenon of sexual exploitation and sexual abuse of children and on the preventive measures which can be taken.”

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation VIII-8**

The Lanzarote Committee invites the Parties to promote or conduct awareness-raising campaigns for the general public providing information about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.

**VIII.4 Co-ordination of bodies responsible for carrying out awareness-raising activities**

***Chapter III of the Lanzarote Convention – Specialised authorities and co-ordination bodies***

***Article 10 – National measures of co-ordination and collaboration***

*1. Each Party shall take the necessary measures to ensure the co-ordination on a national or local level between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children, notably the education sector, the health sector, the social services and the law-enforcement and judicial authorities.*

***Explanatory report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse***

*76. The first paragraph is concerned to promote a multidisciplinary co-ordination approach by requiring that Parties take measures to ensure the co-ordination on a national or local level between*

*the various agencies responsible for preventing and combating sexual exploitation and abuse of children, in particular the education and health sectors, social services, law enforcement and judicial authorities. The list is not exhaustive. As far as judicial authorities are concerned, the coordination of action by the sectors mentioned should operate with full respect to their independence and to the principle of the separation of powers.*

77. There is no doubt that the development of a multi-agency and multi-disciplinary approach to dealing with sexual exploitation and abuse of children is important, premised upon the fact that no single agency would be able to address a problem of such complexity.

78. The reference to “local” level means any level below the national level and is particularly relevant to federal States.

376. The Parties to the Convention have a general obligation, under Article 10, to take the necessary measures to ensure co-ordination of the agencies in charge of, amongst other things, the prevention of sexual exploitation and sexual abuse of children. In the present chapter, this concerns co-ordination of bodies responsible for raising awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.

377. The Committee notes that there seems to be little co-ordination of these awareness-raising activities locally or nationally in the Parties.

378. It nevertheless draws attention to the following instances, although they are not necessarily specific to co-ordination of awareness-raising activities about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves:

- In **Bulgaria**, the Ministry of Transport, Information Technology and Communications (MTITC) is leading and co-ordinating the national Digital Bulgaria 2025 programme,<sup>246</sup> together with the roadmap adopted by the Council of Ministers on 5 December 2019. The programme lays down priority action areas, objectives, measures and activities for the growth and widespread use of information and communication technologies. It is being implemented by various institutions in the sectoral policies that they have undertaken to carry out.

- In **Cyprus**, co-ordination for a safer internet for children is the responsibility of the Pedagogical Institute of the Ministry of Education and Culture.

- In the **Czech Republic**, the Ministry of the Interior, in cooperation with other ministries, regularly prepares the so-called Crime Prevention Strategy and submits it to the Government of the Czech Republic for approval. The upcoming Crime Prevention Strategy for the period 2021-2026, includes a target on the issue of danger in cyberspace, specifically in terms of children's presentation (images) and sharing of such content by children.

- In **Italy**, the Department for Equal Opportunities (DPO) is the organisation responsible for co-ordinating government action and devising national strategies for preventing and combating the sexual abuse and sexual exploitation of children. It works with the Paedophilia

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<sup>246</sup> [www.mtitc.government.bg/en/category/85](http://www.mtitc.government.bg/en/category/85)

and Child Pornography Monitoring Unit, a body set up in the Prime Minister's Office (Law No. 38 of 6 February 2006). The monitoring unit is in charge of acquiring and monitoring data and other information about the work done by all public authorities to prevent and punish the abuse and sexual exploitation of children.

- In **Norway**, the Safer Internet Centre (SIC: consisting of the Norwegian Media Authority and the Cross My Heart helpline) co-ordinates initiatives and joint work for children and the media at the national level, working with government departments/ministries, non-profit and voluntary organisations, businesses and industry bodies.

- In **Poland**, in 2006, the Polish Safer Internet Centre (PCPSI) established the Consultation Committee – an Advisory Board which supports implementation of activities undertaken by the PCPSI. The Consultation Committee's tasks include promoting activities for improving online safety as well as sharing practices which protect children from online threats and assessment of PCPSI projects implementation. Committee stakeholders are also invited to co-create PCPSI events. The Polish Advisory Board members represent the most important institutions and organisations in Poland working for children online protection and for digital education.

- In the **Russian Federation**, materials to inform children of different age groups about the "risks of life on the Internet" are developed in coordination by the Ministry of Education and the Federal State Centre for the Protection of the Rights and Interests of Children of the Ministry of Education. This work of informing children is carried out by competent organisations, primarily educational.

- In **Spain**, an action plan jointly agreed between the Ministry of Education and Vocational Training (MEPF) and the Data Protection Agency (AEPD) was introduced on 24 September 2019. It sets out how they will work together to raise awareness in schools of the consequences of obtaining and illegally disseminating sensitive images on the internet.

- In **Sweden**, the Safer Internet Centre (SIC) consists of the governmental agency, the Swedish Media Council ("*Statens medieråd*") as the awareness raising centre, and the non-governmental organisation Children's Rights in Society ("*Bris*"). *Bris* provides the national helpline offering information and support to children. SIC-Sweden is also a part of a council within the Swedish Police Authority ("*Polisens barnråd*"). The council consists of national public authorities, NGOs and other stakeholders working together to protect children from sexual abuse.

- In **Switzerland**, the Cybercrime Co-ordination Unit (SCOCI) co-ordinates procedures and maintains a wide network of contacts at the international level (sharing criminal police information with Interpol and Europol). For its part, the Federal Office of Police (Fedpol) has been pursuing the same objectives as INHOPE since 2013 and is thus working nationally and internationally to have child sexual abuse material removed. SCOCI, Fedpol and ECPAT Switzerland have a network of contacts at the national and international levels to combat child sexual abuse material.

- In **Turkey**, co-ordination between ministries and other institutions involved in protecting children from sexual abuse is carried out by local authorities and district governors.

***Promising practice***

The **Hungarian** National Cybersecurity Coordination Council (established by government decree in 2013) contains various working groups, including one on child protection (especially protection from sexual exploitation and sexual abuse facilitated by information and communication technologies). The Council draws its members and advisers from relevant stakeholders (Ministry of Education, police, justice system, etc.) and is responsible for running programmes, including risk prevention for children. The President of the Council may also seek advice from associations and private institutions (National Media and Infocommunications Authority (NMHH), etc.).

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation VIII-9**

The Lanzarote Committee invites those Parties that have not yet done so, to take the necessary measures to ensure co-ordination between the agencies responsible for raising awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.

## IX. Education for children

379. While the protection of child victims and the prosecution of offenders are key elements in the fight against the sexual exploitation and sexual abuse of children, preventing them from occurring in the first place is paramount. Informing children about the risks of sexual exploitation and sexual abuse and how to protect themselves is the cornerstone of prevention, as one cannot prevent the occurrence of acts that children are unaware of. Dissemination of information in educational contexts is particularly beneficial to improve this prevention, as "children sometimes pay more attention to what is explained to them (...) at school when professionals (such as, for example, teachers, doctors, psychologists) provide the relevant information".<sup>247</sup> Further, "Education and awareness programmes for all children on the safe use of the Internet are essential".<sup>248</sup>

380. The objective of this chapter is to provide an overview of the implementation of educational measures to provide children with preventive information on the risk of sexual exploitation and sexual abuse with specific reference to child self-generated sexual images and/or videos. It is structured in accordance with the obligations and prerequisites deriving from the Lanzarote Convention: firstly the chapter addresses whether information on the prevention of sexual exploitation and abuse facilitated by ICTs, especially when it results from child self-generation of sexual images and/or videos, is included in the national curriculum and/or in other non-formal education contexts. It then examines whether such information is adapted to the "evolving capacity" of children, the context in which it is delivered, and the involvement of parents in its provision.

### **Article 6 of the Lanzarote Convention – Education for children**

*Each Party shall take the necessary legislative or other measures to ensure that children, during primary and secondary education, receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacity. This information, provided in collaboration with parents, where appropriate, shall be given within a more general context of information on sexuality and shall pay special attention to situations of risk, especially those involving the use of new information and communication technologies.*

### **Explanatory report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**

#### **Article 6 - Education for children**

*58. The negotiators considered that it is primarily the responsibility of parents to educate children generally in questions of sexuality and on the risks of sexual exploitation or sexual abuse. However, there may be situations where the parents are not able or willing to do this, such as where a parent is involved in the abuse of the child or where the cultural traditions of the community do not allow such matters to be openly discussed. Moreover, children sometimes pay more attention to what is explained*

<sup>247</sup> Explanatory report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, paragraph 58.

<sup>248</sup> Explanatory report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, paragraph 63.

*to them in other contexts than at home, and notably at school when professionals (such as, for example, teachers, doctors, psychologists) provide the relevant information. Therefore, Article 6 provides the obligation for States to ensure that children are educated at primary and secondary level on the risks of sexual exploitation and sexual abuse, and how to protect themselves and request help.*

*59. The purpose of this information is to enable children better to protect themselves against the risk of sexual exploitation and abuse. Such information must not, however, have the effect of relieving adults and State authorities of their duty to protect children against all forms of sexual exploitation and sexual abuse.*

*60. The article refers to the provision of this information “during primary and secondary education”. No reference is made to schools, since some children are educated at home and these children are also covered by the provision. The information referred to does not necessarily have to form part of a teaching programme, but could be provided in a non-formal educational context. School clearly has an important role to play in this respect, but the collaboration of parents is also required “where appropriate”. Situations where this may not be appropriate include where a child is an orphan, or where the parents are implicated in investigations or proceedings for sexual abuse of the child.*

*61. The negotiators felt it was important that children receive this information from as early in their lives as possible, with any information made available to them in a form which is “adapted to their evolving capacity”, in other words appropriate for their age and maturity.*

*62. Providing isolated information on sexual exploitation or sexual abuse outside the general context of normal sexuality could be disturbing to children. Therefore, the information to be provided on the risks of sexual exploitation and abuse should be given within the general context of sex education. Care should also be taken to ensure that this information does not undermine adults in the eyes of the child. It is important that children are also able to trust adults.*

*63. The last part of the article refers to situations of risk, especially those involving the use of new information and communication technologies. These are commonly regarded as a medium for the transmission of data, and are intended to refer in particular to the use of the Internet and third-generation technology (3G) which permits access to the Internet through mobile phones. Education and awareness programmes for all children on the safe use of the Internet are essential.*

### ***IX.1 Information on the risks of child sexual exploitation and sexual abuse with specific reference to child self-generated sexual images and/or videos is provided to children in educational contexts (national curricula or other non-formal educational contexts)***

381. The Explanatory Report elucidates that, “the information [on the risks of child sexual exploitation and sexual abuse] does not necessarily have to form part of a teaching programme, but could be provided in a non-formal educational context”.<sup>249</sup>

382. For the purposes of this implementation report, “educational contexts” refers to:

- information that is part of the national curriculum. This is the case when teachers deliver the information themselves, or where schools delegate this responsibility to external

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<sup>249</sup> Explanatory report to the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse, paragraph 60.

professionals who are specifically trained in these subjects, which may not be the case for all teachers.

- Information that is part of “non-formal educational contexts”. These refer to two different situations: instances where information is provided to children in the geographical location of schools through various awareness-raising activities organised by external entities without being part of the formal national curriculum, and instances where children are educated at home.

383. In practice, and although information on the prevention of sexual exploitation and sexual abuse of children is part of the national curriculum of a majority of Parties, only a minority explicitly address the challenges raised by child self-generated sexual images and/or videos (**Austria, Belgium** (Flemish community), **Bosnia and Herzegovina, Croatia, France, Germany, Latvia, Netherlands, Norway, North Macedonia, Portugal, Russian Federation, San Marino, Switzerland, Turkey and Ukraine**).

384. In some Parties, although the national curricula do not contain explicit reference to child self-generated sexual images and/or videos, non-formal educational activities target this topic. This is the case in **Belgium** (German-speaking community), in **Greece**, in **Hungary**, in **Luxembourg**, in **Slovenia** and in **Switzerland**.

385. In **France, Germany, Latvia, Norway, Portugal** and **Switzerland**, both national curricula and non-formal educational activities address the challenges raised by child self-generated sexual images and/or videos.

386. In some other Parties, although it cannot be inferred that all the challenges associated with child self-generated sexual images and/or videos are covered in the national curricula or other non-formal educational contexts, elements of information on the prevention against sexual exploitation and sexual abuse, including when facilitated by ICTs are being taught to children:

- In the **Czech Republic**, prevention of sexual exploitation and sexual abuse facilitated by information and communication technologies is one of the areas that is included in compulsory education from pre-school to secondary education throughout the country. In 2021, an amendment to the framework educational program for basic education came into force, with updates for the educational field of "Informatics", which also includes the safe handling of technologies and mastering skills and habits that lead to the prevention of risky behaviour or of misuse of data and information within cyberbullying.
- In **Lithuania**, the topics "safe use of the Internet" and "online psychological manipulation" are addressed in the national curriculum, and an emphasis is placed on the "moral responsibility of dissemination in the public space".
- In Aaland, the self-governing province of **Finland**, Save the Children Aaland, which is financially supported by the government, organises school visits to disseminate information and advice relating to internet use and media consumption for children of primary and secondary education levels.

### ***Promising practices***

In the **German-speaking Community of Belgium**, the "Sex'cetera" Bus project, active since 2015, targets students in the second year of secondary school. It is a program concerning the affective, relational and sexual life of young people, of which an entire module is dedicated to the theme "sexuality and images" on the Internet.

In **Denmark**, the government supports the Danish Family Planning Association on the project "The Media Competition for Schools", in which children produce a newspaper addressing the theme "Love yourself – body and ideals". One of the topics is digital sexual abuse and teachers taking part in the project are provided with information about the government's initiatives and legislation regarding digital sexual abuse.

In **France**, some public prosecutors have carried out interventions in schools to raise awareness among children about the uncertainty of their age and the identity of their online counterparts, as well as the risks of sending intimate photos of themselves.

In **Germany**, the issue of "sexting" is included in the curriculum of some of the 16 regions (Federal Länder), including Hessen, Baden-Württemberg and Rhineland-Palatinate, responsible for the education curricula of all public schools. Moreover, in 2016, all 16 regions, together with the Federal Government's Independent Commissioner for Child Sex Abuse Issues have launched the initiative „Schools against sexual violence“. More than 30,000 schools in Germany are to be provided with technical support and are encouraged to develop concepts to protect children against sexual violence and to integrate these into everyday school life. The aim is to break down insecurities of headmasters, teachers, social workers as well as other supporting staff to address the issue of child sex abuse and, by means of prevention and intervention measures, to better children and offer them rapid assistance. Prevention concepts include safeguarding principles dealing with risks of online exploitation as well as sexual education and programmes to empower children and adolescents. A monitoring report issued by the Independent Commissioner in 2018 stated that 6% of schools had carried out a risk analysis for their institution and implemented comprehensive prevention concepts. At present, an increasing number of Länder are in the process of enforcing the implementation of prevention concepts by imposing regional legislation to that end.

The Greek NGO 'The Smile of the Child' shared details of the projects they implement in schools in **Greece** based on a Memorandum of Understanding with Ministry of Education, Research and Religious Affairs. At primary education, the "Real Life Story-Friends by Request" project is experiential. It describes the story of a student, who communicates via the internet with someone, who pretends to be of the same age with her. The girl exchanges photos with him but later he uses them to intimidate her. In secondary education, two projects are implemented, i.e. "Behind the screen" and "Stories from the Internet". In both, visualized stories are used to inform students of internet safety.

In **Hungary**, programmes to prevent the risks that children face when producing and/or sharing self-generated sexual images and/or videos follow a participatory approach. These include the DADA and ELLEN-SZER programmes, which extend over 2 years of schooling and are delivered by local police officers. It aims to teach pupils to think independently and critically and to develop their decision-making and social skills.

In **Luxembourg**, the Safer Internet Centre “BEE SECURE” organises awareness raising trainings to promote a safer use of the Internet by children in schools and high schools as well as in “*maisons relais*” and “*maisons de jeunes*” (informal education). They include grooming, sexting and sextortion. Such trainings are mandatory for students of the 7th grade.

In **Norway**, the new curriculum (LK20) has curriculum goals that will enable children and young people to reflect on how oneself and others participate in digital interaction. Curriculum objectives in social studies after 7th grade are; a) to reflect on how oneself and others participate in digital interaction and discuss what it means to use judgment in light of rules, norms and boundaries; and b) to reflect on variations in identities, sexual orientation and gender expression, and one’s own and others’ boundaries related to feelings, body, gender and sexuality and discuss what one can do if boundaries are broken. There is also a website (dubestemmer.no or *You Decide*), which is a teaching resource about privacy and digital responsibility for children and young adults aged 9-18 years. Among other things it addresses the spread of nude photos.

In **Portugal**, as part of the SeguraNet project, all educational communities are invited to promote activities in the field of digital security. Among the activities organised in this context, an annual competition involved 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> cycle students, parents and teachers, on digital safety issues, including sexting and online predators.<sup>250</sup> Schools can also request the organisation of awareness-raising activities on the dangers of spreading videos and photographs of a sexual nature, organised by criminal police departments. Finally, the National Commission for the Promotion and Protection of Children and Youth at Risk developed a theatre play “mybodymyrules” addressed to children aged 10 to 14 years, in order to create an educational resource addressing the risks related to the exposure of children on social networks.

In **San Marino**, the teaching programme “Emotional education” includes a 2-hour module held by the science teacher with the assistance of a psychologist and a physician and a series of educational initiatives within other disciplines whose subjects are related to the project (physiological aspects, analysis of feelings, emotions and interpersonal relationships). As part of this programme, students in thirds classes focus on psychological changes related to adolescence and on the use and abuse of new social tools offered by ICTs, including sexting.

In **Slovenia**, police officers (members of the Expert Council of the Safer Internet Center) and detectives visit elementary schools around the country and speak about safe use of the internet, focusing on the dangers of producing and distributing self-generated sexually explicit content/private information. The target audience consists of children, parents and school staff.

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<sup>250</sup> See <http://www.seguranet.pt/pt/desafios-2o-e-3o-ciclos>

In **Switzerland**, brochures produced by the Swiss Crime Prevention on cyber harassment and pornography explicitly address issues related to child self-generated sexual images and the related risks of sexual abuse and cyber harassment.<sup>251</sup> Their contents are disseminated by the police to schools, at parents' evenings, etc., or used directly by schools. Several Swiss NGOs develop material and/or visit schools to address issues such as the internet and sexuality, including self-generated sexual images and videos (see, for example, *Zischtig, Action Innocence* and *Pro Juventute*).

In **Ukraine**, the Ministry of Education and Science and the Ministry of Digital Transformation, with the support of the Presidential Commissioner for Children's Rights, have developed the educational project #stop\_sexting which aims to prevent and combat sexual violence on the Internet, and includes special lessons and a quest game for children in grades 7-11.

### Difficulties to implement the Convention

387. In some contexts, although information on sexual exploitation and sexual abuse and risks related with the self-generation by children of sexual images and or/videos is mentioned as being part of the national curriculum or other non-formal educational settings, it is not clear whether all children benefit from it. In some cases, the choice to teach these subjects is left to the discretion of educational institutions or teachers, and in others, only a few schools in the country have included them in their curricula. The following examples, although not exhaustive, illustrate this concern.

- In **Bulgaria**, child self-generated sexual images and/or videos are not part of the mandatory national curriculum and the preventive activities on this topic differ from one local authority to another. As such, children living in different regions or cities may not receive the information. Municipalities organise different lectures, information meetings, presentations, surveys, discussions on different subjects on safety of children on the Internet. Some of these preventive activities focus on the abuse of children on the internet, or “child pornography on the Internet”. Two Child Police Academies organized joint events and lectures focused on “Crime on the Internet” in the city of Vidin, and lectures were delivered to children from 1 to 11 grades on the topic “Safe internet behaviour” in the city of Rousse.
- In **Iceland**, each school chooses what they address in classes named “Life skills”. Online child sexual exploitation and abuse and child self-generated sexual images and/or videos could be chosen to be part of these classes.
- In **Italy**, the project "*School as a place of prevention and protection: how to protect children and teenagers from the phenomena of violence, bullying and cyberbullying, sexual abuse and exploitation*" addresses the issues related to child abuse and sexual exploitation and risks related to child self-generated sexual images and/or videos. However, it is implemented at national level, in four editions, only in some schools in the four macro-areas North-Centre-South and Islands.

