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22 April 2014

LANZAROTE COMMITTEE

Committee of the Parties to the Council of Europe
Convention on the protection of children against sexual
exploitation and sexual abuse (T-ES)

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List of decisions 8th meeting

Strasbourg, 8-10 April 2014

Prepared by the Secretariat of the Lanzarote Committee

The Committee of the Parties (hereinafter referred to as “the Lanzarote Committee” or “the Committee”) to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (hereinafter referred to as “the Lanzarote Convention” or “the Convention”) held its 8th meeting in Strasbourg on 8-10 April 2014.

During this meeting, the Lanzarote Committee:

1. Took note of the progress in the ratification process by Monaco.
2. Was informed that Belarus has asked the Committee of Ministers to accede to the Lanzarote Convention.
3. Welcomed information by the Holy See concerning the establishment of the Pontifical Commission for the Protection of Minors, aimed at combating pedophilia and preventing sexual abuse of children.
4. Was informed of the difficulties encountered by Belgium, Bulgaria, France, Greece and Luxembourg in collecting and submitting their replies to the questionnaires on time and welcomed the news that these replies should be submitted as soon as possible.
5. Encouraged the remaining Parties required to reply to the questionnaires and which have not yet submitted their replies (San Marino and “the former Yugoslav Republic of Macedonia”) to do so as soon as possible.
6. Reiterated the importance it attaches to receiving contributions to the monitoring process also from NGOs and other relevant stakeholders, and agreed to clarify on its website that such contributions may still be submitted.
7. Welcomed the compilation of replies to questions 1, 3, 5 and 6 of the General Overview Questionnaire prepared by the Secretariat, and agreed that similar compilations should be prepared for all questions of the General Overview Questionnaire as well as for all replies to the Thematic Questionnaire.
8. Considered the compilations as useful practical tools for anyone wishing to contribute to the fight against sexual exploitation and sexual abuse of children, and thus agreed to make them available online as soon as possible.
9. Welcomed the working documents with observations by the Secretariat on the replies to questions 1, 5a and 5b of the General Overview Questionnaires, and agreed that these should not be published online but made available to all those convened to its meetings.
10. Exchanged views on selected replies to the General Overview Questionnaire.

On Question 1: Definition of a "child"

As to Question 1a) (the definition of a "child"):

- decided that during its monitoring it would pay particular attention to the respect of the non-discrimination and best interest of the child principles as set out in the UNCRC Committee's guidelines on the implementation of Article 1 of the UNCRC.

As to Question 1b) (presumption that a victim is a child)

- decided that during its monitoring it would pay particular attention to the effectiveness of the principle of presumption of minority until the age is determined.

As to Question 1c) (the age for sexual consent)

- agreed to examine why a specific age was chosen and what elements played a role in settling on this age and whether this age has been reconsidered over time.

On Question 3: Overview of the implementation

- noted that the overview emerging from the replies to this question should be borne in mind while conducting the thematic monitoring addressing and assessing specific issues.

On Question 5: Specialised bodies/mechanisms

As to Question 5a) (independent institutions)

- decided to hold an exchange of views, at a forthcoming meeting, with a representative of the European Network of Ombudspersons for Children (ENOC) to discuss the criterion used by ENOC to determine the independence of a specialised body and the missions to be carried out by such bodies;
- considered that the relevant UN standards could be used as a reference to assess the tasks carried out by these bodies/mechanisms.

As to Question 5b) (mechanism for data collection)

- acknowledged the importance of reliable data to design national policies;
- decided to return to the issue of data collection at a later stage of its monitoring work with a view to determining key indicators in this regard.

As to Question 5c) (collection and storage of data on the identity and DNA of persons convicted):

- decided to postpone the in-depth examination of this issue to have more time to identify possible difficulties and good practices.

