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T-ES(2013)10\_en

## **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)

### **SUGGESTIONS ON HOW TO ARTICULATE THE THEMATIC QUESTIONNAIRE AND EMBARK IN THE 1<sup>ST</sup> MONITORING ROUND**

Working document prepared by the Secretariat of the Lanzarote Committee  
for the 6<sup>th</sup> meeting of the Committee to be held in Strasbourg on 14-15 October 2013

All meeting documents are available at:  
[http://www.coe.int/t/dghl/standardsetting/children/Meetings\\_of\\_Committee\\_en.asp](http://www.coe.int/t/dghl/standardsetting/children/Meetings_of_Committee_en.asp)

## **BACKGROUND INFORMATION**

1. At its 5<sup>th</sup> meeting the Lanzarote Committee agreed that the examination of the replies to the thematic questionnaire for the 1<sup>st</sup> monitoring round should be carried out with respect to all Parties to the Convention simultaneously.<sup>1</sup> Given the considerable number of Parties involved in the 1<sup>st</sup> monitoring round<sup>2</sup> and wanting to make its standpoint on the situation assessed known within a reasonable lapse of time, the Committee decided that the theme of the first monitoring round (i.e. “sexual abuse of children in the circle of trust”) should be split in two main sub-themes. The examination of the replies by all Parties to the questions under each sub-theme would support the development of an “implementation report” covering all Parties participating in the monitoring round.

2. As to the determination of the two sub-themes, during its 5<sup>th</sup> meeting, the Committee exchanged views on the appropriateness of first examining the substantive criminal law and prosecution questions related to sexual abuse of children in the circle of trust. This option was considered with favour by many. The idea of subsequently assessing prevention and protection measures related to sexual abuse of children in the circle of trust was also briefly discussed. Due to lack of time, the Committee did not formally decide and thus did not select the questions to be dealt with first and those for later. It therefore asked the Secretariat to submit to it at its next meeting proposals to this effect as well as suggestions for a prospective initial timetable for its monitoring work.

3. The purpose of this working document is thus to set forth the above mentioned suggestions with a view to enable the Committee to take a decision on the way forward at its 6<sup>th</sup> meeting.

### **1. GROUPING OF THE QUESTIONS UNDER TWO MAIN SUB-THEMES**

4. The thematic questionnaire as adopted by the Committee on 16 May 2013 (see document T-ES(2013)03),<sup>3</sup> is composed of a transversal question on data collection and 13 questions grouped under three main headings (i.e. prevention, protection, and prosecution). It is important to recall that the replies to the thematic questionnaire (hereinafter referred to as “TQ”) should be examined by the Committee having regard to the replies provided to a number of questions of the general overview questionnaire (hereinafter referred to as the “GOQ”). The suggestions below therefore take this important factor into account.

5. Based on the Committee’s initial exchanges on the possible sub-division of the thematic questionnaire, it is suggested to firstly identify all questions concerning the legal criminal framework related to sexual abuse in the circle of trust. The second group of questions should concern the measures devised and the processes agreed upon to prevent

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<sup>1</sup> See Lanzarote Committee 5<sup>th</sup> meeting report paras. 20-24 (document T-ES(2013)09).

<sup>2</sup> 26 Parties, namely: Albania, Austria, Belgium, Bulgaria, Bosnia and Herzegovina, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxemburg, Malta, Republic of Moldova, Montenegro, the Netherlands, Portugal, Romania, San Marino, Serbia, Spain, “the former Yugoslav Republic of Macedonia”, Turkey and Ukraine.

<sup>3</sup> The questionnaire is available at: [www.coe.int/lanzarote](http://www.coe.int/lanzarote).

sexual abuse of children in the circle of trust. It should also include the questions related to the measures and programmes to assist child victims of sexual abuse in the circle of trust and to minimise the risks of repeated offences of a sexual nature against children, including intervention programmes to meet the developmental needs of children who sexually offend.

6. Accordingly, the “sub-themes” and questions to be addressed thereunder might be structured as follows. It should be highlighted that the structure below does not necessarily correspond to the order of the questions in the questionnaire.