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<sup>251</sup> See [Pornographie illégale & porno-dépendance | Prévention Suisse de la Criminalité \(skppsc.ch\)](https://www.skppsc.ch/)

- In **Serbia**, according to the Coalition for Monitoring Child Rights in Serbia, despite numerous different projects led by various stakeholders, these were fragmented and lack a coherent and systematic approach. They emphasized that preventive activities should be undertaken in schools in a more coherent manner through the adoption of a carefully developed curriculum so that all school-age children are aware of the risks of cyber space and how to protect themselves from them.
- In the **Slovak Republic**, it is possible for schools to organise awareness-raising activities promoted by regional coordinators for the protection of children, such as showing videos on the risks associated with sexual images and/or videos produced by children, but this is not compulsory and these activities are not part of the national curriculum. It seems that each region is free to decide to organise such activities, which, when they are carried out, can be provided as part of the school subjects of civic education or ethics.
- In **Slovenia**, there are general subject goals where students learn how to use the Internet safely and responsibly, assess the possibilities of using and misusing digital technology and learn how to respect ethical principles and maintain their privacy online, as well as special lectures by external institutions on the safe Internet use. However, only 20 schools have been involved in a seminar called “Holistic and interdisciplinary approach to sexuality and education for schools”.
- In **Spain**, the schools decide whether or not to organise activities for children on the topic at stake, according to the constitutional principle of Autonomous Communities. However, it should be noted that the Strategic Plan for School Coexistence provides general guidelines for coordinating central and regional action to prevent violence against children from an educational point of view. In addition, Article 83 of the Organic Law on the protection of personal data and the guarantee of digital rights recognises the right to digital education, and provides that educational administrations shall include digital competence in the development of the curriculum, as well as elements related to situations of risk arising from the inappropriate use of ICTs.

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*“The civic education teacher says the trainer should be teaching us about this, while the trainer says the opposite. So, in the end, it never gets discussed.” – Extract from consultations with the Child Rights Information Centre, Republic of Moldova, 2018*

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388. Furthermore, several civil society actors raised the concern that there is fragmentation in the provision of information on the prevention of sexual exploitation and sexual abuse of children to children of primary and secondary education levels, and on the risks associated with child self-generated sexual images and/or videos. Depending on the Parties, these topics are addressed under different headings and involve multiple learning providers and delivery models, which ultimately also affects the manner in which the issues are addressed. In **Finland**, for example, questions related to sexuality and bullying/harassment are embedded in the national core curriculum in a cross-disciplinary manner and also discussed, more

specifically, in many different subjects such as health education, social studies, ethics, psychology and biology. Civil society sources add that the amount of information on the issue of child sexual abuse varies greatly in different textbooks.

389. According to the **NGO Astra**, the Incest Trauma Center developed in 2016 in **Serbia**, together with the Ministry of Education, Science and Technological Development, educational packages for prevention of sexual abuse of children. These were eventually withdrawn due to a disagreement over part of the content of the packages. However, the Serbian authorities informed the Committee that Protocols for protecting children from violence implemented at the primary and secondary levels of education contain information on the prevention of child sexual exploitation and sexual abuse.

390. Finally, when providing information to children on the topics at stake, it is important to consider the needs of certain categories of children who may be at greater risk of becoming victims of sexual violence due to discrimination, including on the basis of their sexual orientation. For example, some NGOs in Finland have addressed the need to better take into account in prevention education the LGBTIQ youth, for whom technology may well offer the only place to discover, ask questions, and get information, but at the same time might create higher risks for them. A study entitled “How is the LHBTIQ-youth doing in Finland” (Mitä kuulu sateenkaarinuorille Suomessa?), showed that 40% of trans youth have been requested to send nude photos or take their clothes off in front of a camera, 10% found themselves in situations where someone approached them online to try to get sexual favours, and 25-28% of the youth participating in the study had been approached online by a person who was five years or older than them.

**Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation IX-1**

The Lanzarote Committee invites those Parties that are not already doing so, to address in educational contexts the issue of the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards child self-generated sexual images and/or videos.

**Recommendation IX-2**

The Lanzarote Committee invites those Parties that are not already doing so, to ensure that information on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards child self-generated sexual images and/or videos, is provided to children during both primary and secondary education (whether as part of the national curricula or in the context of non-formal education for children at these levels).

**Recommendation IX-3**

The Lanzarote Committee requires all Parties to ensure that all children at primary and secondary level receive information about the risks of child sexual exploitation and sexual abuse facilitated by ICTs. Organising lectures and/or activities on this topic should not be left to the discretion of schools or teachers.

#### **Recommendation IX-4**

The Lanzarote Committee invites all Parties to consistently involve children in the development of internet safety awareness programmes.

#### **Recommendation IX-5**

The Lanzarote Committee invites all Parties to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.

### ***IX.2 Information is adapted to the “evolving capacity” of the children at different levels of education***

391. Article 6 of the Lanzarote Convention provides that information on the risks of sexual exploitation and sexual abuse should be adapted to the children’s “evolving capacity”. However, only a small minority of Parties indicated that information given to children as part of national curriculum or other non-formal educational settings is provided in an age-appropriate manner (**Germany, Monaco**).

392. Instead, the majority of Parties provided information on the levels of education where this information is given. In **Austria**, this is the case during primary, secondary and vocational education. In **Bosnia and Herzegovina, Estonia, France, Greece, Latvia, Lithuania, Malta, Monaco, Netherlands, North Macedonia, Russian Federation and Slovenia**, such education is provided in primary and secondary education.

393. In other Parties, information related to child sexual exploitation and abuse and/or challenges raised by ICTs is provided during secondary education only (**Liechtenstein, Romania, San Marino, Spain**), or elementary and primary education (**Turkey**). In **Bulgaria**, such information is provided at different degrees of education, depending on the regions. In **Luxembourg**, trainings on such topics are delivered to 7th grade students.

394. However, this need for information adapted to the age and maturity of children is raised by some of the children themselves. National authorities need to ensure that education and awareness-raising on topics such as prevention of sexual violence against children are not frightening to young children and are sufficiently clear to older children to ensure adequate preventive effect.

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*“Most children participating believe that discussions [on sexual violence and safety on the Internet] are necessary, but some of them believe that such education of preschool children can lead to arising of their fears.” – Extract from consultations with the Child Rights Centre Albania (CRCA), 2019*

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#### ***Promising Practices***

In **Germany**, in the region of Baden-Württemberg, topics related to sexuality and sexualised violence in a digital context will be addressed in age-appropriate discussions at all scholastic levels, e.g. in connection with questions of personal identity, different sexual orientations, sexual diversity, personality growth or role models, as well as in the context of teaching

modules on media usage, social media applications, consumer protection, data privacy, and personal rights. The basic Media Education course taught in fifth grade offers a particularly wide range of tie-in points in this regard.

In the same region, in cooperation with the pro-familia German Society for Family Planning, Sexual Education and Sexual Counselling, a Land-wide course of study on the topic ‘Sex Education at Special Needs Training and Advisory Centres’ (*Sexuelle Bildung am sonderpädagogischen Bildungs-und Beratungszentrum*) was held in December 2019, to train curriculum-development consultants or multipliers in the field of special needs education, respectively, with a focus on assisting disabled students with their physical motor, and intellectual development. Once qualified in this manner, the persons correspondingly trained are expected to in turn raise awareness among school staff and teachers of this topic and to acquaint them with options in terms of appropriate courses of action. They offer opportunities for in-service training for the teaching staff at the schools listed. The objective is to provide students suffering from mental and physical disabilities with targeted education and instruction in sexual matters, to promote their personal development and maturation and to thus protect them from abuse. At the same time, the awareness of the topic at schools and among teachers is to be raised and they are to be acquainted with options in terms of appropriate courses of action.

### **Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation IX-6**

The Lanzarote Committee invites all Parties to provide information to children on child sexual exploitation and sexual abuse, facilitated by ICTs, including as regards child self-generated sexual images and/or videos, in their national curriculum or other non-formal educational contexts, in a form which is adapted to the evolving capacity of the children and therefore which is appropriate for their age and maturity.

### ***IX.3 Context in which information is provided to children***

395. Article 6 of the Lanzarote Convention provides that information on the risks of sexual exploitation and sexual abuse shall be given “within a more general context of information on sexuality” as “providing isolated information on sexual exploitation or sexual abuse outside the general context of normal sexuality could be disturbing to children” (Explanatory report, §62).

396. In a Human Rights Comment issued in July 2020, also the Council of Europe Commissioner for Human Rights, highlights that “the benefits of sexuality education [for children], when comprehensive, go far beyond information on reproduction and health risks associated with sexuality.” It is “essential to prevent and combat sexual abuse against children, sexual violence and sexual exploitation”, and is important to “prevent children from falling prey to sexual offenders online”.<sup>252</sup>

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<sup>252</sup> [Human Rights Comment: Comprehensive sexuality education protects children and helps build a safer, inclusive society](#) (21 July 2020)

397. Only a minority of Parties have sexuality education courses, where they inform children on risks associated with child self-generated sexual images and/or videos (**Austria, Denmark, France, Germany, Lithuania**). In **Croatia**, this information is provided under the theme “sex and gender equality, responsible sexual behaviour”, while in **the Netherlands**, related information is provided as part of the core objective “sexuality and sexual diversity”.

398. In other Parties, information on the risks of sexual exploitation and sexual abuse facilitated by ICTs and/or on the challenges raised by child self-generated sexual images and/or videos is delivered in the framework of topics related to the digital environment. In **Lithuania**, it is also covered in the course “safe internet usage”, in **Portugal**, “Internet Safe Use”, in the **Russian Federation** “Safety in the cyberspace”, in **Sweden**, “Civic subjects: risks and possibilities of digitalization”, in **Switzerland (German community)** “Media and Informatics”, in **North Macedonia** “Computer work and programming”, in the **Russian Federation** “Informatics”, in the **Slovak Republic** “Informatics”, and in **Turkey** “ICT and software”.

399. Others address it in the broader contexts of health and social issues. In **Albania**, this is covered in “Health education”, in the **Czech Republic** it is provided within the educational field of “Health Education” at the 2nd level of primary and secondary schools and at the 1st level of primary schools within the educational field of “Man and his world” in the thematic area of “Man and Health”, in **Finland**, in many different subjects, such as health education, social studies, “Ethics, Psychology and Biology”, in **Iceland** “Life skills”, in **Latvia** “social sciences and health studies”, in **Malta** “Personal, social and career development”, in **Montenegro** “Biology, Healthy lifestyles, psychology, sociology, civic education”, in **North Macedonia** “Life skills education”, in the **Russian Federation** “The World around Us” and “Fundamentals of Life Safety, Information and Security”, in the **Slovak Republic** “civic education” and in **Turkey** “Life Sciences”.

400. In **Bosnia and Herzegovina**, these subjects are taught in the “Prevention of violence” lessons, in **Denmark**, they are addressed in a “cross-curricular” manner at the level of secondary education. In **Germany**, in the region of Baden-Württemberg, sex education is integrated into various academic subjects on the basis of pedagogical guiding perspectives such as ‘Education for Tolerance and Acceptance of Diversity’ (*Bildung für Toleranz und Akzeptanz von Vielfalt*), ‘Media Training’ (*Medienbildung*), and ‘Prevention and Health Promotion’ (*Prävention und Gesundheitsförderung*). In **Slovenia**, it is the teacher who chooses which lesson is devoted to these subjects, and in **Spain** they are taught in “various subjects”.

### **Difficulties to implement the Convention**

401. In some Parties, the teaching is too general and cannot be considered to provide a systematic and targeted approach to the prevention of sexual exploitation and sexual abuse, including online and when it occurs as a result of the self-generation of child sexual images and/or videos:

- The only information on topics related to sexuality in **Andorra** is provided to children in the context of History classes, where the focus is only on sexual slavery.

- In **Hungary**, according to civil society sources of 2018, the quality of sexuality education in schools is very poor because the national curriculum focuses on ethical and biological issues instead of sexuality education, sexual violence and online sexuality.<sup>253</sup>
- According to the NGO Astra – Moldova, the primary school curricula in the **Republic of Moldova** does not provide for any information related to online safety, the risks of online sexual abuse, and child self-generated sexual images and/or videos. The informatics curriculum for the secondary school only includes general aspects related to the communication online and security rules online. However, a general approach to new technologies is not sufficient to ensure comprehensive prevention of child sexual exploitation and abuse.

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*“Based on our experience, information provided by the school on why we should not share any sexual content is neither sufficient nor adequate. Instead of presenting everyday instances of online safety and sexuality, lectures are overly focused on scientific facts and deterrent examples” – Extract from consultations with the Hintalovon Foundation, Hungary, 2018*

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### **Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation IX-7**

The Lanzarote Committee invites those Parties that are not already doing so, to provide information to children on the risks of child sexual exploitation and abuse facilitated by ICTs, including as regards child self-generated sexual images and/or videos, within a more general context of sexuality education.

### ***IX.4 Involvement of parents in the provision of information on child sexual exploitation and abuse and child self-generated sexual images and/or videos***

402. Article 6 of the Lanzarote Convention provides that information on the risks of sexual exploitation and sexual abuse should be provided “in collaboration with parents”. The Explanatory Report insists that such a form of collaboration is “required, where appropriate”. It is therefore not sufficient to provide examples where courses and awareness raising activities are aimed at both children and parents. In fact, parents, and other care takers, must be involved as much as possible in implementing such prevention initiatives with children.

403. In practice, there is limited encouragement for such participation:

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<sup>253</sup> The revised **Hungarian** National Core curriculum launched in 2020 introduced Digital Culture as a new subject. This subject deals with the issues of safe and ethical use of the Internet, including the development of responsibility while sharing information on different digital platforms. Among the development goals, the rules of the protection of personal data and any information connected to a person are included.

- In **Croatia**, the Ministry of Science and Education is informing parents about responsible behaviour when using network technologies at the moment when children start using them independently without constant adult supervision
- In **France**, there is a website called *jeprotègemonenfant* which presents a set of possible actions for parents. It includes a “resource” tab,<sup>254</sup> which lists a set of tools for parents to enable them to talk with their children about sexuality and pornography and to discuss with them the risks relating to sexual exploitation and abuse facilitated by the internet and social media. For instance, there is a link to a website of the French Telecoms Federation (FFT), which has developed a practical guide for parents to support and protect children on the internet. The purpose of the *jeprotègemonenfant* website is therefore to facilitate communication between parents and children so as to involve parents actively in raising their children’s awareness of the risks of sexual abuse facilitated by ICTs.
- In **Germany**, in the region of Baden-Württemberg, the persons legally responsible for the children’s education are invited to a meeting of all legal guardians and teachers of a class (*Klassenpflegschaftssitzung*), where they receive timely and comprehensive information on the objectives, subject matter, form, and timing of the sex education offered as part of the school’s programme for family life education and sex education, as well as on the learning materials and aids that will be used.
- In **Greece**, the project “Next to the parents” addresses the dangers arising from the use of the internet, for parents through case studies. It also showcases how parents can protect their children.
- In **Latvia**, the State Police has issued brochures for parents and teachers. For example, the 2015 Edition contains facts about the Internet safety. The 2015 Brochure contains information on social media and potential threats online. The 2016 Brochure contains a test for parents, to find out and check if they know what their child is doing on the Internet. An interactive workbook<sup>255</sup> contains probing questions that parents can ask when talking to their children about Internet safety, as well as tips for them to use when teaching and explaining the various safety issues to their children.
- In the **Netherlands**, different tool kits have been developed in order to enable parents to identify risks of child sexual exploitation and sexual abuse.
- In **Norway**, the website "Foreldrehverdag" provides general guidance to parents and addresses the challenges that many parents face when bringing up children. The website covers issues such as children and adolescent's digital life, sexuality, social media, sharing sexual images, etc.
- In the **Russian Federation**, a system of interagency coordination has been established, to involve parents in providing information to children about the risks of sexual exploitation of children and sexual abuse, which are promoted by ICTs. As part of the state education system for children, the Federal State Center for the Protection of the Rights and Interests

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<sup>254</sup> <https://jeprotegeemonenfant.gouv.fr/vos-ressources/>

<sup>255</sup> The interactive workbook can be found at: <http://www.vp.gov.lv/pasaka/>

of Children of the Ministry of Education of the Russian Federation develops special recommendations for parents on how parents inform their children about the risks of Internet communication and techniques for safe interpersonal interaction on the Web.<sup>256</sup> In addition, this centre holds the All-Russian parent meeting "Prevention of Internet risks and threats to the life of children and adolescents."<sup>257</sup>

- In **San Marino**, the teaching programme “Education to a conscious use of social networks” includes awareness-raising meetings with families on sexting and its legal and psychological implications. Such meetings are held by legal and technical experts.
- In **Switzerland**, police spread the message contained in brochures on cyberbullying and sexual abuse that explicitly address issues relating to the sexual abuse and sexual exploitation of children through ICTs, in schools and at parents’ evenings. The Young People and Media national platform also provides information, recommendations, brochures and leaflets for parents and reference persons to improve their digital skills. This includes raising their awareness of issues relating to the internet and sexuality. The material is also used in schools and at parents’ evenings.
- In **Switzerland (German community)**, the relation between the school and the parents, who are primarily responsible for learning how to use the media and respect the laws, is explicitly provided for in the “*Lehrplan 21*”.

### ***Promising practices***

In **Germany**, in the region of Hessen, there is education in the area of media, particularly on the topic of sexting, and parental involvement. Before sex education topics are discussed with the students, the persons legally responsible for their education are invited to a parent-teacher conference where they are briefed in a timely and comprehensive manner on the objectives, subject matter, and learning materials/aids that will be used for teaching. This gives the legal guardians the opportunity to talk to their children in advance about the topics to be covered and about the values given within their family.<sup>258</sup> In addition, the Federal Ministry for Family Affairs is funding the information portal SCHAU HIN! (LOOK AT IT!),<sup>259</sup> the initiative office “Gutes Aufwachsen mit Medien (“Grow Up Well with Media”),<sup>260</sup> which provides assistance to parents and educational professionals with their educational mandate in the digital age.

In **Hungary**, Gyerekaneten.hu is an advice and information website for parents regarding children's online activities. It includes "tip lists", which provide parents with short and concise advice on how to understand and deal with some of today's online phenomena. The tip lists are written monthly by experts who teach at “Magic Valley” media education centres, set up by the National Media and Infocommunications Authority (NMHH). Articles

<sup>256</sup> See for example:

<https://fcprc.ru/wp-content/uploads/2019/05/5.-Kak-zashhitit-detei-ot-internet-riskov-pamyatka-roditelyam.pdf>

<sup>257</sup> See for example: <http://saki-school2.ucoz.ru/jurnali/prezentacija-k-vserossijskomu-roditelskomu-sobrani.pdf>

<sup>258</sup> In *Lehrplan Sexualerziehung. Für allgemeinbildende und berufliche Schulen in Hessen*. 2016. Page 5

<sup>259</sup> See [www.schau-hin.info](http://www.schau-hin.info)

<sup>260</sup> [www.gutes-aufwachsen-mit-medien.de](http://www.gutes-aufwachsen-mit-medien.de)

by external experts on sensitive and important digital parenting issues will also be published each month. The first highlighted article addresses the issue of grooming, raising awareness of the activities of malicious strangers in the digital space and how to prevent them. In 2014, the NMHH launched its corporate social responsibility programme in cooperation with the Hungarian Foundation of SOS Children's Villages International. Under the programme, the analysts of Internet Hotline regularly give presentations and share their expertise on the dangers of the online world (for example cyberbullying, sexting and grooming) with foster parents and child protection professionals.

