

# Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

Strasbourg, Octopus Conference 10  
March 2009



## Who drafted the convention?

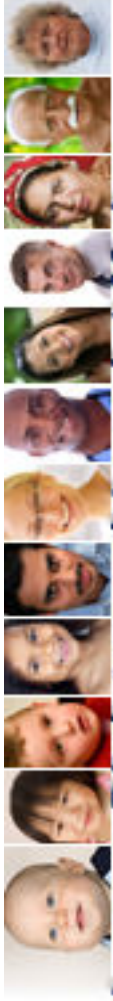
- Representatives of the Council of Europe's 47 member states
- Five observer states - Canada, Holy See, Japan, Mexico, United States of America
- International governmental and non-governmental organisations

## Signature of the Convention

- 23 states signed the Convention on the day of opening for signature
- 33 Member States signed it so far
- 5 ratification needed for entering into force
- one of the most successful Council of Europe Conventions

## WHY? The world has changed

- New threats and challenges
- Internet and new technologies
- Protection of children



## What are the aims of the Convention?

### Article 1

- Prevention
- Protection
- International cooperation in Prosecution



## What is new about the Convention?

- Non-discrimination principle
- Comprehensive approach
- New approaches - unique solutions to various problems

## 1st „P“ - Prevention

- Screening, recruitment, training of people working with children
- Education for children on the risks of sexual exploitation
- Encouraging the private sector and civil society to participate in policies and measures to prevent sexual exploitation of children
- Ensuring coordination and cooperation between agencies involved in child protection



## Intervention programmes and measures

Treatment to minimise the risks of repeat offending offered to:

- alleged sex offenders
- convicted sex offenders
- child offenders
- potential offenders





## 2nd „P“ - protection of children and assistance to victims

- Encouraging the public to report suspected sexual abuse
- Confidentiality rules for professionals do not create obstacle in assisting victims any longer
- Setting up telephone and internet helplines
- Assistance to victims and families



## 3rd and 4th „P“ - Prosecution and Punishment

Offences:

- Child pornography
- Solicitation of children (Grooming)
- Sexual abuse
- Corruption of children



## Art. 9 of the Convention on Cybercrime

### Offences related to child pornography

1. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct:

## Art. 9 of the Convention on Cybercrime

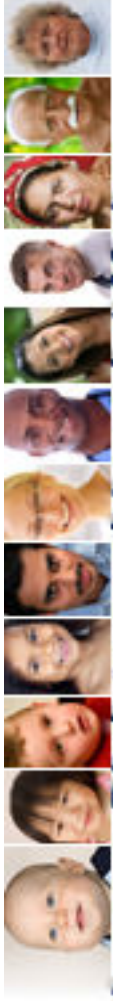
- a) producing child pornography for the purpose of its distribution through a computer system;
- b) offering or making available child pornography through a computer system;
- c) distributing or transmitting child pornography through a computer system;
- d) procuring child pornography through a computer system for oneself or for another person;
- e) possessing child pornography in a computer system or on a computer-data storage medium.

## Art. 9 of the Convention on Cybercrime

2. For the purpose of paragraph 1 above, the term “child pornography” shall include pornographic material that visually depicts:
- a) a minor engaged in sexually explicit conduct;
  - b) a person appearing to be a minor engaged in sexually explicit conduct;
  - c) realistic images representing a minor engaged in sexually explicit conduct...

## LANZAROTE CONVENTION -PREAMBLE

Recalling in particular the Committee of Ministers Recommendation No. R (91) 11 concerning sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults, Recommendation Rec(2001)16 on the protection of children against sexual exploitation, and the **Convention on Cybercrime (ETS No. 185)**, especially **Article 9** thereof, as well as the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197);



## LANZAROTE CONVENTION - Art. 20

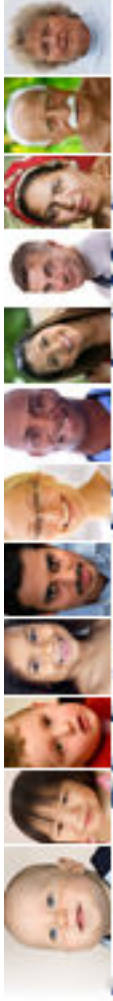
1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct, when committed without right, is criminalised:



## LANZAROTE CONVENTION - Art. 20

- a) producing child pornography;
- b) offering or making available child pornography;
- c) distributing or transmitting child pornography;
- d) procuring child pornography for oneself or for another person;
- e) possessing child pornography;
- f) knowingly obtaining access, through information and communication technologies, to child pornography.





## LANZAROTE CONVENTION - Art. 20

### MAKING AVAILABLE OF CHILD PORNOGRAPHY

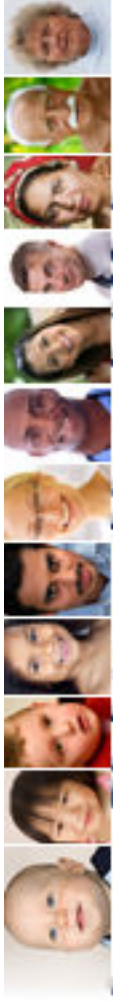
It includes for instance:

- Creation of web sites with child pornography
- Creation or compilation of hyperlinks in order to facilitate the access



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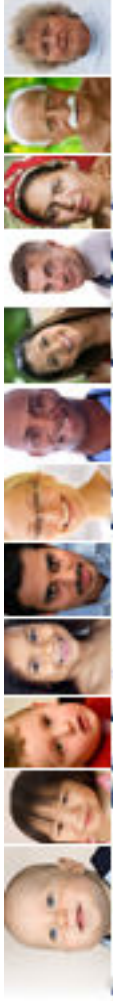
2. For the purpose of the present article, the term “child pornography” shall mean any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes.