On Question 6: National or local coordination, cooperation and partnerships

- decided to postpone the in-depth examination of this issue to have more time to identify possible difficulties and good practices.
11. Decided that the activity report for the Committee of Ministers (Rule 21) should also be addressed to the European Committee on Crime Problems (CDPC - Article 41, para. 5 of the Lanzarote Convention).
 12. Reiterated that this brief factual report should be prepared by the Secretariat and finalised by the Bureau by the end of May 2014.
 13. Agreed to hold the exchange of views¹ on the possible transposition in law and practice of Article 23 (“Solicitation of children for sexual purposes”) of the Lanzarote Convention at its next meeting (9-11 September 2014). To this effect, asked the Secretariat to prepare a compilation of the replies to the relevant part of question 16 of the General Overview Questionnaire as well as a working document with observations on such replies.
 14. Held de-briefings on the:
 - Budapest Conference on “Inclusion and Protection of Children in and through Sport” (7-8/10/2013 - http://www.coe.int/t/dg4/epas/resources/Budapest-2013/Seminar-children-in-sport-default_EN.asp)
 - Madrid Conference on “Preventing sexual abuse of Children” (10-11/12/2013 - http://www.coe.int/t/dghl/standardsetting/children/MadridConference_en.asp)
 - Danilovgrad Regional Meeting on “The rights of the child - Improvement of the status of children to protect them from all forms of exploitation ” (21-22/01/2014 - <http://www.coe.int/t/dghl/standardsetting/children/ReportDanivlogradJanuary2014.pdf>)
 - Athens Seminar on “Gender based violence in Sport – Protection of minors” (20/03/2014 – http://gr2014.eu/sites/default/files/seminar%20programme%20gender%20based%20violence%20en_1.pdf)
 - Dubrovnik Conference on “Growing with Children’s Rights” (27-28/03/2014 - http://www.coe.int/t/dg3/children/Dubrovnik/DubrovnikConference2014_en.asp)
 15. Took note of the recent activities of the Council of Europe ONE in FIVE Campaign to stop sexual violence against children.²
 16. Was informed of the following:
 - Pro Safe Sport for Young Athletes (PSS) initiative of the Enlarged Partial agreement on Sport (EPAS) of the Council of Europe, co-financed by the European Union (http://www.coe.int/t/DG4/EPAS/default_en.asp);

¹ A decision to hold an exchange of views on Article 23 was taken by the Lanzarote Committee in December 2013 (see decision 16 of the list of decisions of the 7th meeting (T-ES(2013)). The Committee had not yet decided when to do so.

² Please visit the ONE in FIVE website for up-to-date information on the Campaign: http://www.coe.int/t/dg3/children/1in5/default_en.asp

- Council of Europe Project 2011-2014 “Strengthening and protecting children’s rights in Ukraine”;
 - Global Alliance against child sexual abuse online (http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/index_en.htm).
17. With regard to the PSS initiative and the Global Alliance against sexual abuse online, took note of the invitation to contact the Secretariat (lanzarote.committee@coe.int) to indicate availability to participate in events related to these issues on behalf of the Committee.
18. Decided to further examine the issue of sexual abuse in sports in collaboration with the Council of Europe Secretariat of EPAS.
19. Decided, in view of its up-coming monitoring work, to reconsider Rule 2.1.3 of its Rules of Procedure to explicitly allow for the reimbursement of the travel and subsistence expenses for a second representative of the State Party chairing the Committee.
20. Elected Mr Bragi GUÐBRANDSSON, Iceland, as Chairperson of the Committee, Mr Claude JANIZZI, Luxembourg as Vice-Chairperson of the Committee, and Ms Ina VERZIVOLLI, Albania, and Mr George NIKOLAIDIS, Greece, as members of the Committee’s Bureau.
21. Appointed the following Rapporteurs for the up-coming work on the replies to the thematic questionnaire:
- Ms Martina KLEIN, Austria, on question 10 (criminal law offence of sexual abuse);
 - Mr Erik PLANKEN, The Netherlands, on question 11 (corporate liability).
22. Invited candidate Rapporteurs on question 12 (aggravating circumstances) to express their interest to the Secretariat (lanzarote.committee@coe.int) as soon as possible.
23. Appointed Mr Charlie AZZOPARDI, Malta, as Gender Equality Rapporteur.
24. Thanked Mr Eric RUELLE, France, for his excellent chairing of its work during the challenging time of defining the ways and means to carry out the Lanzarote Committee’s functions until the launching of its 1st monitoring round.
25. Took note that the dates for its next meetings are:
- 9-11 September 2014;
 - 2-4 December 2014.

In accordance with Rule 10, paragraph 4 of the Rules of Procedure and as the Lanzarote Committee has not decided otherwise, this list of decisions shall be made public.

In accordance with Rule 10, paragraph 5 of the Rules of Procedure, a full meeting report shall be submitted to the members, participants and observers of the Lanzarote Committee at a later stage.