In the **Netherlands**, toolkits have been designed targeting parents of primary and secondary school-aged children. Materials for primary educational institutions include: "**Kriebels in je buik**", a continuous learning tool for children aged 4-12 years, also providing brochures for parents pointing at risks posed online; the "**Veiligwijs**" **Method**, which is offered to school to enable them to embed "healthy relations" in their educational programmes, in line with the demands of children as well as their parents; and the project "**Media Diamant**", a tool for parents regarding "media education" for their children. Materials for secondary school institutions include: the guide "**Help, ik sta online**", aiming to help parents in situations where their children are exposed online; **helpwanted.nl**, a website providing information for parents and educators trying to get child sexual abuse materials offline; the method "**Online veiligheid voor ouders**" offering online courses for parents, aimed at raising awareness for online risks; and the **Project "Log in"**, where, through theatre, parents are invited to start a dialogue about the use of internet by their children and risks on the internet.

In the **Russian Federation**, educational institutions are developing materials for parents of children of different ages, including, for example, parents of preschoolers<sup>261</sup> and parents of school-aged children.<sup>262</sup> In coordination with educational and public organizations, law enforcement agencies also develop materials and carry out activities to inform parents and children about the risks of the Internet.<sup>263</sup> Health care facilities also produce parenting education materials on working with children.

404. The need to involve parents in the prevention of child sexual exploitation and sexual abuse of children is emphasised by some of the children who contributed to the monitoring round, who feel that such involvement usually happens too late.

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*"Participants shared that parents were usually contacted by teachers and school psychologists about specific incidents, when there was already a case of online bullying related to sexual images and/or videos produced by the children themselves. Parents were not informed in advance about the possible risks associated with such material."* – Extract from consultations with the National Network for Children, Bulgaria, 2018

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<sup>261</sup> See for example: <http://odgd.ru/service/pamyatka-roditelyam-bezopasnost-rebenka-v-internete>

<sup>262</sup> See for example: [http://www.school7.pervouralsk.ru/parents/kids\\_safe\\_internet.pdf](http://www.school7.pervouralsk.ru/parents/kids_safe_internet.pdf)

<sup>263</sup> See for example the Memo for parents and children "Safe Internet", developed by the Investigative Committee, at: [http://saki-school2.ucoz.ru/Risunki/elektrobezop/pamjatka\\_dlja\\_roditelej\\_i\\_detej-bezopasnyj\\_interne.pdf](http://saki-school2.ucoz.ru/Risunki/elektrobezop/pamjatka_dlja_roditelej_i_detej-bezopasnyj_interne.pdf)

**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

**Recommendation IX-8**

The Lanzarote Committee invites those Parties that are not already doing so, to ensure that parents, caregivers and educators are involved, where appropriate, in the provision of information to children on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, in particular as regards child self-generated sexual images and/or videos.

## X. Higher education curriculum and continuous training

405. Persons who have regular contact with children in the education, health and social protection sectors and in areas related to sport, culture and leisure are at the forefront of the prevention of sexual exploitation and sexual abuse of children, as they have the most interaction with children under their supervision in these different settings. However, they may not be adequately equipped to inform children about their rights, to detect situations where a child is at risk of sexual exploitation or sexual abuse and to respond appropriately. It is therefore of crucial importance that they be well informed about the risks of sexual exploitation and sexual abuse of children, both during their education and continuously during their careers, to enable them to adapt to emerging trends and risks in the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs.

406. This chapter addresses the education and training of professionals<sup>264</sup> in relation to child sexual exploitation and sexual abuse in general, and not only where it is facilitated by ICTs or results from the generation by children of sexual images and/videos of themselves. The objective is to provide an overview of the national legislation and practice regarding the inclusion of information on children's rights, the risks of sexual exploitation and sexual abuse, as well as the challenges raised by child self-generated sexual images and/or videos, in the education and training of professionals working in contact with children, including those working on a voluntary basis.

### **Article 5 of the Lanzarote Convention - Recruitment, training and awareness raising of persons working in contact with children**

*1. Each Party shall take the necessary legislative or other measures to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities.*

*2. Each Party shall take the necessary legislative or other measures to ensure that the persons referred to in paragraph 1 have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility mentioned in Article 12, paragraph 1.*

### **Explanatory report - to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**

#### **Article 5 – Recruitment, training and awareness raising of persons working in contact with children**

*54. Paragraphs 1 and 2 are intended to ensure that persons who have regular contacts with children have sufficient awareness of the rights of children and their protection, and an adequate knowledge of sexual exploitation and sexual abuse of children. This provision lists the categories of persons involved: those who work with children in education, health, social protection, judicial, and law enforcement*

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<sup>264</sup> It should be noted that, although Article 5 refers to their professions, education and training of persons who have regular contacts with children in the judicial and law-enforcement sectors will be covered in the chapter III. Investigations and Prosecution, paragraph III.2., which deals more specifically with the provisions of Article 34 (Investigations) of the Lanzarote Convention.

*sectors as well as those who deal with children in the fields of sport, culture and leisure activities. The provision does not refer to professional contacts with children, but is left open for anyone who deals with children in any capacity. This is particularly intended to cover persons who carry out voluntary activities with children.*

*55. The reference to the “rights of children” covers the rights as laid down in the United Nations Convention on the Rights of the Child, including for example, the right to life (Article 6), the right to be protected from economic exploitation (Article 32), the right to be protected from all forms of physical or mental violence, including sexual abuse (Article 19).*

*56. Paragraph 2 also requires persons having regular contacts with children to have adequate knowledge and awareness to recognise cases of sexual exploitation and sexual abuse and of the possibility of reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of sexual exploitation or sexual abuse, as provided in Article 12 paragraph 1. It should be noted that there is no specific training obligation in this provision. Having “adequate knowledge” could imply training or otherwise providing information for people who come in contact with children so that children who are victims of sexual exploitation or sexual abuse can be identified as early as possible, but it is left to Parties to decide how to achieve this.*

### ***X.1 Information on the risks of child sexual exploitation and sexual abuse with specific reference to child self-generated sexual images and/or videos is provided to persons working in contact with children***

407. Article 5 provides that Parties are to ensure that persons who have regular contacts with children have adequate knowledge of sexual exploitation and sexual abuse of children. The Convention does not prescribe a specific way of transmitting this information, it leaves it to the Parties to decide how this can be achieved, whether in the form of training, as part of their curricula, or in any other way. However, it does provide that such information should be provided to those who work with children in the education, health, social protection, judicial and law enforcement sectors as well as those who deal with children in the fields of sport, culture and leisure activities, including on a voluntary basis.

408. In addition, in its 2019 Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children, the Lanzarote Committee stresses that “children should be informed that “any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes” is defined as “child pornography” by Article 20§2 of the Lanzarote Convention and that child self-generated sexually suggestive or explicit images and/or videos could therefore constitute “child pornography”.

409. In other words, children should be made aware of the risks of sexual exploitation and sexual abuse of children, with specific reference to the risks associated with child self-generated sexual images and/or videos, an awareness which can be achieved in particular if those who have regular contacts with them are themselves made aware of such risks.

### **X.1.1 Training and awareness raising of persons working in contact with children on the risks associated with child self-generated sexual images and/or videos**

#### ***At least one category of professionals working in contact with children receive information on the risks associated with child self-generated sexual images and/or videos***

410. Persons working in contact with children receive information on the risks associated with child self-generated sexual images and/or videos in **Austria, Belgium** (German-speaking and Flemish communities), **Bosnia and Herzegovina, Denmark, France, Germany, Iceland, Latvia, Luxembourg, Romania, Russian Federation, Slovak Republic, Switzerland** and in **Turkey**.

411. In two other Parties, such teaching is in development:

- In **Cyprus**, the Cyprus Pedagogical Institute of the Ministry of Education, Culture, Youth and Sport, in collaboration with the Foni Council,<sup>265</sup> is planning to organise seminars and training workshops in 2021 for students and teachers, aimed at providing information on issues arising from international instruments, in particular one on the subject “Distribution of photographic or other material that may be considered a product of sexual abuse or exploitation between students.”
- In **Hungary**, the regulation of the content and structure of teacher education programmes at all levels was modified on 30 December 2021, aligned with the renewed National Core media awareness. Further media education for teaching professionals will be developed, and new content will be added to teacher training, including media risk prevention for children, bullying, online harassment, cyberbullying and sexting. Curriculum. Thus, a qualified teacher must be able to help students understand the most important issues related to media awareness and the use of digital technologies. As for their attitude, the amended ministerial decree states that qualified teachers are expected to engage in media education tasks for pupils. Media education for teaching professionals will be developed and new content will be added to teacher training, including the prevention of media risks for children, bullying, online harassment, cyberbullying and sexting.

412. In **Bosnia and Herzegovina, France, Hungary Luxembourg** and the **Slovak Republic**, professionals receive this information both during their curriculum and as part of training during their professional life. In **Austria, Cyprus** (in development), **Denmark, Latvia** and **Romania**, the information is provided in the form of trainings. In **Germany, Switzerland** and **Turkey**, it is given during the professionals’ education.

#### ***Categories of professionals working in contact with children receiving information on the risks associated with child self-generated sexual images and/or videos***

413. Different professionals receive information on the risks associated with child self-generated sexual images and/or videos. All the above-mentioned Parties specify that it is members or future members of educational institutions such as “specialists in the field of

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<sup>265</sup> See <http://www.foni.org.cy/>

education”, “pedagogical employees”, “school directors” with a prevalence of teachers or future teachers, who receive such information, with the exception of **Cyprus** which have not specified which profession is concerned. In **Iceland**, the Action Plan against Gender-based and Sexual violence and Harassment provides for an interactive online course on sexual and gender-based violence available to all persons working with and for children and young people.

414. It is recalled that Article 5 of the Convention also covers the training and awareness raising of persons working in contact with children in the health and social protection sectors, and in areas relating to sport, culture and leisure activities. These extra-curricular professions have a crucial role in the prevention of sexual exploitation and sexual abuse of children, as well as in assisting child victims. Parties are therefore encouraged to implement measures to ensure that all professionals who have regular contacts with children, as well as those working on a voluntary basis, receive education and/or training on the risks of child sexual exploitation and sexual abuse, with specific reference to child self-generated sexual images and/or videos.

415. In some Parties only, categories of persons working in contact with children other than school personnel, are made aware of these issues. This is the case of students in social education and social sciences in **Denmark** and **Germany**, psychologists in **France**, students in applied sciences at the University of Potsdam in the Land of Brandenburg in **Germany**, as well as social workers in **Romania**. Awareness of the risks associated with self-generated images by children has been raised in only three Parties in the medical sector. In **France** and **Luxembourg**, these are psychologists, and in **Turkey**, students of the sociology and psychology departments (TED University) of the teaching programme of the Department of Child and Adolescent Psychiatry for doctors in training (Meran University).

### ***Promising practices***

In **Austria**, the National Strategy on School Violence Prevention includes annual meetings of the school support system. In 2017, these addressed cyber bullying, and included case studies on child self-generated sexual images and/or videos.

In **Belgium**, schools in the **Flemish Community** can use the eSafety label, which allows them to answer a questionnaire to find out where they stand in terms of ICT safety. On the basis of the questionnaire results, each school receives a personal action plan aimed at addressing weaknesses in school policy and increasing ICT safety. The subject of sexting is part of the questionnaire. In the Flemish community, Child Focus, Mediawijs, Sensoa, Mediaraven and Jong en Van Zin have developed a set of lessons and tools for teachers on sexting. The set contains the interactive online video 'Hé, het is oké' by Mediawijs, the play “Sex-thing” by Child Focus, various lessons, a brochure on the subject, and references to the Sensoa flag system.<sup>266</sup> A toll-free number "Assistance schools" (0800 /20 410) has been set up to provide guidance and information to educational professionals confronted with violence in schools, and Mediawijs has developed a website for professionals.<sup>267</sup>

<sup>266</sup> The Sensoa flag system is a tool that helps educators talk about and assess sexually delicate situations. More information can be found at: <http://www.seksuelevorming.be/sensoa-vlaggensysteem>

<sup>267</sup> <https://mediawijs.be/dossiers/dossier-liefde-internet/>

In **Bosnia and Herzegovina**, students at the University of Istocno Sarajevo who will become teachers and educators receive training and education in the field of protection of children from sexual exploitation and sexual abuse, including those facilitated by ICTs, which contains, inter alia, information on the risks associated with child self-generated sexual images and/or videos.

In **Denmark**, students of the teacher education programme and of the social education programme receive training on ethics and human rights in order to acquire competences on how to handle and approach these issues in relation to children. The subject of child self-generated sexual images and/or videos is part of these programmes.

In **France**, educators, psychologists and directors of services for the judicial protection of minors receive education on media and image education and digital literacy for adolescents, as well as continuous training (4 to 5) on the place of digital technology in the construction of adolescents' identities and practices related in particular to social networks. These modules include child self-generated sexual images and/or videos. A remote training module on the risks associated with digital technology (*dangers du numérique*) is in development and will include elements on different forms of online child sexual abuse material.

In **France**, personnel of the national education system also receive training in sexuality education, delivered during annual seminars and implemented by the Ministry of National Education as part of a national training plan. Such trainings also take place at each territorial level (academic, departmental and local). In addition, national education personnel have access to pedagogical resources available on the website of the Ministry of National Education. In particular, two thematic fact sheets provide an exhaustive understanding of the issues related to child self-generated sexual images and/or videos.<sup>268</sup>

In **Germany**, regular events which include sessions on how to deal with self-generated, sexually explicit images or videos are organised at the Faculty of Social and Educational Sciences of the University of Applied Sciences of Potsdam (Fachhochschule) in the Land Brandenburg.

In **Latvia**, the programme "A safe school" was developed by the State Police to inform and educate the school personnel. It includes the following topic: "What can the personnel do if they find out that a child has been communicating with a stranger and sending sexual content?".

In **Luxembourg**, trainee teachers, psychologists and educators from the National Education system receive a compulsory course as well as a continuous training on the rights of the child that addresses, among other things, the dangers that children and adolescents face in publishing nude or sexually explicit photographs.

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<sup>268</sup> Two thematic fact sheets are of particular relevance: one on "[Sexuality, Media and the Internet - Sexual Exploitation](#)" ([Sexualité, médias et internet – Exploitation sexuelle](#)) which deals specifically with cybersexism, revenge pornography and non-consensual sexting; and one on "[Adolescence and Pornography](#)" ([Adolescence et pornographie](#)) where the practice of sexting is studied. They can be found on the "[sexual education](#)" portal of the Ministry of Education's "[eduscol](#)" website.

In **Romania**, Save the Children, acting as the coordinator of the Safer Internet Centre of Romania, has been organising trainings for teachers and school counsellors certified by the Ministry of Education since 2019, which includes sections outlining the risks associated with child self-generated sexual images and/or videos, under the general theme of sexting and sextortion. They also provide professional workshops and trainings for social workers on the online risks for children and teens.

In the **Russian Federation**, training resources addressing the challenges raised by child self-generated sexual images and/or videos are made available to teachers and other educational workers:

- The manual “Risks of Internet Communication of children and youth: a study guide”<sup>269</sup> contains chapters focusing on the Consequences of the dissemination of child self-generated sexual images and/or videos on the Web, Cyberbullying and on Sexting. It is made available to teachers of the course “Fundamentals of counsellor activity”, students, teachers, counsellors, and specialists in the field of education.

- The textbook “Practical Psychology of Safety. Personal data management on the Internet: textbook: manual for employees of the general education system”<sup>270</sup>.

- The resource “How to protect a child from Internet risks”<sup>271</sup>, prepared by the Center for the Protection of the rights and interests of children contains the topic “the issues of unwanted actions of children by sending personal photos”.

Further, a series of training seminars have been conducted by the Internet Development Fund under the title “Internet: opportunities, competencies, security”. This Continuing Professional Development Program (CPD) includes modules on communication risks on the Internet, their consequences, including sexting and grooming. The course is designed for teachers and tutors who will be able to transfer their knowledge to colleagues and students, thus helping them to improve their digital competence.

In the **Slovak Republic**, “pedagogical employees and expert employees” are informed on this subject in accredited programmes provided by the Methodological and Pedagogical Centre of the Ministry of Education, Science, Research and Sport. Their aim is to provide knowledge and tools for the identification of socio-pathological phenomena threatening the development of children's personality, the protection of personality and the elimination of the possibilities of threats, such as the generation and dissemination of child pornography. They also focus on the danger of social networks and the elimination of possible risks while working on the Internet. Additionally, the 55 coordinators on the protection of children against violence, located in districts across the country, promote awareness-raising activities – such as videos reflecting situations where children are at risk as a result of the dissemination of self-generated sexual images and/or videos – among teachers, various pedagogical staff or persons working in contact with children in their leisure time.

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<sup>269</sup> N. Yu. Leskonog, I. V. Zhilavskoy, E. V. Brodovskaya (Moscow: Moscow State Pedagogical University, 2019, 80 p., [http://summercamps.ru/wp-content/uploads/documents/books/Riski\\_Internet.pdf](http://summercamps.ru/wp-content/uploads/documents/books/Riski_Internet.pdf))

<sup>270</sup> By G. U. Soldatova, A. A. Priezzheva, O. I. Olkina, V. N. Shlyapnikov (Moscow, Genesis, 2017, 224 p.)

<sup>271</sup> pages 5-7, <https://fcprc.ru/wp-content/uploads/2019/05/5.-Kak-zashhitit-detei-ot-internet-riskov-pamyatka-roditelyam.pdf>

Teachers in **Switzerland** have a continuing education obligation. For this purpose, they have access to a wide range of continuing education opportunities in Switzerland and abroad that are dedicated to the challenges associated with child self-generated sexual images and/or videos. The Young People and Media national platform also promotes the media skills of parents, teachers and reference persons and helps them to support children and young people actively in their daily use of media. The aim is to raise their awareness of the opportunities and risks of digital media, which includes sexual images and videos self-generated by minors. The platform publishes information material with a brochure about digital education in schools, setting out a plan for responding to inappropriate or abusive media use by pupils. In addition, as part of the platform's 2018 and 2019 spotlight on "Sexuality and the Internet", pilot awareness-raising projects for parents and professionals were supported. On this basis, a national working group on sexuality and digital media was set up, which produced a position paper on "Sexuality and digital media: protecting children and promoting their skills".

In **Turkey**, students in the sociology and psychology departments of TED University receive courses on "the effects of self-generated visuals and texts on children and adolescents" as well as on the "abuse of the sexuality of children by themselves or other people, legal aspects". At the University of Meram, students in the Education Program of the Department of Child and Adolescent Psychiatry study "self-generated sexually explicit images and videos" as a subject matter under the title "child abuse and negligence". The "teaching" students at the Faculty of Education of Gaziosmanpasa University receive as part of their curriculum an internet security course which includes basic rules to be explained to children such as "not sharing personal information, not trusting every people on the internet, etc."

### **X.1.2 Training and awareness raising of persons working in contact with children on the protection of children against sexual exploitation and sexual abuse**

#### ***At least one category of professionals working in contact with children receive information on the protection of children against sexual exploitation and sexual abuse***

416. A part of the professionals who will or already work with children receive training and/or education on the protection of children against sexual exploitation and sexual abuse in a majority of Parties (**Andorra, Austria, Belgium** (German community), **Bulgaria, Cyprus, Estonia, Finland, France, Germany, Iceland, Italy, Latvia, Malta, Monaco, Montenegro, North Macedonia, Portugal, Romania, Russian Federation, Slovak Republic, Slovenia, Spain, Switzerland** and **Turkey**).<sup>272</sup> The teaching in some of these Parties focus specifically on the risks of child sexual exploitation and abuse facilitated by ICTs (**Austria, Bosnia and Herzegovina, France, Germany, Hungary, Italy, Latvia, Malta, North Macedonia, Slovenia** and **Turkey**).

<sup>272</sup> Such information is provided to future professionals as part of their curriculum during their education (Andorra, Austria, Bosnia, Bulgaria, Cyprus, Finland, France, Germany, Latvia, Romania, Slovak Republic, Slovenia, Spain, North Macedonia, Turkey), or to professionals who already work with children under the form of continuous training (Austria, Belgium (German Community), Bosnia, Cyprus, Estonia, France, Hungary (in development), Italy, Malta, Monaco, Montenegro, Portugal, the Russian Federation, Slovenia).