*“Combating sexual abuse of children in the circle of trust: the criminal law framework”*

- Question 10 on the criminal law offence of sexual abuse (which includes an examination of the replies to questions 1 and 16 of the GOC);
- Question 12 on the aggravating circumstances of the criminal offence at stake related to the circle of trust in particular;
- Question 1 on data collection concerning the criminal offence at stake;
- Question 11 on corporate liability referred to the criminal offence at stake (which includes an examination of the reply to question 17 of the GOQ);
- Question 13 on the legislative framework to guarantee the best interest of the child in investigation and criminal proceedings concerning the criminal offence at stake;
- Question 14 on child friendly investigations and proceedings of the criminal offence at stake.
- Question 9.a on the legal safeguards to assist and protect the victim when the perpetrator of the criminal offence at stake is in the victim’s close environment.

*“Policies and strategies to prevent sexual abuse of children in the circle of trust and to ensure a child friendly implementation of their rights”*

- Question 4 on strategies to raise awareness on sexual abuse of children in the circle of trust;
- Question 2 on children’s education related to the criminal offence at stake (which includes an examination of the reply to question 8 of the GOQ);
- Question 7 on preventive and intervention programmes related to the possible commission of the criminal offence at stake;
- Question 6 on participation by children in the development and implementation of policies, programmes or other initiatives concerning the monitoring theme (which includes an examination of the replies to questions 4 and 11 of the GOQ);
- Question 3 on how the criminal offence at stake is dealt with during the recruitment and screening of persons whose professions involve regular contacts with children (which includes an examination of the reply to question 9 of the GOQ);
- Question 5 on specialized training of persons, units or services dealing with the criminal offence at stake;
- Question 8 on reporting suspicion of sexual abuse (which includes an examination of the reply to question 13 of the GOQ);
- Question 9.b on the possible denial of exercise of the professional or voluntary activity.

## 2. PROSPECTIVE INITIAL TIMETABLE FOR THE COMMITTEE'S MONITORING WORK

7. It is indicatively suggested that the Committee may proceed as set out in the table below. It should however be borne in mind that the pace at which the Committee will proceed depends on whether all Parties strictly respect the deadline of 31 January 2014 to submit their replies as well as on the number of replies received by representatives of civil society. It will also depend on whether all the replies are comprehensive or need to be completed by the submission of further information. Finally, the working methods the Committee will agree upon to carry out the examination of the replies to the questionnaires (e.g. the appointment or not of rapporteurs for one/several questions or small drafting groups, etc.) shall also have an impact on the speed at which it will advance in the preparation of the monitoring reports.

8. It should be highlighted that the table below only focuses on the Committee's monitoring work for its 1<sup>st</sup> monitoring round. In parallel the Committee shall also have to dedicate time to prepare for the 2<sup>nd</sup> monitoring round (i.e. decide on the theme, prepare and adopt the related questionnaire(s)). Additionally, during the same lapse of time the Committee shall also continue to play its role as an observatory to exchange good practices and build the capacity of its members as well as that of future State Parties to the Lanzarote Convention. This explains why in the table below it has been planned that the Committee meet at least three times per year during three full days. The duration of each meeting might have to be increased depending on the amount of work to be dealt with during each meeting. If additional resources become available, a fourth meeting of the Committee might also be envisaged to allow it to effectively carry out all its functions.

<b>1<sup>st</sup> monitoring round: INDICATIVE TIME-TABLE</b>	
<b>Committee meeting</b>	<b>Questions examined</b>
[18-20] March 2014	Overview of relevant replies to the GOQ (at a minimum of questions: 1, 3, 5 and 6)
<b>1<sup>st</sup> sub-theme</b>	
[17-19] June 2014	10 (criminal law offence of sexual abuse) 12 (aggravating circumstances) 1 (data collection) 11 (corporate liability)
November 2014	13 (best interest of the child in investigation and criminal proceedings) 14 (child friendly investigations and proceedings) 9.a (legal safeguards to assist and protect the victim)
March 2015	Draft implementation report on the 1 <sup>st</sup> sub-theme
June 2015	Finalisation and adoption of the report on the 1 <sup>st</sup> sub-theme

<b>2<sup>nd</sup> sub-theme</b>	
November 2015	4 (awareness raising strategies) 2 (children's education) 7 (preventive and intervention programmes) 6 (participation by children in the development and implementation of policies, programmes)
March 2016	3 (recruitment and screening) 5 (specialised training) 8 (reporting) 9.b (denial of exercise of the professional or voluntary activity)
June 2016	Draft report on the 2 <sup>nd</sup> sub-theme
November 2016	Finalisation and adoption of the report on the 2 <sup>nd</sup> sub-theme.