## LANZAROTE CONVENTION - Art. 20

To be determined by Parties:

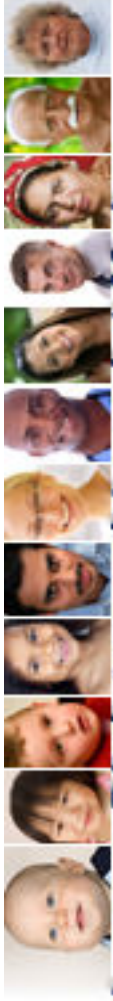
- Materials not covered by the provision
- (artistic, medical, scientific or similar materials without primarily sexual purposes)
- Sexually explicit conduct



## LANZAROTE CONVENTION - Art. 18

### SEXUAL ABUSE

- 1 Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised:



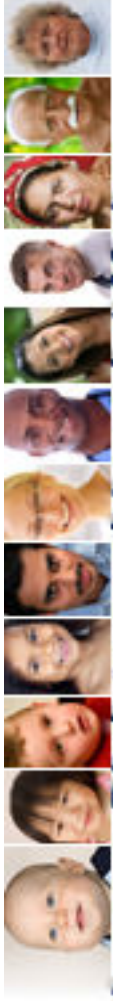
## LANZAROTE CONVENTION - Art. 18

- a) engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;
- b) engaging in sexual activities with a child where:
  - use is made of coercion, force or threats; or
  - abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or
  - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

## LANZAROTE CONVENTION - ARTICLE 22

### 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.



## LANZAROTE CONVENTION - Art. 23

### Solicitation of children for sexual purposes („GROOMING“)

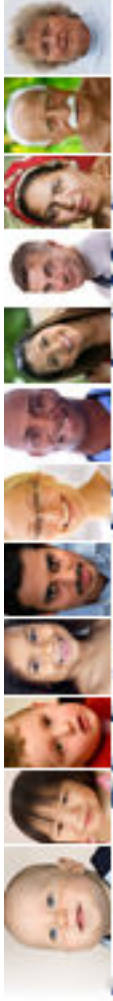
Each Party shall take the necessary legislative or other measures to criminalise the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, for the purpose of committing any of the 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.



## LANZAROTE CONVENTION - Art. 21

- a) recruiting a child into participating in pornographic performances or causing a child to participate in such performances;
- b) coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes;
- c) knowingly attending pornographic performances involving the participation of children.



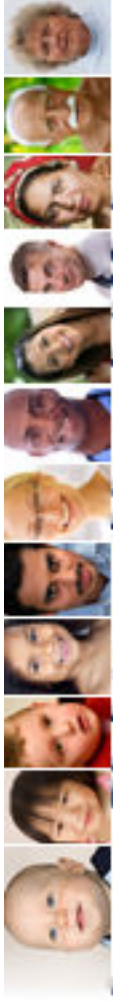


## **New elements added to existing offences:**

- Penalisation of clients
- Penalisation of persons who attend pornographic performances involving children
- Penalisation of accessing child pornography on -  
line

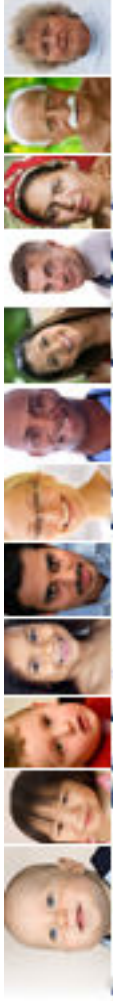
## Jurisdiction - BENEFITS AND DIFFICULTIES

- Extra-territoriality
- Removal of « double criminality » principle
- Possible difficulties in obtaining the evidence



## INTERNATIONAL CO-OPERATION

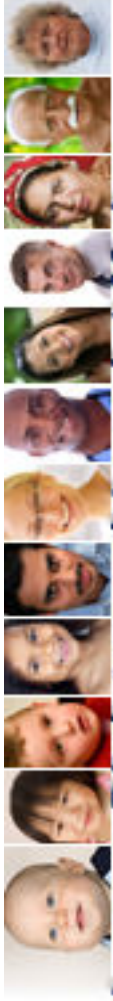
- Only general provisions
- Possible use of the Convention on Cybercrime
- 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters



## « Child-friendly » procedures

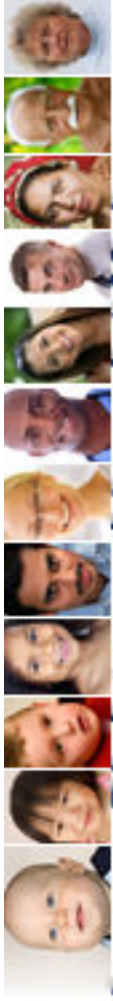


- Interviews without delay
- As limited as possible
- Carried out by trained professionals
- Use of specially adapted interview rooms
- Videotaping of interviews
- Possibility for hearings without the presence of the public
- Use of video conferencing equipment
  
- MORE GUIDELINES UNDER PREPARATION



## Statute of limitations

- Breaking the rules
- Time sufficient for the victim to act



## Monitoring body

- Monitor implementation of the convention
  - Exchange information and good practices
  - Express opinions on the application of the convention
  - Set up following the 10th ratification
- 
- The role of the CDPC

## Who can be party to the convention?

- Member states of the Council of Europe
- States which participated in the drafting of the convention (Canada, Holy See, Japan, Mexico, USA)
- After entry into force **any state in the world** may accede

Thank you  
for your contribution to