417. In other Parties, professionals receive education or training on Internet safety for children. This is the case in **Croatia, Poland**, as well as in the **Republic of Moldova** where various activities have recently been implemented on this topic:

- In June 2020, the National program of digital education of teachers was launched in educational institutions. It includes training on child protection in online environment. As for October 2020, more than 20 000 teachers were trained.
- Video lessons on child safety in online environment were made available within the Digital Library Program.<sup>273</sup>
- In August 2020, teachers were trained on child protection in online environment, in cooperation with the NGO La Strada.
- The ministerial order No. 351 of 19.03.2020 on security in educational process was completed in September 2020 with an amendment on child safety in using platforms for distant education, which was delivered to teachers in the context of a higher risk of online child abuse during the Covid-19 pandemic.

418. In **Spain**, the AEPD (Data Protection Authority) website You decide on the Internet, has recently increased its resources, including other guides on the topic, aimed at children, as well as teachers and families.

419. In **Montenegro**, the focus is on domestic violence, whilst in **Estonia**, since 2012 the National Institute of Health offers a variety of trainings to child protection workers, specialist working with children (including pre-school teachers and teachers), which cover the topics of child sexual development, sexual education and ways of getting support. In the **Czech Republic**, students of pedagogical lyceums, where they are prepared to continue their studies in the fields of pedagogy, psychology and social work or in fields preparing teachers and educators are taught about the prevention of risky behaviours of children, domestic violence as well as about the consequences of communication in the cyberspace.

***Categories of professionals working in contact with children receiving information on the protection of children against sexual exploitation and sexual abuse***

420. Although as reiterated above the Lanzarote Convention specifies that people in many sectors should receive adequate knowledge about these issues, the Lanzarote Committee notes that the people most likely to receive education and/or training on child sexual exploitation and abuse are mostly those working in educational institutions, such as teachers (**Andorra, Austria, Belgium (German community), Bosnia and Herzegovina, Cyprus, Estonia, France, Germany, Hungary, Italy, Malta, Montenegro, Slovenia, Spain, North Macedonia, Turkey**).

421. The health sector is the second sector to benefit from this education and/or training:

- In **France**, psychologists receive 1 to 2 trainings a year on sexual violence and child prostitution.

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<sup>273</sup> See, <http://educatieonline.md/>

- In **Germany**, psychology students focusing on “psychology of children and adolescents” at the University of Applied Sciences Potsdam (Fachhochschule) in the Land Brandenburg receive information on sexual exploitation and sexual abuse of children.
- In **Latvia**, psychology students focusing on the “clinical and health psychology” receive courses related to the prevention and therapy of abused children (one of the activities of clinical and health psychologists is to work with children who have been victims of violence and their families) as part of their curriculum.
- In **Slovak Republic**, health workers in specialised departments such as paediatrics, paediatric gynaecologist, midwifery and care to women in a family an in a community, paediatric surgery, gynaecology and obstetrics receive courses on the protection of children against sexual exploitation and sexual abuse.
- In **Slovenia**, according to the Association Against Sexual Abuse, paediatricians receive courses on the subject of sexual abuse of children, where they also identify problems concerning Internet abuse.
- In **Turkey**, students in medical faculties in the 3rd and 5th classes and students of the education program in Child and Adolescent Psychiatry Department for junior doctors (Meram University) receive information on this topic as part of their curriculum.

422. These trainings are followed by persons working in the social protection sector:

- In **Estonia**, child protection workers receive trainings covering child sexual development, sexual education and ways of getting support offers by the National institute of health.
- In **Italy**, childcare professionals receive continuous training as part of the “Free to be free” project aimed at raising awareness, training and educating them on the risks of sexual exploitation and sexual abuse of children and conducts related with child sexual abuse material, as well as cyberbullying.
- In **Monaco**, staff responsible for child protection within the Department of Social Action and Assistance of Monaco receive regular conferences and the aforementioned French training courses on violence committed against minors and in particular on sexual abuse of children.
- In **Portugal**, workers and management leaders at the Social Security Institute (“Instituto de Seguranca Social”) receive training on socio-criminal intervention related with sexual abuse of children.
- In **Slovenia**, according to the Association against Sexual Abuse, social workers receive regular 2 days annual courses on the subject of sexual abuse of children, with a focus on abuse facilitated by ICTs.

423. In **Germany**, students in Media Sciences, Communication Sciences and Social Sciences have courses on the protection of children against sexual exploitation and sexual abuse as an inter-disciplinary topic. Finally, only **Slovenia** mentions the training of professionals working in NGOs.

### **Promising practices**

In **Croatia**, the Ministry of Science and Education is continuously carrying out programs of professional training of teachers and expert associates through intersectoral co-operation by publishing brochures and manuals about the importance of universal prevention with the aim of protecting children and youth in the world of internet, network technologies and mobile phones and development of the system of education and teaching of students.

In **Estonia**, teachers receive trainings to implement the evidence-based programme “Expect Respect”: A toolkit for addressing teenage relationship abuse”.

In **Italy**, as part of a project implemented in collaboration between the Department for Equal Opportunities and the Ministry of University and Scientific Research, an experimental distance training course for some primary and secondary school teachers of the first grade are dedicated to the issues of sexual exploitation and abuse of children, which will be further developed through the opening of the distance learning platform for the updating to all school coordinators and teachers in Italian schools.

In **Iceland**, the course “Verndum bau” (*Protect them*) is developed by specialists working in the Icelandic Barnahus. It is already available online, free of charge, to staff and volunteers working in sports and youth activities and will be made available to all people working with children as of 2022.

In **Malta**, The BeSmartOnline project offers material to teachers and other professionals addressing the risks associated with the ICTs faced by children. It helps teachers and professionals to address these issues to their students. It includes a helpline that is promoted in such materials. It also organises events in that sense.

In **Norway**, the teaching aid “Snakke sammen” (“talking together”) was launched in April 2018. “Snakke sammen” is a digital learning platform intended to make adults more confident to talk with children about topics that they are worried about. The core content of “Snakke sammen” is a simulation game that provides practical training and help when it comes to broaching difficult subjects with children and young people, for instance sexual abuse online. The platform also contains films of a child in conversation with an adult, for teaching and inspiration, and articles so one can learn more about the topic. “Snakke sammen” can be used by any adult who is in contact with children in their daily work.

In **Romania**, about 8,700 teachers have been trained in the framework of the national health education program, which includes the chapter "Reproductive Health and Family" that deals with issues of child sexual exploitation and abuse.

In **Switzerland**, the network "Prevention of sexual abuse in leisure time activities" coordinated by Child Protection Switzerland is an association of organisations active in the field of prevention of sexual abuse of children and adolescents in leisure time activities. It aims to achieve coordinated cooperation throughout Switzerland and a common approach to

prevention.<sup>274</sup> The network develops guidelines and develops information and recommendations on the subject.

In **Turkey**, Circular No. 2014/33 entitled “Prevention of online sexual abuse of children and awareness-raising” stipulates that in-service training for professionals working in the public sector must cover topics such as “sexual abuse of children, internet safety, negative effects and the risks arising from social media use by children”.

### **Difficulties to implement the Convention**

424. It appears from the replies of the Parties that even where some of the persons working in contact with children receive training or education on sexual exploitation and sexual abuse of children, only a minority of the entire workforce actually benefits from them. Indeed, while a majority of Parties mention training of teachers and/or future teachers, as well as other professionals in educational institutions, other sectors, such as the medical and the social welfare sectors, remain underrepresented. Moreover, no reference is made to persons working in the field of sport, culture, and leisure activities with children. However, these are also privileged sectors in which children generally relate and where it might be easier for them to open up to these subjects. In addition, in recent years, professionals or volunteers working in these sectors of sport, culture and leisure have been accused of sexual abuse and/or sexual exploitation against children, which makes it even more imperative to ensure that those working with children receive comprehensive training of these issues, both to raise awareness of the issue, and to ensure that such abuse is identified in a timely manner in order to assist the victims.

425. In addition, the children themselves point to the inadequacy of some of the teachings they receive on these issues. While some of them feel that “teachers, should be more proactive and develop their digital and media literacy and that of the students, including on how to protect oneself from sexual abuse”,<sup>275</sup> others state that the “administration should control that all the necessary information is truly provided by the responsible people so as to ensure that these topics are not skipped by teachers”.<sup>276</sup>

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*“Educators’ opinions are either prosaic or extreme. We would like to have interactive, creative, understandable, reasonable discussions. Presentation skills and young attitude are cooler than status!” – Extract from consultations with the Hintalovon Foundation, Hungary, 2018.*

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<sup>274</sup> See, <https://www.kinderschutz.ch/fr/engagement/reseaux/reseau-domaine-des-loisirs>

<sup>275</sup> Extract from consultations with the National Network for Children, Bulgaria, 2018.

<sup>276</sup> Extract from consultations with the Public Health Foundation, Georgia, 2018.

## **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

### **Recommendation X-1**

The Lanzarote Committee requests those Parties that are not already doing so<sup>277</sup> to ensure that the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs, for example through education or continuous training.

### **Recommendation X-2**

The Lanzarote Committee invites those Parties that are not already doing so to ensure that the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of the risks associated with child self-generated sexual images and/or videos, for example through education or continuous training.

### **Recommendation X-3**

The Lanzarote Committee invites all Parties to ensure that all the sectors where professionals work in contact with children, including when working on a voluntary basis, have an adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with child self-generated sexual images and/or videos, for example through education or continuous training.

### **Recommendation X-4**

The Lanzarote Committee requires those Parties that are not already doing so<sup>278</sup> to ensure that teaching or training on the rights of children and their protection for persons who have regular contacts with children (i.e. in the education, health and social protection sectors and in areas relating to sport, culture and leisure activities) is not optional.

## ***X.2 Training and awareness raising of persons working in contact with children on the means to identify sexual exploitation and sexual abuse of children, and of the possibility to report it***

426. Article 5 of the Lanzarote Convention provides that Parties should ensure that professionals working in contact with children have an adequate knowledge of “the means to identify [sexual exploitation and sexual abuse of children]” as well as of the possibility to report to the services responsible for child protection any situation where they have

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<sup>277</sup> Albania, Belgium (Flemish and French communities), Denmark, Georgia, Greece, Liechtenstein, Lithuania, Republic of Moldova, San Marino, Serbia, Sweden, Ukraine.

<sup>278</sup> Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Estonia, France, Georgia, Germany, Greece, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Portugal, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Turkey, Ukraine.

reasonable grounds for believing that a child is the victim of sexual exploitation or sexual abuse, as mentioned in Article 12, paragraph 1.<sup>279</sup>

427. Professionals' knowledge of how to identify and report cases of sexual exploitation and sexual abuse is the cornerstone of the protection of child victims, as it may be their only means of getting the help they need without being under the control of their offenders. However, these situations are sometimes not properly identified.

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*“The school did not react adequately in most of these cases. One participant gave the example of a Facebook group created by students and targeting a classmate, which had been used for online bullying, including through the use of photos where the classmate was naked (taken by herself). Although the girl told her teacher (...) and despite the fact that the group had already been closed down, not only were no sanctions imposed on the perpetrators but the teacher had assured the girl’s parents that there was no need to involve the perpetrators’ parents” – Extract from consultations with the National Network for Children, Bulgaria, 2018*

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428. The Committee notes that some of the professionals working in contact with children have been trained and/or received education on how to identify potential situations where a child is a victim of sexual exploitation or sexual abuse, in **Andorra, Cyprus, the Czech Republic, Finland, Germany, Iceland, Italy, Latvia, Liechtenstein, Monaco, Montenegro, the Netherlands, Norway, Romania, the Russian Federation, Spain and Switzerland.**

429. Finally, only some of the professionals working in contact with children seem to have been trained on the possibility to report situations where they have reasonable grounds for believing that a child is a victim of sexual exploitation or sexual abuse in **Cyprus, Finland, France, Germany, Iceland, Liechtenstein, Monaco, Montenegro, the Netherlands, Norway, Romania, Sweden and Switzerland.**

430. The Lanzarote Committee also notes that **Ukraine** has adopted the Law "On Amendments to Certain Legislative Acts of Ukraine Concerning the Implementation of the Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse" on February 18, 2021, which, inter alia, introduces a special mechanism for the prevention of violence against children for employees who come into contact with them. It wishes to encourage the authorities to apply this provision in line with Recommendations X-5 and X-6 below.

#### ***Promising practices***

In **Andorra**, higher education curricula in Education Sciences include content related to awareness, prevention and detection of sexual abuse against children.

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<sup>279</sup> Article 12.1 states that “Each Party shall take the necessary legislative or other measures to ensure that the confidentiality rules imposed by internal law on certain professionals called upon to work in contact with children do not constitute an obstacle to the possibility, for those professionals, of their reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of sexual exploitation or sexual abuse.”

In February 2016, schools in **Cyprus** received a circular on the procedures to be followed, with an emphasis on child protection in case a child confesses abuse.

In the **Czech Republic**, Disman Radio Children's Ensemble and the Czech Radio Children's Choir, when appointing artistic leaders or, as the case may be, choir masters and other collaborators involved in the work of these bodies; great emphasis is placed on their knowledge of child sexual abuse and the risks in this area, as well as the ability to identify situations of sexual exploitation or child abuse. Czech Radio also provides continuing education to these persons in the area of protection of children against sexual exploitation and sexual abuse.

In **Finland**, the professionals working for and with children need to be aware of the Child Welfare Act and the duty to notify. There is also online training available for all professionals in the area of how to protect children from violence and how to act when there is suspicion of child sexual abuse. This training is available for example on the website of Finnish Institute for Health and Welfare and in national Barnahus –project.<sup>280</sup> The Ministry of Education and Culture finances together with the Ministry of Health and Social Welfare “You are not alone” service, which aims to prevent and reduce bullying, experiences of sexual harassment and all kinds of violence in sports. The service, established together with the Family Federation in Finland and Finnish sports, offers support for individuals experienced such violence as well as gives guidance and education for sport organizations and clubs on how to interfere and handle cases of harassment, bullying and violence.

In **France**, presentations are occasionally provided by public prosecutors to certain heads of schools on the various offences that may be committed online, and on the issue of reporting to the judicial authority. In addition, the Eduscol<sup>281</sup> public website developed by the Ministry of Education and Sport for teachers and all other people dealing with children provides keys to identifying worrying situations and referring them, as well as the procedure to follow in the event of serious danger. The website includes a dedicated page entitled “Focus on preventing sexist and sexual violence in schools”,<sup>282</sup> with a tab on “Tools to prevent and combat sexist and sexual violence in schools”, which lists resources available to teaching staff to identify and tackle sexual violence against children.

In the University of **Iceland**, students in the Faculty of Social Work have courses where they learn to identify situations where children are victims of sexual harassment and abuse, including with regard to online violence. They also discuss the working process in child protection cases, how to report suspected child sexual abuse, and how these cases are handled within the child protection system. In addition, all law students are required to take a course on family and inheritance law, which focuses on children's rights and child protection, and includes a discussion on the obligation to report violence against children.

In **Italy**, a seminar entitled "Identification of School Intervention Models to Promote Child Protection from Violence, Abuse and Sexual Exploitation, Bullying and Cyberbullying," is provided in various schools in the country as part of a project implemented in collaboration

<sup>280</sup> <https://thl.fi/fi/tutkimus-ja-kehittaminen/tutkimukset-ja-hankkeet/barnahus-hanke/koulutuksia-ja-seminaareja>

<sup>281</sup> <https://eduscol.education.fr>

<sup>282</sup> <https://eduscol.education.fr/2180/focus-prevention-des-violences-sexistes-et-sexuelles-l-ecole>

between the Department for Equal Opportunities and the Ministry of University and Scientific Research. Aimed at school directors and teachers at each school level, as well as representatives of the Regional School Offices, the objective is to take stock of the regulatory and institutional context, to support the development of capacities to identify the phenomena, and to provide an overview of educational tools that can be used in the school environment to plan educational interventions and training courses in relation to these phenomena.

In **Latvia**, the Law on the Rights of the Child provides for an obligation that all specialists who are in contact or may be in contact with children shall require special knowledge in the field of protection of the rights of the child, including: social workers, police officers, lawyers, judges, teachers, psychologists, custody court specialists, prosecutors, etc. In practice, specialists acquire a training course of 40 hours where topics on the rights of the child, interinstitutional cooperation, violence prevention and identification are included. Every 5 years specialists shall acquire a training course on the rights of the child of 24 hours. Usually, these training courses are state financed or municipality financed. On average, approximately 600 specialists acquire the training course annually.

In **Liechtenstein** and **Switzerland**, the online encyclopaedia "safe!healthy!"<sup>283</sup> is provided by the Office of Public Health of the Canton of St. Gallen (Switzerland) for health promotion, prevention, and safety in schools. The website offers various thematic brochures, designed to support teachers, school administrators, school social workers and public authorities for prevention, early detection and crisis intervention. The website "safe?! online" is dedicated to the opportunities and risks of modern electronic information and communication technologies and provides a guide to online behaviour.

In **Monaco**, professionals working in the fields of education, sport, culture and leisure receive training to detect possible trauma caused by corporal punishment or sexual abuse of children. In addition, regular information sessions are organized in schools, in particular on how to identify child victims of sexual exploitation and sexual abuse, and on the possibilities to report them.

In **Montenegro**, according to the Professional Development Program for Teacher, members of the professional services of school receive training for identification and intervention in cases or occurrence of all forms of violence.

In the **Netherlands**, multiple knowledge kits have been developed in order to enable teachers and lecturers to signal sexual exploitation and sexual abuse. Different programmes are available that can be used by educational institutions. When confronted with these signals, teaching personnel is under a legal obligation to report the exploitation or abuse.

In **Norway**, framework plans for the various teacher educations contain requirements that the candidates through the education must gain knowledge of the topic of violence and abuse against children and young people, and be familiar with legislation and rights in the area. They must also be able to identify signs of violence and sexual abuse, and be able to implement the necessary measures, possibly in collaboration with relevant professional bodies.

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<sup>283</sup> The "safe!healthy!" online encyclopaedia can be found at: <http://www.zepira.info/sicher-gesund.html>

In **Romania**, the "A safe environment for children in sports" project is being implemented by the Terre des Hommes Romania Foundation and aims to improve the standards on child protection in sports.<sup>284</sup> In 2020, the first courses for trainers on sports safety took place, including topics such as knowing and predicting risk situations, roles and responsibilities of the resource person responsible for child safety, appropriate ways to respond in cases of abuse, as well as, methods and techniques for motivating children. The possibility of extending this pilot project to the national level is being analysed, and the modules developed could be part of the in-service training programs and even of the curricula of the specialised faculties.

In **Switzerland**, practical guides have been developed in certain cantons (Zurich, St. Gallen, etc.) for child protection authorities, social services and other specialists working with children, explaining the procedure to adopt in cases of suspected child abuse.

In addition, it provides financial support to Swiss Olympic and the national sports federations with which it has concluded a service contract and provides direct support to sports associations and other organisations that offer courses and camps for children and young people according to federal standards (J+S offer). The FOSPO and Swiss Olympic have agreed on a charter defining nine principles to promote health, respect and fair play in sport, which includes a commitment against violence, exploitation and sexual abuse. On the basis of this charter, the Federal Office of Sport (FOSPO) adopts preventive and repressive measures to improve the protection of children and young people against sexual abuse. As part of the initial and further training of instructors, J+S also offers a training course for managers on the subject of "Against sexual abuse in sport".

Finally, all sports instructors are informed about the Pro Juventute instructor counselling programme, which was developed in partnership with the FOSPO and Swiss Olympic. Its objective is to offer a free and confidential first contact to all persons responsible for organisations dealing with children and adolescents. The service is available 24 hours a day, 365 days a year, by telephone or e-mail.

In the **Russian Federation**, organisations within the Ministry of Sports train sports professionals to prevent and identify factors of sexual violence. Persons who have regular contacts with children in the education sector are targeted to raise their awareness on the need to report, through for example, various higher education programmes at the undergraduate, specialist and graduate levels in different fields and specialties.

## **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

### **Recommendation X-5**

The Lanzarote Committee requires those Parties that are not already doing so to ensure that the persons who have regular contacts with children are equipped to identify any situation of sexual exploitation and sexual abuse of children:

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<sup>284</sup> The project is being implemented at European level by the Terre des Hommes Romania Foundation, together with Terre des Hommes Hellas (Greece), and Terre des Hommes Hungary.

- in the education sector<sup>285</sup>
- in the health sector<sup>286</sup>
- in the social protection sector<sup>287</sup>
- in areas relating to sport, culture and leisure activities.<sup>288</sup>

#### **Recommendation X-6**

The Lanzarote Committee requires those Parties that are not already doing so to ensure that the persons who have regular contacts with children are informed of the possibility for them to report to the services responsible for child protection any situation where they have “reasonable grounds” for believing that a child is a victim of sexual exploitation and sexual abuse of children:

- in the education sector<sup>289</sup>
- in the health sector<sup>290</sup>
- in the social protection sector<sup>291</sup>
- in areas relating to sport, culture and leisure activities.<sup>292</sup>

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<sup>285</sup> Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Georgia, Greece, Iceland, Lithuania, Luxembourg, Malta, Republic of Moldova, North Macedonia, Poland, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Turkey, Ukraine.

<sup>286</sup> Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, France, Georgia, Greece, Iceland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, North Macedonia, Norway, Poland, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Turkey, Ukraine.

<sup>287</sup> Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, France, Georgia, Greece, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Turkey, Ukraine.

<sup>288</sup> Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Estonia, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, North Macedonia, Norway, Poland, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Turkey, Ukraine.

<sup>289</sup> Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Georgia, Greece, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, North Macedonia, Poland, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Turkey, Ukraine.

<sup>290</sup> Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, France, Georgia, Greece, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Turkey, Ukraine.

<sup>291</sup> Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, France, Georgia, Greece, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Turkey, Ukraine.

<sup>292</sup> Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, France, Georgia, Greece, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Turkey, Ukraine.

### ***X.3 Training and awareness raising of persons working in contact with children on the protection and rights of the child***

431. Article 5 of the Lanzarote Convention provides that Parties should encourage “awareness of the protection and rights of children among persons who have regular contacts with children”. Its Explanatory report specifies that “rights of children” covers the rights as laid down in the United Nations Convention on the Rights of the Child, including for example, the right to life (Article 6), the right to be protected from economic exploitation (Article 32), the right to be protected from all forms of physical or mental violence, including sexual abuse (Article 19).”

432. Some persons working in contact with children receive awareness of the protection and rights of children, in different frameworks and on different topics in **Austria, Belgium** (German-speaking and Flemish communities), **Bulgaria, Denmark, Estonia, Finland, France, Hungary, Latvia, Liechtenstein, Republic of Moldova, Luxembourg,**<sup>293</sup> **Romania, San Marino, Sweden** and **Switzerland**. Among these Parties, the focus of trainings is generally linked to the rights of children in the digital environment.

#### ***Promising practices***

In **Bulgaria**, the State Agency for Child Protection conducts meetings on the introduction of media and online literacy as a university subject for teachers and students of education-related subjects. This subject is already taught at the University of Sofia, preparing them to convey this knowledge to children in schools.

In **Denmark**, as a part of a new project about “Technology understanding” in the Danish Folkeskole, one provider of the teacher training program (KP) offers a mandatory course (10 ECTS-point) with a focus on children’s digital empowerment, called “Technology understanding and digital formation”. It is expected that the course will be implemented gradually in almost all teacher training programs in Denmark. Furthermore, the social education (pedagogue) program in Denmark offers a mandatory course (10 ECTS-point) called “Gender, sexuality and diversity”. The course has a focus on different discourses about - and perspectives on - gender, sexuality, equality and family constellations.

In **Finland**, A SETSTOP project (2017-2019) developed contents for teachers’ education of all levels on gender equality and non-discrimination.

In **Latvia**, the above-mentioned Law on the Rights of the Child provides for an obligation that all specialists who are in contact or may be in contact with children shall require special knowledge in the field of protection of the rights of the child.

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<sup>293</sup> In **Luxembourg**, all professionals working with children and young people attend courses on children's rights as part of their initial or continuing training, which include the following topics: The Convention on the Rights of the Child and its implementation, abuse: definitions, detection of cases, measures to be taken and measures in place.

In **Luxembourg**, teachers, psychologists and educators in the national education system receive compulsory courses on the rights of the child as part of their curriculum, as well as during their in-service training.

In **Sweden**, there are national qualitative targets on the rights of children for programmes such Bachelor of Arts in Pre-School Education and other programmes educating future teachers and nurses. The qualitative targets are stipulated in the Higher Education Ordinance and are essential in the governing of Higher Education Institutions. For example, students must have acquired certain knowledge on harassment of children and/or Rights of the Child to take the degree. The goals are slightly differently formulated for different degrees.

In **Switzerland**, the Confederation uses the child protection/children's rights budget line to subsidise organisations involved in prevention at national level. The purpose of the measures supported is to protect children and young people against any form of violence, harm, brutality, neglect, abandonment, ill-treatment or physical or psychological exploitation, and any form of sexual abuse or harassment. The financial support is regulated by the order on child and youth protection measures and on strengthening children's rights, based on Article 386 (4) of the Swiss Criminal Code. The Confederation also supports organisations that implement awareness-raising measures on children's rights for those involved in initial and continuing training, by means of funding granted for five years from the same budget. The aim here is for people working for and with children to be able to take children's rights into account in their daily work and have access to practical aids such as memos and checklists.

## **Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

### **Recommendation X-7**

The Lanzarote Committee requires Parties that are not already doing so<sup>294</sup> to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities.

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<sup>294</sup> Albania, Andorra, Belgium (French community), Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Georgia, Germany, Greece, Iceland, Italy, Lithuania, Malta, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Serbia, Slovak Republic, Slovenia, Spain, Turkey, Ukraine.

## XI. Research

433. The increased use of ICTs by children brings new challenges in the fight against child sexual abuse and exploitation. As mentioned above, an important tool to fight child sexual abuse and exploitation is the prevention of its occurrences in the first place. Effective prevention mechanisms and responses to tackle sexual exploitation and abuse of children require an understanding of the issues at stake, as well as knowledge of the prevalence and characteristics of the phenomenon. In fact, accurate and precise information may be necessary for the development of quality and targeted policies and measures. The gathering of information and understanding of the phenomenon is of particular importance in the context of sexual exploitation and sexual abuse facilitated by ICTs, in light of their rapid development and increased use.

434. Although the Lanzarote Convention does not expressly provide for the obligation to conduct research on the issues raised by sexual exploitation and sexual abuse facilitated by ICTs, including on those arising from child self-generated sexual images and/or videos, Article 10§2b refers to the obligation to designate or set up mechanisms for data collection or focal points for the purpose of observing and evaluating the phenomenon of sexual abuse and exploitation of children. Furthermore, §83 of the Explanatory Report emphasises the “lack of accurate and reliable statistics on the nature of the phenomenon and on the numbers of children involved”, and explicitly states that the obligation provided for in Article 10§2b “aims at taking measures to address the lack of information”. Therefore, this Article refers to the need to study and conduct research on the changing nature of sexual exploitation and abuse, including exploitation and abuse facilitated by ICTs.

435. This chapter aims at providing an overview of the existing research on sexual exploitation and sexual abuse facilitated by ICTs in Parties, specifically on issues arising from child self-generated sexual images and/or videos and on the psychological effects on persons whose child self-generated sexual images and/or videos have been shared online. This chapter will firstly provide an overview on the existing research on the issue, and secondly provide information on the framework within which such research was conducted, in particular as to whether research was conducted by Parties in collaboration with civil society.

**Article 10 of the Lanzarote Convention – National measures of co-ordination and collaboration**  
(...)

2. Each Party shall take the necessary legislative or other measures to set up or designate:  
(...)

*b. mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children of children, with due respect for the requirements of personal data protection.*

**Explanatory report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**

**Article 10 – National measures of co-ordination and collaboration**

(...)

83. Paragraph 2 b requires Parties to set up or designate mechanisms for data collection or focal points at the national or local levels, in collaboration with civil society, for observing and evaluating the phenomenon of sexual exploitation and abuse of children. Although there can be no doubt that the sexual exploitation and abuse of children is a serious and increasing problem, there is a lack of accurate and reliable statistics on the nature of the phenomenon and on the numbers of children involved. Policies and measures may not be best developed and appropriately targeted if reliance is placed on inaccurate or misleading information. The obligation provided in paragraph 2 b aims at taking measures to address the lack of information.

84. The data referred to are not intended to cover personal data on individuals, but only statistical data on victims and offenders. Nevertheless, the negotiators wished to highlight the importance of respecting data protection rules in the collection of any data, by including the phrase “with due respect for the requirements of personal data protection”.

(...)

**XI.1 Overview and extent of the research for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse facilitated by ICTs, in particular the issue of child sexual self-generated images and/or videos**

436. Considering the increased use of ICTs by children, and the particularly harmful effects on children depicted in self-generated sexual images and/or videos when such material is distributed to others or disseminated online without their consent, research on the nature of child self-generated sexual images and/or videos, and the number of children involved in it, should be carried out. This section will therefore give an overview of the research conducted in Parties on the issues raised by child self-generated sexual images and/or videos in general, and in particular on the psychological effects on persons whose child self-generated sexual images and/or videos have been shared online.

437. A majority of Parties have provided information on research undertaken on the issues raised by child self-generated sexual images and/or videos in general (**Austria, Belgium, Croatia, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Italy, Latvia, Republic of Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovenia, Spain, Switzerland**).

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*It would be good to make a questionnaire to find out what are children's view on abuse on the Internet - Child from the Republic of Moldova*

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438. For many of these Parties, research on child self-generated sexual images and/or videos was conducted within a wider framework, as part of a broader research project. It was included in research covering several broader topics, such as sexual abuse (**Estonia**),<sup>295</sup> abuse or harassment online

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<sup>295</sup> Child and Youth Sexual Abuse Prevalence Study (2015): <https://www.kriminaalpoliitika.ee/lasteuurung>; A study of attitudes and experiences of sexual abuse of children and young people (2020): <https://www.just.ee/et/laste-ja-noorte-seksuaalse-vaarkohtlemise-uurung>.

(Denmark), online sexual exploitation and abuse (Republic of Moldova), online risks (Germany, Iceland, Russian Federation),<sup>296</sup> awareness on and perception of material shared online (Italy),<sup>297</sup> sexual health of young people (Netherlands),<sup>298</sup> boys' and girls' views on gender, body, sexuality and digital behaviour (Denmark),<sup>299</sup> sexual boundaries and violence using the media (Germany),<sup>300</sup> criminalisation of "child pornography" (Portugal),<sup>301</sup> risky sexual behaviour (Russian Federation),<sup>302</sup> children and the media/the internet (Norway, Poland, Slovenia, Switzerland),<sup>303</sup> the use of the internet in the family (Romania),<sup>304</sup> peer-based online sexual harassment amongst children and youth (Finland),<sup>305</sup> cyber-sexism (France),<sup>306</sup> cyber-grooming (Germany),<sup>307</sup> cyber-criminology (Germany),<sup>308</sup> victimology and criminology (Russian Federation).<sup>309</sup>

439. It should be noted that other Parties refer to research on similar issues and related themes, such as bullying (Andorra), aggression (Bulgaria), cyberbullying (Andorra, Bulgaria), sexual harassment (Andorra), sexual abuse of children (Serbia, Sweden), sexual exploitation and abuse of children online (Bosnia and Herzegovina, Bulgaria, Sweden), adolescents' attitudes to healthy behaviours (Bulgaria), gender-based violence at schools (Serbia), "child sex tourism" (Ukraine), and the risks of increased violence against children in the context of military aggression (Ukraine). However, the absence of specific reference to child self-

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<sup>296</sup> In Germany, see the project "ACT ON! – Aufwachsen zwischen Selbstbestimmung und Schutzbedarf" (Growing up somewhere between self-determination and the need for protection): <https://act-on.iff.de/die-monitoring-studie/#sr>. In the Russian Federation, see Soldatova, G.U., Shlyapnikov, V.N., & Zhurina, M.A. (2015). Evolution of Online Risks: Results of Five Years of the Kids Online Help Line. *Counseling Psychology and Psychotherapy*, 23 (3), 50–66: <http://dx.doi.org/10.17759/cpp.2015230304>.

<sup>297</sup> Research "Quanto condividi" (How much do you share online): <https://www.poliziadistato.it/statics/29/abstract-ricerca-quanto-condividi.pdf>

<sup>298</sup> Study "Seks onder je 25a" (Sex under 25): <https://seksonderje25e.nl/>.

<sup>299</sup> Report "Unges opfattelser af køn, krop og seksualitet" (Adolescents' perceptions of gender, body and sexuality): <https://www.vive.dk/da/udgivelser/unges-opfattelser-af-koen-krop-og-seksualitet-7006/>.

<sup>300</sup> Study on "Sexuelle Grenzverletzungen und Gewalt mittels digitaler Medien" (Transgression of sexual boundaries and violence using digital media):

[http://docs.dpaq.de/11763-2a\\_expertise\\_sexuelle\\_gewalt\\_an\\_kindern\\_mittels\\_digitaler\\_medien.pdf](http://docs.dpaq.de/11763-2a_expertise_sexuelle_gewalt_an_kindern_mittels_digitaler_medien.pdf).

<sup>301</sup> In Portugal, a Master's degree was awarded for a thesis on the criminalisation of "child pornography".

<sup>302</sup> Bruno, V. V. (2019). Risky sexual behavior of modern adolescents in Russia. Part 2. *Sociological Science and Social Practice*, 7 (1.25), 113-126: <https://doi.org/10.19181/snsp.2019.7.1.6273>;

<sup>303</sup> In Norway, a survey "Barn og medier" (Children and Media) is conducted bi-annually. In Poland, a study on "Teenagers and the Internet" was carried out by PEDAGOGIUM Higher School of Social Sciences. In Slovenia, see B., Muha, S. (2011), Internet in the everyday life of Slovenian children and adolescents (Internet v vsakdanjem življenju slovenskih otrok in mladostnikov), Faculty of Social Sciences, Ljubljana: Young people on the net (Mladi na netu): [https://safe.si/sites/default/files/mladinanetu\\_porocilo\\_0\\_0.pdf](https://safe.si/sites/default/files/mladinanetu_porocilo_0_0.pdf). In Switzerland, see JAMES study: <https://www.swisscom.ch/fr/about/durabilite/james.html>

<sup>304</sup> Study by Save the Children Romania:

<https://oradenet.salvaticopiii.ro/docs/Studiu.pdf>;

[https://oradenet.salvaticopiii.ro/docs/raport\\_cercetare\\_safer\\_internet\\_2015\\_web.pdf](https://oradenet.salvaticopiii.ro/docs/raport_cercetare_safer_internet_2015_web.pdf).

<sup>305</sup> Study by Save the Children Finland:

[https://pelastakaalapset.s3.eu-west-1.amazonaws.com/main/2018/08/31131602/Sexting\\_raportti\\_web-002.pdf](https://pelastakaalapset.s3.eu-west-1.amazonaws.com/main/2018/08/31131602/Sexting_raportti_web-002.pdf)

<sup>306</sup> Study on cyber-sexism: <https://www.centre-hubertine-auclert.fr/etude-cybersexisme>

<sup>307</sup> Study on cyber-grooming:

[https://www.fhpolbb.de/sites/default/files/field/dokumente/Ruediger/oranienburger\\_schriften\\_-\\_sonderausgabe\\_2013.pdf](https://www.fhpolbb.de/sites/default/files/field/dokumente/Ruediger/oranienburger_schriften_-_sonderausgabe_2013.pdf)

<sup>308</sup> Research by Dr. iur. Thomas-Gabriel Rüdiger, MA:

<https://www.hpolbb.de/dr-iur-thomas-gabriel-r%C3%BCdiger-ma>

<sup>309</sup> Turkulets, V.A. (2020). Sexting against minors: criminal and victimological aspects. *Legal Research*, (5), 1-11. [https://author.nbpublish.com/lr/article\\_33125.html](https://author.nbpublish.com/lr/article_33125.html)

generated sexual images and/or videos leaves doubt as to the inclusion of this particular topic (**Andorra, Bosnia and Herzegovina, Bulgaria, Serbia, Sweden, Ukraine**).

440. Many Parties have informed of their participation for one or several years in the EU Kids Online research (**Estonia, Finland, Hungary, Latvia, Netherlands, Norway, Portugal, Russian Federation, Slovak Republic, Slovenia, Spain, Switzerland**) or Global Kids Online (**Montenegro**). These are multinational research networks, which seek to enhance knowledge of children’s online opportunities, risks and safety. Surveys carried out under the framework of EU Kids Online collect data and information on, *inter alia*, children’s practice of sending and receiving sexual messages online. In addition to the abovementioned Parties, it appears that additional Parties have participated for at least one year in the EU Kids Online surveys (**Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, France, Germany, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, Poland, Romania, Serbia, Sweden, Turkey**).<sup>310</sup>

441. In some of the Parties in which research on the issues raised by child self-generated sexual images and/or videos have been carried out, information on the psychological effects arising from such material being shared online was explored:

- In **Belgium**, research on “Cyber dating abuse among early adolescents: Towards a comprehensive understanding of monitoring behaviours and sexting under pressure” (01/10/2018 – 30/09/2021), which will aim to shed light on the context in which cyber dating abuse takes place, may explore the psychological effects suffered by children when their self-generated material is shared online.
- In **Estonia**, a study on Child and Youth Sexual Abuse Prevalence Study and A study of attitudes and experiences of sexual abuse of children and young people, includes information on the proportion of children whose self-generated sexual images/videos have been shared online, as well as on the psychological well-being of the children who participated in the survey at the time it was completed.<sup>311</sup>
- In **Finland**, a study conducted by the Central Union for Child Welfare in 2016 on the protection of the privacy of children in digital media included data on the occurrence or absence of harm suffered by children as a result of pictures posted by themselves.
- In **France**, research and in-depth studies on the issues raised by child self-generated sexual images and/or videos and their psychological effects on children are expected to take place in the context of the “Commission sur les violences sexuelles faites aux mineurs” (Commission on sexual violence against minors), which was launched on 17 November 2020.
- In **Germany**, courses at the Institute for Police Science of Brandenburg Police University deal with the psychological effects arising when a child’s self-generated sexual image and/or video is unwantedly disseminated.<sup>312</sup> Such psychological effects have also been

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<sup>310</sup> Participating countries to EU Kids Online:

<https://www.lse.ac.uk/media-and-communications/research/research-projects/eu-kids-online/participating-countries>

<sup>311</sup> Child and Youth Sexual Abuse Prevalence Study (2015): <https://www.kriminaalpoliitika.ee/lasteuuring>; A study of attitudes and experiences of sexual abuse of children and young people (2020): <https://www.just.ee/et/laste-ja-noorte-seksuaalse-vaarkohtlemise-uuring>

<sup>312</sup> See publications by Dr. Thomas-Gabriel Rüdiger:

addressed in a scientific study, which deals with research results up to 2014. The study notes the lack of and need for further empirical evidence on the “effects of sexting”.<sup>313</sup>

- In **Hungary**, the National Media and Infocommunications Authority (NMHH) is conducting research, which will focus on the digital environment, and include topics such as online harms, risks faced by children online, and digital parenting strategies. In addition, the Education Office in cooperation with the NMHH is preparing a national competence measurement on media and digital literacy.<sup>314</sup>
- In the **Netherlands**, research on issues related to the psychological effects arising from child self-generated images and/or videos being shared online (on adolescents’ online sexual interactions) has been undertaken, but the absence of specific reference to this topic does not allow to clearly determine whether it is included.<sup>315</sup>
- In **Norway**, a report launched by the NOVA/OsloMet in 2018 includes some information on psychological effects related to self-generated sexual images and/or videos, though the sharing of such content is not a central focus of the report.<sup>316</sup> The Ministry of Justice and Public Security is currently supporting larger projects, aimed at including new data and analysis including on the topic of sharing of images and/or videos. In May 2021 NOVA/OsloMet concluded on a scoping review about technology-assisted sexual abuse against children and adolescents. The report provides an up-to-date status of the research-based knowledge about children and adolescents who are exposed to sexual abuse facilitated by ICTs, offenders, policy development and preventive work in Norway. The scoping review shows that there is need for more knowledge about offenders, victims and the digital arenas used for abuse. Therefore, three different projects are initiated to provide further new and relevant research on this topic: The first project is a systematic review, conducted by Sintef. The review will include research on causes and mechanisms that promote and inhibit sexually harmful behaviour on and off the Internet, and research on the effects of measures to prevent and combat sexual abuse of children and adolescents as well as treatment directed toward offenders. The second project, done by NKVTS and NOVA, consists of an analysis to shed light on characteristics of offenders and children exposed to abuse facilitated by ICTs. The project will contribute to a better understanding of the phenomenon, measures on the prevention side, and more effective investigation and adequate help after abuse. The third project consists of a mapping and analysing used for access and sharing of abusive material. This project is led by NTNU and Trøndelag Police District.

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<https://www.hpolbb.de/dr-iur-thomas-gabriel-r%C3%BCdiger-ma>.

<sup>313</sup> Study on “Sexuelle Grenzverletzungen und Gewalt mittels digitaler Medien” (Transgression of sexual boundaries and violence using digital media):

[http://docs.dpaq.de/11763-2a\\_expertise\\_sexuelle\\_gewalt\\_an\\_kindern\\_mittels\\_digitaler\\_medien.pdf](http://docs.dpaq.de/11763-2a_expertise_sexuelle_gewalt_an_kindern_mittels_digitaler_medien.pdf).

<sup>314</sup> See [NMHH research: Hungarian children start to use internet younger and younger, but third of parents see no need to enhance digital literacy • National Media and Infocommunications Authority](#)

<sup>315</sup> Kerstens, J., & Stol W. (2014). Receiving online sexual request and producing online sexual images: The multifaced and dialogic nature of adolescents’ online sexual interactions.

<sup>316</sup> NOVA/OsloMet report:

<https://kriminalitetsforebygging.no/wp-content/uploads/2018/12/Nettutg-NOVA-Rapport-Nettovergrep-10-2018.pdf>.

- In the **Russian Federation**, an analysis of the phenomenon of child self-generated sexual images and/or videos was carried out, including its socio-psychological consequences.<sup>317</sup>
- In the **Slovak Republic**, the Research Institute for Child Psychology and Pathopsychology led a research on “Mental health of children and youth” which addressed as one of its topics the health problems resulting from the phenomenon of child self-generated sexual images and/or videos.

442. All Parties which have provided information on research on the issue of child self-generated sexual images and/or videos or the psychological effects which arise from such material being shared online, except the **Republic of Moldova**, have indicated that public authorities and other relevant bodies are made aware of the relevant research results, mainly by making those research results available.

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<sup>317</sup> Atabekova, A.A. Child Self-Generated Sexual Content: A Glance at Russia within International Context. Moscow, Russia: RUDN: [http://lanzarote.rudn.ru/news\\_reader.php?id=3031](http://lanzarote.rudn.ru/news_reader.php?id=3031).

### **Promising practices**

In several Parties, specific research exclusively on the topic of child self-generated sexual images and/or videos have been undertaken:

- In **Austria**, a study on the topic of “sexting” was conducted by Safer Internet Austria.<sup>318</sup> After consultation with children from 14 to 18 years old, the research found that 51% of the sampled group knew of someone who had sent a child self-generated sexual image and/or video to someone else and 16% had taken sexual images of themselves, the majority of whom sent it to someone else. This study shed light on the prevalence of this practice among children.
- In the Flemish community of **Belgium**, a number of research projects involving the University of Antwerp and the University of Ghent have specifically addressed the topic of child self-generated sexual images and/or videos. Some of these research projects address the issue in the context of certain categories of children who may be at greater risk of violence, in particular “LGB-youth” or “gender minority adolescents”.<sup>319</sup> Moreover, a research paper specifically on “transactional sexting among high school students” was published.<sup>320</sup>
- In **Germany**, review programmes have been put in place at the Federal Ministry for Education and Research. These programmes control the success of research which was promoted. This allows the Ministry to become aware of research results, and to put these results in practice.
- In **Latvia**, the Latvian Safer Internet Centre organised a survey among children from 13 to 18 years old, to collect data on the number of children who had sent, received and/or disseminated child self-generated sexual images and/or videos.<sup>321</sup> The results of the survey were used in an awareness raising campaign on the risks associated with sending such material. Moreover, in the framework of the campaign “I only forwarded it” organised by the “Centrs Dardedze” two online surveys were undertaken. One survey addressed children from 12 to 17 years old, and included among others questions on whether they knew of any peers who had sent to someone a sexually explicit image of themselves (64%), whether they had received any such image by one of their peers (42%), and whether they had forwarded a sexual image of someone else to others (9%). The second survey was addressed to parents, who were asked whether they had spoken to their children

<sup>318</sup> Study on “sexting”:

<https://www.saferinternet.at/presse-detail/aktuelle-studie-versand-von-eigenen-nacktaufnahmen-unter-jugendlichen-nimmt-zu/>.

<sup>319</sup> J. Van Ouystel et al, Sexting, pressured sexting and image-based sexual abuse among a weighted-sample of heterosexual and LGB-youth, *Computers in Human Behaviour* 117, 2021: <https://www.sciencedirect.com/science/article/abs/pii/S0747563220303770>; J. Van Ouystel et al, A first investigation into gender minority adolescents’ sexting experiences”, *Journal of Adolescence* 84, 2020: <https://www.sciencedirect.com/science/article/abs/pii/S0140197120301469>.

<sup>320</sup> J. Van Ouystel et al, An Exploratory Study of Transactional Sexting Among High School Students, *Journal of Adolescent Health* 66(4), 2020: <https://www.sciencedirect.com/science/article/abs/pii/S1054139X19308699>

<sup>321</sup> Survey by the Latvian Safer Internet Centre: <http://www.drossinternets.lv/>

about the risks of “sexting” and what actions they had taken if their child had sent a self-generated sexual image and subsequently suffered from a bad experience.<sup>322</sup>

- In **Poland**, the National Research Institute (NASK) commissioned a quality study in 2021 using the IDI (Individual In-depth Interview) method, on the opinions and views of young people aged 18-24 who have come across intimate content on the Internet. Their opinions and views were to cover their experiences before the age of 18. The results of the study will be published in a thematic report, which is currently being prepared by the Dyzurnet.pl team.
- In the **Russian Federation**, a comprehensive analysis of the phenomenon of child self-generated sexual images and/or videos was undertaken, including its socio-psychological consequences.<sup>323</sup> Of particular relevance to this report, this study includes, *inter alia*, an analysis of the results of surveys conducted in the State, an analysis of academic research on the topic, research done by psychologists and educators, and statements from children who have seen their self-generated sexual image and/or video disseminated online. Moreover, a research survey specifically addressing the criminal and victimological aspects of the phenomenon of “sexting against minors” in Russia was carried out.<sup>324</sup>

**EU Kids Online** is a multinational research network, working to increase knowledge of the opportunities, risks and safeties children face online. A significant number of Parties have participated to this research network for one or several years (**Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey**).

### Difficulties to implement the Convention

443. A number of Parties have affirmed that no research was undertaken on issues raised by child self-generated sexual images and/or videos and/or on the psychological effects on persons who have had such material shared online (**Albania, Cyprus, Czech Republic, Georgia, Liechtenstein, Luxembourg, Malta, North Macedonia, Turkey**). **Lithuania** and **Monaco** did not provide any information on this issue. The information provided by **Greece** does not include specific reference to research on the issues arising from child self-generated sexual images and/or videos. However, since some of these Parties have participated in the EU Kids Online surveys for at least one year, it can be inferred that some data was collected within the context of these surveys on the practice of sending and receiving sexual messages, including child self-generated sexual images and/or videos (**Cyprus, Czech Republic, Greece, Lithuania, Luxembourg, Malta, Turkey**).

<sup>322</sup> Centrs Dardedze survey: <https://www.centrsdardedze.lv/lv/jaunumi/aptauja-katrs-otrais-pusaudzis-ir-sanemis-telefona-vienaudza-kailfoto>.

<sup>323</sup> Atabekova, A.A. Child Self-Generated Sexual Content: A Glance at Russia within International Context. Moscow, Russia: RUDN: [http://lanzarote.rudn.ru/news\\_reader.php?id=3031](http://lanzarote.rudn.ru/news_reader.php?id=3031).

<sup>324</sup> Turkulets, V.A. (2020). Sexting against minors: criminal and victimological aspects. Legal Research, (5), 1-11: [https://author.nbpublish.com/lr/article\\_33125.html](https://author.nbpublish.com/lr/article_33125.html).

444. In addition, as mentioned above, it is unclear whether research undertaken in **Andorra, Bosnia and Herzegovina, Bulgaria, Serbia, Sweden and Ukraine** on topics related to the issue of child self-generated sexual images and/or videos specifically address this issue, other than in the context of the EU Kids Online research project (**Bulgaria, Serbia, Sweden**).

445. In **San Marino**, the Parliament adopted a decision on 20 March 2017 to, *inter alia*, conduct research on the subject at the national level. However, no information was provided as to any research undertaken subsequently to this decision.

#### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

##### **Recommendation XI-1**

The Lanzarote Committee invites **all those Parties which have not already done so** to collect data and undertake research at the national and local level, for the purpose of observing and evaluating the phenomenon of child self-generated sexual images and/or videos.

##### **Recommendation XI-2**

The Lanzarote Committee invites **all Parties** to ensure that data on the phenomenon of child self-generated sexual images and/or videos and the risks associated with it is regularly collected and research on the issue is regularly undertaken.

##### **Recommendation XI-3**

The Lanzarote Committee invites **all Parties** to build on the findings from existing research on child self-generated sexual images and/or videos, when available, to ensure that policies and measures are best developed and appropriately targeted to tackle the issues raised by child self-generated sexual images and/or videos.

### ***XI.2 Framework for development of research on the issues raised by child self-generated sexual images and/or videos, and the psychological effects of their sharing online***

446. The Lanzarote Convention requires Parties to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points, at the national or local level, and in collaboration with civil society. This section will shed light on the framework under which research presented in the above section was undertaken.

447. It appears that most Parties collaborated with civil society for the purpose of conducting research on the issues arising from child self-generated sexual images and/or videos. The framework and form for this cooperation differs from one Party to another.

448. In a number of Parties, State authorities collaborate with universities and academia for the purpose of undertaking research projects addressing the issues raised by child self-generated sexual images and/or videos (**Belgium, Croatia, Estonia, France, Germany, Italy, Poland, Russian Federation, Slovenia**). For some of these collaborations, the Party supported research by providing financial support (**Estonia, Germany, Poland, Russian Federation,**

**Slovenia**).<sup>325</sup> In addition, in **France**, the Centre Hubertine Auclert, an organism associated with the region Ile-de-France, commissioned a research to be undertaken by Paris Est Créteil university.<sup>326</sup> In **Croatia**, the Ministry of Interior supports research by academia by providing official data on the state and scope of the issue. In **Italy**, the Polizia Postale e delle Comunicazioni (Postal and Communications Police) collaborated with “La Sapienza” University in Rome.<sup>327</sup> In **Belgium**, it is unclear in what capacity the Federal police supports upon request research done by academia.

449. Some Parties have indicated that research covering issues arising from child self-generated sexual images and/or videos were undertaken by academia. However, it is unclear whether these research projects were supported by national authorities. For example, in the **Flemish community of Belgium**, it is indicated that research was undertaken by universities through the support of general research grants. Moreover, in **Portugal**, professors published studies related to the topic, and doctoral thesis and master’s degree thesis were awarded. In **Switzerland**, the JAMES study was conducted by the Zurich University of Applied Psychology in cooperation with Swisscom, the primary telecommunications operator in the country.<sup>328</sup>

450. Parties have also collaborated with NGOs and non-governmental initiatives or research centres (**Austria, Belgium, Denmark, Latvia, Netherlands, Norway**).<sup>329</sup> Some Parties have explicitly stated that these collaborations took the form of a financial support. For example, the **Latvian Safer Internet Centre** is co-funded by the Ministry of Environmental Protection and Regional Development and the Institute of Mathematics and Informatics of the University of Latvia.<sup>330</sup> Likewise, in **Norway**<sup>331</sup> and the **Netherlands**,<sup>332</sup> ministries respectively provided financing for research to the Norwegian Social research (NOVA/OsloMet) and Rutgers organisation, Soa Aids Netherlands and the GGD (network of Dutch public health services in the municipalities). In **Denmark**, the government launched a

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<sup>325</sup> In **Estonia**, the Ministry of Justice commissioned a study on the prevalence of sexual abuse of children and young people, which was conducted by the Centre for Applied Social Research of the University of Tartu in cooperation with the Institute of Social Sciences: <https://www.kriminaalpoliitika.ee/lasteuuring>. In **Germany**, the Federal Ministry for Education and Research funds a junior professorship in Sexual Sciences and Preventive Internet Research and the Independent Commissioner for Matters of Sexual Abuse of Children commissioned a study conducted by the University Medical Centre Hamburg-Eppendorf: [http://docs.dpaq.de/11763-2a\\_expertise\\_sexuelle\\_gewalt\\_an\\_kindern\\_mittels\\_digitaler\\_medien.pdf](http://docs.dpaq.de/11763-2a_expertise_sexuelle_gewalt_an_kindern_mittels_digitaler_medien.pdf). The **Russian Federation** has financially supported several research on the topic, e.g.: <https://www.ersj.eu/journal/1244>. In **Poland**, the Ombudsman for Children and the National Research Institute subordinate to the Ministry of Digital Affairs (NASK) commissioned a study realised by PEDAGOGIUM Higher School of Social Science. In **Slovenia**, the Public Agency for Research of the Republic of Slovenia (“Agencija za raziskovalno dejavnost RS”) cofinanced a survey undertaken by the university of Ljubljana: [https://safe.si/sites/default/files/mladinanetu\\_porocilo\\_0\\_0.pdf](https://safe.si/sites/default/files/mladinanetu_porocilo_0_0.pdf).

<sup>326</sup> Study undertaken in France: <https://www.centre-hubertine-auclert.fr/etude-cybersexisme>.

<sup>327</sup> Research “Quanto condividi” (How much do you share): <https://www.poliziadistato.it/statics/29/abstract-ricerca-quanto-condividi.pdf>.

<sup>328</sup> JAMES study: <https://www.swisscom.ch/fr/about/durabilite/james.html>

<sup>329</sup> In **Austria**, research was conducted by Safer Internet, which is sponsored and promoted by the Austrian Federal Ministry of Families and Youth, the Federal Ministry of Education, the Federal Chancellery and the Internet Ombudsman: <https://www.saferinternet.at/presse-detail/aktuelle-studie-versand-von-eigenen-nacktaufnahmen-unter-jugendlichen-nimmt-zu/>. In **Belgium**, the Federal police supports when asked research done by NGOs.

<sup>330</sup> Survey by the Latvian Safer Internet Centre: <https://drossinternets.lv/en/info/about-us>.

<sup>331</sup> Report of NOVA/OsloMet: <https://kriminalitetsforebygging.no/wp-content/uploads/2018/12/Nettutg-NOVA-Rapport-Nettovergrep-10-2018.pdf>

<sup>332</sup> Research “Seks onder je 25e”: <https://seksonderje25e.nl/>.

study which was carried out by VIVE – The Danish Centre of Applied Social Science, an independent research and analysis centre operating under the Ministry of Social Affairs and the Interior.<sup>333</sup>

451. Some of the research projects and publications on the topic were carried out by public authorities. For example, a publication addressing child self-generated sexual images and/or videos was issued by the WODC (Research and Documentation centre of the Ministry of Justice and Security) in the **Netherlands**.<sup>334</sup> In **Norway**, the National Media Authority undertakes surveys funded by relevant ministries.<sup>335</sup> In **Switzerland**, the “Fonds national Suisse” (Swiss national fund) supports research projects which are carried out by public authorities. In the **Slovak Republic**, research was undertaken by the Research Institute for Child Psychology and Pathopsychology, under the Ministry of Education.<sup>336</sup>

452. NGOs have also undertaken research on the topic, of which a possible support by national authorities cannot be inferred. This is the case of research carried out by the Central Union for Child Welfare and Save the Children **Finland**,<sup>337</sup> and Save the Children **Romania**.<sup>338</sup>

453. In the context of the EU Kids Online surveys, some Parties have indicated which body was in charge of conducting the research, and the support provided by national authorities when applicable. In **Norway** and the **Russian Federation**, the research was carried out by universities and supported by the government. In **Switzerland**, research in 2013 was co-financed by the “Office Fédéral des Assurances Sociales” (Federal Office of Social Insurance). In **Hungary** and the **Slovak Republic**, the EU Kids Online research was respectively conducted by the NMHH and the Research Institute for Child Psychology and Pathopsychology. In **Latvia** and **Spain**, the research was carried out by universities, and it is unclear in what capacity they were supported by the government.

454. According to EU Kids Online 2020 Report,<sup>339</sup> national authorities in the following Parties supported the research and enabled the surveys to be carried: **Croatia, Estonia, Finland, Germany, Italy, Lithuania, Malta, Norway, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Spain and Switzerland**.

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<sup>333</sup> Study by VIVE – The Danish Centre of Applied Social Science: <https://www.vive.dk/da/udgivelser/unges-opfattelser-af-koen-krop-og-seksualitet-7006/>.

<sup>334</sup> H.U. Nohlen, F. van Harreveld, “Scientific knowledge on behavior regarding five topics (sexting, violence during football games, employee theft, digitalizing dispute solutions and neighborhood nuisance and conflict)” (2017).

<sup>335</sup> Survey “Barn og medier” (Children and Media).

<sup>336</sup> Research task “Mental health of children and youth”.

<sup>337</sup> Research by Save the Children Finland: [https://pelastakaalapset.s3.eu-west-1.amazonaws.com/main/2018/08/31131602/Sexting\\_raportti\\_web-002.pdf](https://pelastakaalapset.s3.eu-west-1.amazonaws.com/main/2018/08/31131602/Sexting_raportti_web-002.pdf).

<sup>338</sup> Research by Save the Children Romania: <https://oradenet.salvaticopiii.ro/docs/Studiu.pdf>; [https://oradenet.salvaticopiii.ro/docs/Studiu.pdf;%20https://oradenet.salvaticopiii.ro/docs/raport\\_cercetare\\_safer\\_internet\\_2015\\_web.pdf](https://oradenet.salvaticopiii.ro/docs/Studiu.pdf;%20https://oradenet.salvaticopiii.ro/docs/raport_cercetare_safer_internet_2015_web.pdf)

<sup>339</sup> See EU Kids Online Report 2020: <https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf>.

455. In the **Flemish community of Belgium** (University of Leuven), **Czech Republic** (Masaryk University), **France** (investigative research company OpinionWay with funding from Facebook and support from the International Observatory of Violence in Schools and the University Nice Sophia Antipolis) and **Poland** (Orange Foundation) it appears from the EU Kids Online 2020 Report that civil society enabled the survey to be carried out.

456. The survey undertaken by **Montenegro** as part of the Global Kids Online campaign was carried out by the government of Montenegro and the UNICEF Office for Montenegro.

### ***Promising practice***

In conducting research, **information gathered from hotlines** can be a tool used for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, including the issue of child self-generated sexual images and/or videos. The **Russian Federation, Save the Children Finland** and the **Central Union for Child Welfare Finland** have informed making use of information from hotlines. This can be of particular use when resources for the development for large scale studies are lacking. Case-analysis of information from national hotlines, with due respect for the requirements of personal data protection, may provide valuable input to policy-making.

The establishment of research networks is particularly valuable for the development of research. For example, **EU Kids Online** is a multinational research network, which has been developing considerably important and influential work to enhance knowledge of European children's online opportunities, risks and safety. Many Parties have participated in the survey, which makes the comparison of the situation in various States possible.

### **Difficulties to implement the Convention**

457. Among the Parties in which research on the issues raised by child self-generated sexual images and/or videos was undertaken, no information was provided as to whether public authorities have collaborated with civil society in **Iceland** and the **Republic of Moldova**.

458. Regarding surveys undertaken in the context of EU Kids Online, information is lacking to determine which body was in charge of supporting and/or carrying out research in **Austria, Bulgaria, Cyprus, Denmark, Greece, Netherlands, Slovenia, Sweden, Turkey**.

### **Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

#### **Recommendation XI-4**

The Lanzarote Committee invites **all those Parties which are not already doing so** to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from child self-generated sexual images and/or videos, with due respect for the requirements of personal data protection.

## Appendix I – Thematic Questionnaire

### Prevention

#### Question 1. Awareness-raising or educational activities/tools/materials/measures

1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, toolkit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

#### Question 2. Civil society involvement

2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

- a. self-generated sexually explicit images and/or videos;
- b. self-generated sexual content?

**Question 3. National curriculum**

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

**Question 4. Higher education curriculum and continuous training**

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

**Question 5. Research**

5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:

- a. self-generated sexually explicit images and/or videos as children have been shared online?
- b. self-generated sexual content as children has been shared online?

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.

**Protection**

**Question 6. Assistance to victims**

6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?

- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above-mentioned specific contexts (questions 6.1 and 6.2).

### **Question 7. Cooperation with civil society**

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

## **Prosecution**

### **Question 8. Legislation**

- 8.1. Does national law contain any reference to:
  - a. self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
  - b. self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
  - c. non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
  
- 8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:
  - a. self-generated sexually explicit images and/or videos?
  - b. self-generated sexual content?
  
- 8.3. Are there specificities related to the fact that more children appear on the:
  - a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?
  - b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

### **Question 9. Criminalisation**

- 9.1. Does national law criminalise cases when adults:<sup>340</sup>
  - a. possess child self-generated sexually explicit images and/or videos?
  - b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?

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<sup>340</sup> If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please update such replies in the context of this question.

- c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?
- 9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?
- 9.3. What are the legal consequences of the above behaviours (9.1.a-c)?
- 9.4. Does national law criminalise cases when adults:<sup>341</sup>
- a. possess child self-generated sexual content?
  - b. distribute or transmit child self-generated sexual content to other adults?
  - c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?
- 9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?
- 9.6. What are the legal consequences of the above behaviours (9.4.a-c)?
- 9.7. Does national law criminalise cases when children:<sup>342</sup>
- a. produce self-generated sexually explicit images and/or videos?
  - b. possess self-generated sexually explicit images and/or videos?
  - c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?
  - d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?
  - e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?
  - f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?
- 9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?
- 9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

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<sup>341</sup> If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please update such replies in the context of this question.

<sup>342</sup> This question does not in any way suggest that these behaviours should be criminalised.

- 9.10. Does national law criminalise cases when children:<sup>343</sup>
- a. produce self-generated sexual content?
  - b. possess self-generated sexual content?
  - c. distribute or transmit self-generated sexual content to peers?
  - d. distribute or transmit self-generated sexual content to adults?
  - e. distribute or transmit self-generated sexual content of other children to peers?
  - f. distribute or transmit self-generated sexual content of other children to adults?

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

**Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use**

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2<sup>344</sup>

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2<sup>345</sup>

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

**Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion**

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

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<sup>343</sup> This question does not in any way suggest that these behaviours should be criminalised.

<sup>344</sup> Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

<sup>345</sup> Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, “The former Yugoslav Republic of Macedonia”, Turkey and Ukraine.

**Question 12. Jurisdiction rules<sup>346</sup>**

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

**Question 13. Specialised units/departments/sections**

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

- a. in law enforcement?
- b. in prosecution?
- c. in courts?

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

→ As regards law enforcement, please indicate if:

- a. there is a victim identification function?
- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

**Question 14. Challenges in the prosecution phase**

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

**Question 15. Training of professionals**

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?
- b. prosecutors?
- c. judges?

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

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<sup>346</sup> Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

## Partnerships

### Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?

## Appendix II – Main links by Party to awareness-raising or educational activities / tools / materials / measures

Order No.	States Parties	Links created	Purpose	Creator
1	Albania	<a href="http://www.parandalojmesebashku.com">www.parandalojmesebashku.com</a>	To inform young people about the risks related to self-generated sexual materials shared with other people.	Centre for Advanced Studies
		<a href="http://www.ISIGURT.al">www.ISIGURT.al</a>	To inform, identify and report cases of online sexual abuse. Provides specific information for children and young people, and also addresses the risks of sharing self-generated images and videos of a sexual nature, and indicates how and where to report any incidents of this kind. Also provides manuals for parents, teachers, child protection workers and other professionals.	Set up in 2016, supported by UNICEF and the Albanian government and administered by CRCA, an NGO
2	Austria	<a href="http://www.saferinternet.at">www.saferinternet.at</a>	Contains educational activities and brochures informing children about the risks they face when they produce and/or share self-generated sexually explicit images and/or videos.	
		<a href="http://www.eltern-bildung.at/sexualerziehung/">www.eltern-bildung.at/sexualerziehung/</a>	How to talk about sexuality with children of different ages and how to interact with pornographic content in the media.	Ministry of Families and Youth
		* <a href="https://www.saferinternet.at/presse-detail/aktuelle-studie-versand-von-eigenen-nacktaufnahmen-unter-jugendlichen-nimmt-zu/">https://www.saferinternet.at/presse-detail/aktuelle-studie-versand-von-eigenen-nacktaufnahmen-unter-jugendlichen-nimmt-zu/</a> .	Study on the topic of “sexting” which sheds light on the prevalence of this practice among children.	Safer Internet Austria
3	Belgium	<a href="https://sextingalecole.mediawijs.be">https://sextingalecole.mediawijs.be</a>	A general information website on sexting, for teachers, educators, young people and parents.	Child Focus, Sensoa, Pimento, Mediawijs and O’kontreir
		<a href="http://www.childfocus.be/fr/prevention/securite-en-">www.childfocus.be/fr/prevention/securite-en-</a>	Child Focus website on online safety, part of which is intended for young people.	Child Focus

	<a href="#">ligne/adolescents/sexe-internet</a>		
	<a href="http://www.jedecide.be/les-jeunes sexting">www.jedecide.be/les-jeunes/sexting</a> <a href="http://www.jedecide.be/les-parents-et-lenseignement sexting">www.jedecide.be/les-parents-et-lenseignement/sexting</a>	Website for young people, parents and teaching staff with a specific section on sexting.	Federal authorities
	<a href="http://enseignement.be/index.php?page=26937">http://enseignement.be/index.php?page=26937</a>	Practical guide on preventing and managing violence in schools, published by the General Directorate of Compulsory Education.	French Community
	<a href="http://www.seksuelevorming.be/sensoa-vlaggensysteem">www.seksuelevorming.be/sensoa-vlaggensysteem</a>	Flag system aimed at helping educators in identifying and dealing with at-risk situations related to this problem.	Sensoa
	<a href="https://ecpat.be/declic">https://ecpat.be/declic</a>	Online safety, by and for young people.	ECPAT-Belgium
	* <a href="#">100drine.be blog</a>	Web-based prevention tool for teenagers, encourages them to talk about their concerns, especially their online experiences. This is the blog of a fictional teenage girl (100drine, who focuses on finding and sharing resources) who uses it to talk about her life. Dealing with such matters as privacy and screen time, the website offers teenagers an opportunity to ask and share their questions. This is a forum open to everybody.	
	* <a href="https://www.sciencedirect.com/science/article/abs/pii/S0747563220303770">https://www.sciencedirect.com/science/article/abs/pii/S0747563220303770</a> * <a href="https://www.sciencedirect.com/science/article/abs/pii/S0140197120301469">https://www.sciencedirect.com/science/article/abs/pii/S0140197120301469</a> * <a href="https://www.sciencedirect.com/science/article/abs/pii/S1054139X19308699">https://www.sciencedirect.com/science/article/abs/pii/S1054139X19308699</a>	A number of research projects have specifically addressed the topic of child self-generated sexual images and/or videos. Some of these research projects address the issue in the context of certain categories of children who may be at greater risk of violence, in particular “LGB-youth” or “gender minority adolescents”. Moreover, a research paper specifically on “transactional sexting among high school students” was published.	University of Antwerp and the University of Ghent (J. Van Ouystel et al)

4	Bulgaria	<a href="https://sacp.government.bg/sites/default/files/news/novina-1735.pdf">https://sacp.government.bg/sites/default/files/news/novina-1735.pdf</a> <a href="https://sacp.government.bg/sites/default/files/news/novina-1729.pdf">https://sacp.government.bg/sites/default/files/news/novina-1729.pdf</a> <a href="https://sacp.government.bg/sites/default/files/news/novina-1730.pdf">https://sacp.government.bg/sites/default/files/news/novina-1730.pdf</a>	Manual of the State Agency for Child Protection (SACP) (contains a guide, a glossary, contacts, information, etc., intended for parents and educators also for children).	National Child Protection Agency (SACP)
		* <a href="http://www.safenet.bg">www.safenet.bg</a>	Reporting service to stop the dissemination of images of child sexual abuse and to remove or restrict Internet content that is inappropriate or harmful to children.	
		* <a href="https://sacp.government.bg/%D0%B7%D0%B0-%D0%B4%D0%B5%D1%86%D0%B0/%D0%BF%D1%80%D0%B0%D0%B2%D0%B8%D0%BB%D0%B0-%D0%B7%D0%B0-%D0%B4%D0%B0-%D1%81%D0%B8-%D0%B2-%D0%B1%D0%B5%D0%B7%D0%BE%D0%BF%D0%B0%D1%81%D0%BD%D0%BE%D1%81%D1%82">https://sacp.government.bg/%D0%B7%D0%B0-%D0%B4%D0%B5%D1%86%D0%B0/%D0%BF%D1%80%D0%B0%D0%B2%D0%B8%D0%BB%D0%B0-%D0%B7%D0%B0-%D0%B4%D0%B0-%D1%81%D0%B8-%D0%B2-%D0%B1%D0%B5%D0%B7%D0%BE%D0%BF%D0%B0%D1%81%D0%BD%D0%BE%D1%81%D1%82</a>	Online safety rules to carry out prevention and synthesise information on the dangers of the Internet in one place and to provide kindergartens and schools with specific guidelines for the protection of children on social networks and the Internet.	National Child Protection Agency (SACP)
		* <a href="https://www.unicef.org/bulgaria/media/7181/file">https://www.unicef.org/bulgaria/media/7181/file</a>	Guidelines for online safety for children during COVID-19, where materials and resources are regularly uploaded, including advice for children themselves and their parents.	UNICEF Bulgaria
5	Cyprus	<a href="http://www.cybersafety.cy">www.cybersafety.cy</a>	To strengthen efforts to ensure a creative and safe use of the internet in Cyprus.	Financed by INEA/CEF, from the European CYberSafety project

		<a href="http://www.cybersafety.cy/hotline">www.cybersafety.cy/hotline</a>	The Hotline 1480 offers a direct, easily accessible and responsible point of contact for users to report illegal content or actions on the internet.	
6	Denmark	<a href="http://www.underviserportal.dk/ungdom/uge-sex-paa-ungdomsuddannelser/stx-hf-hhx-og-htx-p2">www.underviserportal.dk/ungdom/uge-sex-paa-ungdomsuddannelser/stx-hf-hhx-og-htx-p2</a>	To promote awareness of personal risks, as well as the legal and ethical aspects of sharing sexual material.	Danish Family Planning Association
		<a href="http://www.EMU.dk">www.EMU.dk</a> <a href="https://redbarnet.dk/media/1591/naarboern-og-unge-deler-intime-billeder-paa-nettet.pdf">https://redbarnet.dk/media/1591/naarboern-og-unge-deler-intime-billeder-paa-nettet.pdf</a>	To bring together material for upper secondary school teachers in relation to the subjects Social Studies and Society and Health.	“Save the Children Denmark”, Ministry of Education
		<a href="http://www.alleforenmodmobning.dk">www.alleforenmodmobning.dk</a>	To combat digital bullying. For children and parents.	
7	Estonia	<a href="http://www.lastekaitseliit.ee/e-pood/raamatud/mina-olen-enda-oma-eesti-voi-vene-keeles/">www.lastekaitseliit.ee/e-pood/raamatud/mina-olen-enda-oma-eesti-voi-vene-keeles/</a>	To prevent sexual abuse, through stories about sharing files, photos and other contacts with peers.	
		<a href="http://www.lasteabi.ee/userfiles/10-recommendations-for-parents.....pdf">www.lasteabi.ee/userfiles/10-recommendations-for-parents.....pdf</a>	To provide recommendations for parents about appropriate use of the internet and smart devices by their children.	
		<a href="http://www.kriminaalpoliitika.ee/murebaromeeter">www.kriminaalpoliitika.ee/murebaromeeter</a>	To explain indicators of (normative and problem) sexual behaviour.	
		* <a href="https://www.kriminaalpoliitika.ee/lasteuring">https://www.kriminaalpoliitika.ee/lasteuring</a>	Study on Child and Youth Sexual Abuse Prevalence Study including information on the proportion of children whose self-generated sexual images/videos have been shared online.	
8	Finland	* <a href="https://thl.fi/fi/tutkimus-ja-kehittaminen/tutkimukset-ja-hankkeet/barnahus-hanke/koulutuksia-ja-seminaareja">https://thl.fi/fi/tutkimus-ja-kehittaminen/tutkimukset-ja-hankkeet/barnahus-hanke/koulutuksia-ja-seminaareja</a>	Online training available for all professionals in the area of how to protect children from violence and how to act when there is suspicion of child sexual abuse.	Finnish Institute for Health and Welfare
9	France	<a href="http://www.open-asso.org">www.open-asso.org</a>	To support and empower members of the school community (parents, adults, teachers, etc.) about digital tools.	L’Observatoire de la Parentalité et de l’Éducation Numérique (OPEN)
		* <a href="https://jeprotegemonenfant.gouv.fr/">https://jeprotegemonenfant.gouv.fr/</a>	Website which presents a set of possible actions for parents. It includes a “resource” tab, which lists a set of tools for parents to enable them to talk	

			with their children about sexuality and pornography and to discuss with them the risks relating to sexual exploitation and abuse facilitated by the internet and social media. Its purpose is to facilitate communication between parents and children so as to involve parents actively in raising their children’s awareness of the risks of sexual abuse facilitated by ICTs.	
		<ul style="list-style-type: none"> <li>* <a href="#">"Sexuality, Media and the Internet - Sexual Exploitation" (Sexualité, médias et internet – Exploitation sexuelle)</a></li> <li>* <a href="#">"Adolescence and Pornography" (Adolescence et pornographie)</a></li> <li>* <a href="#">"sexual education" portal</a></li> </ul>	National education personnel have access to pedagogical resources available on the website of the Ministry of National Education. In particular, two thematic fact sheets provide an exhaustive understanding of the issues related to child self-generated sexual images and/or videos. The first one deals specifically with cybersexism, revenge pornography and non-consensual sexting; and the other one studies the practice of sexting.	Ministry of Education and Sport
		<ul style="list-style-type: none"> <li>* <a href="https://eduscol.education.fr">https://eduscol.education.fr</a></li> <li>* <a href="https://eduscol.education.fr/2180/focus-prevention-des-violences-sexistes-et-sexuelles-l-ecole">https://eduscol.education.fr/2180/focus-prevention-des-violences-sexistes-et-sexuelles-l-ecole</a></li> </ul>	Website developed for teachers and all other people dealing with children providing keys to identifying worrying situations and referring them, as well as the procedure to follow in the event of serious danger. Dedicated page entitled “Focus on preventing sexist and sexual violence in schools”, with a tab on “Tools to prevent and combat sexist and sexual violence in schools”, which lists resources available to teaching staff to identify and tackle sexual violence against children.	Ministry of Education and Sport
10	Germany	<a href="http://www.make-it-safe.net/images/coach_de.pdf">www.make-it-safe.net/images/coach_de.pdf</a>  <a href="http://www.lmz-bw.de/pornografie.html">www.lmz-bw.de/pornografie.html</a>  <a href="http://www.lmz-bw.de/sexting.html">www.lmz-bw.de/sexting.html</a> <a href="http://www.lmz-bw.de/broschuere-lets-talk-about-porno.html">www.lmz-bw.de/broschuere-lets-talk-about-porno.html</a> <a href="http://www.lmz-bw.de/elternratgeber.html">www.lmz-bw.de/elternratgeber.html</a> <a href="http://www.km-bw.de/Lde/Startseite/Schule/Medien">www.km-bw.de/Lde/Startseite/Schule/Medien</a>	<p>To supply peer coaching material on sexting.</p> <p>Links to awareness-raising materials.</p>	

		<p>* <a href="http://www.schau-hin.info">www.schau-hin.info</a></p> <p>* <a href="http://www.gutes-aufwachsen-mit-medien.de">www.gutes-aufwachsen-mit-medien.de</a></p>	Information portal SCHAU HIN! (LOOK AT IT!) and initiative “Gutes Aufwachsen mit Medien (“Grow Up Well with Media”) provide assistance to parents and educational professionals with their educational mandate in the digital age.	Federal Ministry for Family Affairs
		* <a href="http://docs.dpaq.de/11763-2a_expertise_sexuelle_gewalt_an_kindern_mittels_digitaler_medien.pdf">http://docs.dpaq.de/11763-2a_expertise_sexuelle_gewalt_an_kindern_mittels_digitaler_medien.pdf</a> .	Scientific study Study on “Sexuelle Grenzverletzungen und Gewalt mittels digitaler Medien” (Transgression of sexual boundaries and violence using digital media) addressing the psychological effects arising when a child’s self-generated sexual image and/or video is unwantedly disseminated and dealing with research results up to 2014.	
11	Hungary	<p><a href="https://www.naih.hu/adatvedelemr-l-fiataloknak--kulcs-a-net-vilagahoz--projekt.html">https://www.naih.hu/adatvedelemr-l-fiataloknak--kulcs-a-net-vilagahoz--projekt.html</a></p> <p><a href="http://www.naih.hu/arcades/">www.naih.hu/arcades/</a></p>	<p>A webpage containing several links to relevant videos, involving Hungarian celebrities as well, links to real life stories, collection of definitions relevant in the digital environment, information on online harassment, collection of useful tips on protection of privacy, and links and contact information of all the relevant authorities and bodies having competence in such cases with a short description of when to turn to the given authority, written in a child-friendly, easy-to-understand manner.</p> <p>And, in particular a link to produce easy-to-use handbooks for teachers on privacy and data protection.</p>	The National Authority for Data Protection and Freedom of Information
		<p><a href="http://nyiregyhazitorvenyszek.birosag.hu/video/20160714/nyitott-birosag-program-az-internet-nem-felejt-online-bunozes">http://nyiregyhazitorvenyszek.birosag.hu/video/20160714/nyitott-birosag-program-az-internet-nem-felejt-online-bunozes</a></p> <p><a href="https://nyiregyhazitorvenyszek.birosag.hu/sites/default/files/field_attachment/web2_magyarazattal.pdf">https://nyiregyhazitorvenyszek.birosag.hu/sites/default/files/field_attachment/web2_magyarazattal.pdf</a></p>	<p>Video “The internet does not forget!”</p> <p>and</p> <p>a comprehensive document on internet services and the related dangers and criminal offences, including useful links to further data and authorities.</p>	
		<a href="https://www.youtube.com/watch?v=t56c6fW Dk24">https://www.youtube.com/watch?v=t56c6fW Dk24</a>	An educational video on sexting.	Magic Valley
		<a href="https://digitalisjoletprogram.hu/hu/tartalom/t">https://digitalisjoletprogram.hu/hu/tartalom/t</a>	A webpage on more conscious internet use containing a collection of updated links to content and professional information on the contradicting nature and	

		<a href="http://udatosabb-internethasznalat">udatosabb-internethasznalat</a>	risky phenomena of the online environment, and also a collection of short films for the digital education of children, parents and teachers.	
		<a href="http://www.saferinternet.hu">www.saferinternet.hu</a>	A wealth of educational materials, tips for secure internet and videos that help to draw attention to the dangers of sexting. The target group is not just the teenagers, but their parents, teachers and little children as well.	
		<a href="http://www.biztonsagosinternet.hu">www.biztonsagosinternet.hu</a>	A web page, which is supported by the European Union, and where harmful content can be reported.	
		* <a href="https://nmhh.hu/internethotline/">https://nmhh.hu/internethotline/</a>	Information and help service, where illegal and harmful content can be reported. Available in both English and Hungarian.	National Media and Infocommunications Authority
		* <a href="https://gyerekaneten.hu/">https://gyerekaneten.hu/</a>	Dictionary-structured website for parents. The content is provided by child psychologists, teachers, children's rights experts and so on regarding the safer use of the internet (topics covered: videogames, smartphones, children's rights on the internet, data protection, terminology regarding internet use, images of children uploaded by parents, online harassment etc.).	National Media and Infocommunications Authority
12	Ireland	* <a href="https://hotline.ie/">https://hotline.ie/</a>	Reporting service to help young people and adults whose intimate images and videos have been shared online without their consent and possibility to report child sexual abuse material and activities related to the sexual exploitation of children.	Irish national centre combatting illegal content, in cooperation with the Department of Justice and the Irish National Police and Security Service
13	Israel	* <a href="https://www.gov.il/en/Departments/Units/105_call_center">https://www.gov.il/en/Departments/Units/105_call_center</a>	Multidisciplinary information and reporting service aimed at helping children, adolescents, parents and professionals, as well as the public at large about any harm caused to children in the cyberspace. It also provides help in removing abusive, offensive and harmful contents.	Child Online Protection Bureau

14	Italy	<a href="http://www.commissariatodips.it/">www.commissariatodips.it/</a>	Awareness-raising and educational material.	The Italian national police
		<a href="http://www.generazioniconnesse.it/site/it/pedopornografia-scuole/">www.generazioniconnesse.it/site/it/pedopornografia-scuole/</a>	Material designed to raise awareness about sexting and child sexual abuse.	“Connected Generations” project
15	Latvia	<a href="https://centrsdardedze.lv/padomi/kampanas/es-tikai-parsutiju/">https://centrsdardedze.lv/padomi/kampanas/es-tikai-parsutiju/</a>	Material from the campaign entitled “I only forwarded it”, which sought to alert young people to the risks of exchanging photos of naked people on their mobile devices.	Centrs Dardedze (NGO)
		<a href="https://www.youtube.com/watch?v=s-WedRyhceW">https://www.youtube.com/watch?v=s-WedRyhceW</a> (Full version) <a href="https://www.youtube.com/watch?v=eb9A7-OG5PU">https://www.youtube.com/watch?v=eb9A7-OG5PU</a> (social advertising)	Informative video about the Internet threat "Rape".	Latvia Net-Safe
		<a href="https://www.youtube.com/watch?v=MjEo4UhuLtg">https://www.youtube.com/watch?v=MjEo4UhuLtg</a> (Full version) <a href="https://www.youtube.com/watch?v=BeRP5znLmSw">https://www.youtube.com/watch?v=BeRP5znLmSw</a> (social advertising)	Informative video about the Internet threat "Blow Out".	
		<a href="https://www.youtube.com/watch?v=Wxl1zst9mGE&amp;t=49s">https://www.youtube.com/watch?v=Wxl1zst9mGE&amp;t=49s</a> (short film) <a href="https://www.youtube.com/watch?v=UHQ2Clnrxzo">https://www.youtube.com/watch?v=UHQ2Clnrxzo</a> (Short version)	Informative video about the threat of "theft" on the Internet.	
		* <a href="http://www.vp.gov.lv/pasaka/">http://www.vp.gov.lv/pasaka/</a>	An interactive workbook containing probing questions that parents can ask when talking to their children about Internet safety, as well as tips for them to use when teaching and explaining the various safety issues to their children.	
		* <a href="http://www.drossinternets.lv/">http://www.drossinternets.lv/</a>	The results of a survey among children from 13 to 18 years old, to collect data on the number of children who had sent, received and/or disseminated child self-generated sexual images and/or videos, were used in an awareness raising campaign on the risks associated with sending such material.	Safer Internet Centre

		* <a href="https://www.centrsdardedze.lv/lv/jaunumi/ap-tauja-katrs-otrais-pusaudzis-ir-sanemis-telefona-vienaudza-kailfoto">https://www.centrsdardedze.lv/lv/jaunumi/ap-tauja-katrs-otrais-pusaudzis-ir-sanemis-telefona-vienaudza-kailfoto</a>	In the framework of the campaign “I only forwarded it”, two online surveys were undertaken: one survey addressed children from 12 to 17 years old, and the second was addressed to parents, about “sexting” and self-generated sexual images.	Centrs Dardedze
16	Malta	<a href="http://www.childwebalert.gov.mt">www.childwebalert.gov.mt</a>	Setting-up of an online reporting system to enable members of the public to report websites that host illegal content, in particular child sexual abuse materials. Also offers support services for victims.	Government
17	The Netherlands	* <a href="http://www.mediawijsheid.nl">www.mediawijsheid.nl</a>	Digiraad initiative runs awareness-raising activities by and for young people about online safety. Children, parents and schools are encouraged to make sensible use of the new media and be aware of the risks of putting sexually explicit material online.	Safer Internet Centre
		* <a href="http://helpwanted.nl">helpwanted.nl</a>	Website providing information for parents and educators trying to get child sexual abuse materials offline and intended for secondary school institutions.	
18	Norway	<a href="http://www.Ung.no">www.Ung.no</a>	A government website providing information on young people’s rights, options and obligations. The target group is youngsters between the ages of 13 and 20 years. All materials made available on ung.no are updated and quality controlled (topics include sexuality, sexual abuse and online safety, the sharing of nude material online) (“ung” means young).	The Norwegian Directorate for Children, Youth and Family Affairs
		<a href="http://www.jegvet.no/">www.jegvet.no/</a> <a href="http://www.salaby.no/">www.salaby.no/</a>	“JEG VET” (“I KNOW”) is a tool for learning how to prevent violence and develop everyday competencies in kindergarten and in school. “JEG VET” provides simple and clear information on the way in which teachers can teach about violence and sexual abuse against children, from the first year of upper secondary school.	
		<a href="https://snakkemedbarn.no/">https://snakkemedbarn.no/</a>	“SNAKKE” is a digital learning platform for giving adults more confidence to talk to children about whom they have concerns, including about sexual abuse. The main “SNAKKE” content is a simulation game which gives practical training on and help in broaching difficult subjects with children and young people. “SNAKKE” may be used by any adult who, through their daily work, comes into contact with children.	
		* <a href="https://www.dubestemmer.no">https://www.dubestemmer.no</a>	Teaching resource about privacy and digital responsibility for children and	

			young adults aged 9-18 years. Among other things it addresses the spread of nude photos.	
		* <a href="http://Foreldrehverdag.no">Foreldrehverdag.no</a>	Website which provides general guidance to parents and addresses the challenges that many parents face when bringing up children. The website covers issues such as children and adolescent's digital life, sexuality, social media, sharing sexual images, etc.	
19	Poland	* <a href="https://sieciaki.pl/">https://sieciaki.pl/</a>	Portal created for children aged 6-12 equipped with social networking functions (a profile, comments, friends etc.), it is moderated and creates a space for educating children in the area of safe use of social networks.	<b>Polish Safer Internet Center</b>
		* <a href="https://www.youtube.com/watch?v=8kqBu4qZebg">https://www.youtube.com/watch?v=8kqBu4qZebg</a>	The campaign “I think, therefore I don't send” ( <i>Mysle, wiec nie slę</i> ) aimed to educate about dangers associated with sexting and rise social awareness around the phenomenon. Its main product, the movie “Forever”, is still available online.	<b>Polish Safer Internet Center</b>
		* <a href="https://uwaznirodzice.pl/">https://uwaznirodzice.pl/</a> English version of the video: <a href="https://www.youtube.com/watch?v=0YAkU63rtQY">https://www.youtube.com/watch?v=0YAkU63rtQY</a>	The campaign “Careful Parents” addresses the importance of the role of parents in protecting children from online threats.	<b>Polish Safer Internet Center</b>
		* <a href="https://www.saferinternet.pl/nie-na-pokaz/kampania.html">https://www.saferinternet.pl/nie-na-pokaz/kampania.html</a>	‘Not for Show’ (Nie na pokaz), campaign of 6 short movies broadcasted within this platform.	National Research Institute as a part of the Safer Internet Project in cooperation with Tik Tok Poland
20	Portugal	<a href="http://www.internetsegura.pt/sites/default/files/Flyer%20Linha%20Ajuda.pdf">www.internetsegura.pt/sites/default/files/Flyer%20Linha%20Ajuda.pdf</a>	Contains specific information on which inappropriate content should be reported and provides all the contact details of the operational team.	
		<a href="http://www.internetsegura.pt/sites/default/files/Jovens_Sexting.pdf">www.internetsegura.pt/sites/default/files/Jovens_Sexting.pdf</a>	The SexTing Flyer developed in co-operation with the EPI contains an analysis regarding the meaning of sexting – what it is; why it constitutes a risk to the users who do it; what to do if something goes wrong and where to turn for	

			help.	
		<ul style="list-style-type: none"> <li>* <a href="https://goo.gl/dURRGV">https://goo.gl/dURRGV</a></li> <li>* <a href="https://goo.gl/axFGNS">https://goo.gl/axFGNS</a></li> <li>* <a href="https://goo.gl/dAS7ps">https://goo.gl/dAS7ps</a></li> </ul>	One of the most popular resources of PT SIC – “Net com Consciência” is available in Portuguese sign language, allowing hearing-impaired people to understand it properly, and with an audio description in Portuguese, enabling partially sighted people to better understand and enjoy all the entertaining and educational aspects of this series. “Net com Consciência” consists of 10 videos dealing with young people’s online behaviour and seeking to promote safer and more responsible internet use whilst encouraging young people to report any harmful content that they may come across online to the SIC Portuguese hotline and other helplines.	
		* <a href="http://www.seguranet.pt/pt/desafios-20-e-30-ciclos">http://www.seguranet.pt/pt/desafios-20-e-30-ciclos</a>	As part of the SeguraNet project, all educational communities are invited to promote activities in the field of digital security. Among the activities organised in this context, an annual competition involved 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> cycle students, parents and teachers, on digital safety issues, including sexting and online predators.	
21	Russian Federation	* <a href="https://fcprc.ru/wp-content/uploads/2019/05/5.-Kak-zashhitit-detej-ot-internet-riskov-pamyatka-roditelyam.pdf">https://fcprc.ru/wp-content/uploads/2019/05/5.-Kak-zashhitit-detej-ot-internet-riskov-pamyatka-roditelyam.pdf</a>	Special recommendations for parents on how parents inform their children about the risks of Internet communication and techniques for safe interpersonal interaction on the Web.	Federal State Center for the Protection of the Rights and Interests of Children of the Ministry of Education of the Russian Federation
		* <a href="http://www.school7.pervouralsk.ru/parents/kids_safe_internet.pdf">http://www.school7.pervouralsk.ru/parents/kids_safe_internet.pdf</a>	Example of material developed by educational institutions for parents of school-aged children.	
		* <a href="http://saki-school2.ucoz.ru/Risunki/elektrobezop/pamjatka_dlja_roditelej_i_detej-bezopasnyj_interne.pdf">http://saki-school2.ucoz.ru/Risunki/elektrobezop/pamjatka_dlja_roditelej_i_detej-bezopasnyj_interne.pdf</a>	In coordination with educational and public organizations, law enforcement agencies develop materials and carry out activities to inform parents and children about the risks of the Internet, for example, the Memo for parents and children "Safe Internet".	Investigative Committee

		* <a href="http://summercamps.ru/wp-content/uploads/documents/books/Riski_Internet.pdf">http://summercamps.ru/wp-content/uploads/documents/books/Riski_Internet.pdf</a>	The manual “Risks of Internet Communication of children and youth: a study guide” contains chapters focusing on the Consequences of the dissemination of child self-generated sexual images and/or videos on the Web, Cyberbullying and on Sexting. It is made available to students, teachers, counsellors, and specialists in the field of education.	
		* <a href="https://author.nbpublish.com/lr/article_33125.html">https://author.nbpublish.com/lr/article_33125.html</a> .	Research survey specifically addressing the criminal and victimological aspects of the phenomenon of “sexting against minors”.	Turkulets, V.A.
22	Slovenia	<a href="http://www.safe.si">www.safe.si</a>  * <a href="https://safe.si/gradiva/drevesa-odlocanja/drevo-odlocanja-sextortion">https://safe.si/gradiva/drevesa-odlocanja/drevo-odlocanja-sextortion</a>	Provides exhaustive information regarding internet safety for all the project’s target groups (children, teenagers, parents and teachers), tips, materials, and videos designed specially for each group. Digital versions of all <a href="http://www.safe.si">www.safe.si</a> printed materials and useful links and materials produced by other organisations are available on the website.  Decision tree on sextortion that helps children ask the right questions in an unfamiliar situation, enabling them to take the most appropriate action and thus reduce the risk of sextortion.	
23	Spain	<a href="http://www.tudecideseninternet.es">www.tudecideseninternet.es</a>	Videos about situations involving sexual abuse (“Tú controlas en Internet”).	The Spanish Data Protection Agency (AEPD)
		<a href="http://www.pantallasamigas.net/wp-content/uploads/2019/06/informe-eukidsonline-2018.pdf">www.pantallasamigas.net/wp-content/uploads/2019/06/informe-eukidsonline-2018.pdf</a>	Report on the activities, mediation, and online risks and opportunities for minors. It presents the first national results of the EU Kids Online survey carried out between October and December 2018 on online activities, mediation, the risks and opportunities for minors in a time of media convergence. They were obtained from a sample of 2,900 children.	University of the Basque Country
		* <a href="http://www.tudecideseninternet.es">www.tudecideseninternet.es</a>	Platform regrouping various materials and tools such as guides, videos and cartoons that include recommendations and tips for dealing with the risks that children face when they generate sexual images and/or videos of themselves.	Spanish Data Protection Agency (AEPD)
24	Switzerland	<a href="http://www.skppsc.ch/fr/telechargements/famille-de-produits/brochures-fascicules/">www.skppsc.ch/fr/telechargements/famille-de-produits/brochures-fascicules/</a>	Contains “My little Safebook” brochures for children, young people and parents, a “Checklist” for staying safe on social media, “Pornographie : agir de	Service de la Prévention de la

	nd		bon droit”, “Mon image: agir de bon droit” and “Les jeunes et la violence informations et conseils à l’attention des parents et des responsables de l’éducation” which provides information and advice for parents and those working in education on the subject of young people and violence.	Criminalité
		<a href="http://www.skppsc.ch/fr/wp-content/uploads/sites/5/2016/11/safebookparentsfr.pdf">www.skppsc.ch/fr/wp-content/uploads/sites/5/2016/11/safebookparentsfr.pdf</a>	A version of “My little Safebook” from the Swiss Crime Prevention Department intended specifically for parents and persons with an educational role.	
		* <a href="http://www.zepra.info/sicher-gsund.html">http://www.zepra.info/sicher-gsund.html</a>	The website "safe?! online" is dedicated to the opportunities and risks of modern electronic information and communication technologies and provides a guide to online behaviour, it is designed to support teachers, school administrators, school social workers and public authorities for prevention, early detection and crisis intervention.	Office of Public Health of the Canton of St. Gallen (Switzerland)
25	EUROPOL	<a href="https://www.europol.europa.eu/activities-services/public-awareness-and-prevention-guides/online-sexual-coercion-and-extortion-crime">https://www.europol.europa.eu/activities-services/public-awareness-and-prevention-guides/online-sexual-coercion-and-extortion-crime</a>	'Say no' campaign to raise awareness that online sexual coercion and extortion are crimes.	European Union Agency
		* <a href="https://www.europol.europa.eu/empact">https://www.europol.europa.eu/empact</a>	European Multidisciplinary Platform Against Criminal Threats (EMPACT) was created for EU Member States’ experts on CSEA to cooperate, in order to create a greater measure of continuity for the fight against serious and organised crime.	European Union Agency
		* <a href="https://www.europol.europa.eu/newsroom/news/europol-launches-public-appeal-to-help-identify-victims-of-child-sexual-exploitation">https://www.europol.europa.eu/newsroom/news/europol-launches-public-appeal-to-help-identify-victims-of-child-sexual-exploitation</a> .	TRACE an OBJECT initiative created in order to strengthen the global victim identification efforts: citizens can anonymously help by clicking on an object, selected from the genuine CSAM, they recognise and providing Europol with the information they have on the object so that Europol can inform the competent law enforcement authority of the involved country.	European Union Agency
		* <a href="https://www.europol.europa.eu/activities-services/europol-in-action/operations/victim-identification-taskforce">https://www.europol.europa.eu/activities-services/europol-in-action/operations/victim-identification-taskforce</a>	Victim Identification Taskforce (VIDTF) to harness international cooperation in victim identification, in which experts from Denmark, France, Germany, Netherlands, Spain, Sweden and the United Kingdom (as well as Australia, the USA, EUROPOL and INTERPOL) engaged.	European Union Agency

26	Council of Europe	<a href="https://www.coe.int/en/web/children/for-parents">https://www.coe.int/en/web/children/for-parents</a>	Set of video tutorials as well as a booklet addressed to parents are available for viewing to provide information and advice in order to better understand the risks incurred by children, on the following themes: <ul style="list-style-type: none"> <li>- Online protection of children</li> <li>- Online sexual exploitation of children sextortion)</li> <li>- Self-generated sexually explicit images and materials involving children (Sexting)</li> <li>- Sex-chatting</li> <li>- Grooming</li> <li>- Sexualised images used in revenge (Revenge porn)</li> </ul> And a brochure: Parenting in the digital age.	International organisation
		* <a href="https://rm.coe.int/publication-it-handbook-for-policy-makers-final-eng/1680a069f8">https://rm.coe.int/publication-it-handbook-for-policy-makers-final-eng/1680a069f8</a>	Handbook for policy makers on the rights of the child in the digital environment, which aims to support Council of Europe member States, and especially legislators and other “policy makers” as well as academia, human rights agencies and relevant civil society organisations in implementing Recommendation CM/Rec(2018)7 and the Guidelines to respect, protect and fulfil the rights of the child in the digital environment.	International organisation
27	INTERPOL	* <a href="https://www.interpol.int/en/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database">https://www.interpol.int/en/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database</a>	The International Child Sexual Exploitation (ICSE) is an image and video database and a powerful intelligence and investigative tool which allows specialised investigators to share data with other actors across the world.	International organisation
28	ECPAT	* <a href="http://www.make-it-safe.net/">http://www.make-it-safe.net/</a>	The “make-IT-safe” project is a peer expert training project in which children and youngsters have been taught how to use the internet and smart phones safely and how to use social media, such as Facebook, Myspace, Netlog and WhatsApp in a responsible way. The project was conducted in five countries, namely in Austria, Belgium, Germany, the Netherlands and the United Kingdom.	Civil society organisation
29	Microsoft	* <a href="http://download.microsoft.com/download/A/C/2/AC2AEA2B-8FF9-4A8F-85AC-6E7DFF27DFDE/BTWF_Sexting_Flyer_WEB.pdf">http://download.microsoft.com/download/A/C/2/AC2AEA2B-8FF9-4A8F-85AC-6E7DFF27DFDE/BTWF_Sexting_Flyer_WEB.pdf</a>	Information flyers for young people about the risks of sexting.	Corporation

