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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 (T-ES)

### **FOLLOW-UP OPTIONS TO THE ADOPTION OF THE QUESTIONNAIRES**

Working document prepared by the Secretariat of the Lanzarote Committee  
for the 5<sup>th</sup> meeting of the Committee to be held in Strasbourg on 15-16 May 2013

All meeting documents are available at:

[http://www.coe.int/t/dghl/standardsetting/children/Documents5thmeeting\\_en.asp](http://www.coe.int/t/dghl/standardsetting/children/Documents5thmeeting_en.asp)

## BACKGROUND INFORMATION

1. The purpose of this working document is to outline options to give follow-up to the general and thematic questionnaires to be adopted by the Lanzarote Committee.

2. In accordance with Rule 24.1 of the Lanzarote Committee's Rules of Procedure<sup>1</sup>, "the monitoring of the implementation of the Convention in the Parties shall be based on a procedure divided by rounds, each round concerning a theme decided by the Lanzarote Committee or any other approach deemed appropriate by the Lanzarote Committee within the scope of the Convention". At its 2<sup>nd</sup> meeting, the Lanzarote Committee decided that the theme of the 1<sup>st</sup> monitoring round should be "sexual abuse of children in the circle of trust".

3. Furthermore, the Lanzarote Committee also agreed to take stock of the legislation, institutional set-up and policies for the implementation of the Convention in general.<sup>2</sup> Indeed, Rule 23 establishes that following ratification, every party to the Convention shall be required to reply to a questionnaire aimed at providing such a general overview. States which have signed the Convention shall be invited to do so (they are not under an obligation to reply).

4. The Lanzarote Committee agreed to set both the above stock-taking and monitoring processes in motion respectively with a:

- a. "**General overview questionnaire**" (Rule 23) to collect comprehensive information on the implementation of the Lanzarote Convention;
- b. "**Thematic questionnaire**" (Rule 24) to collect specific information on the implementation of the Convention with respect to the selected theme (sexual abuse of children in the circle of trust).

5. In accordance with Rule 26.4, the same questionnaires shall also be addressed to representatives of civil society, NGOs and any other bodies involved in preventing and combating sexual exploitation and sexual abuse of children.

### 1. SHORT TERM STEPS FOLLOWING THE ADOPTION OF THE QUESTIONNAIRES

6. If the questionnaires are adopted at the Committee's next meeting on 15-16 May 2013, in accordance with Rule 24.4, the 1<sup>st</sup> monitoring round will concern the following 26 States Parties to the Convention: Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, the Republic of Moldova, Montenegro, the Netherlands, Portugal, Romania, San Marino, Serbia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

7. When adopting the questionnaires, in accordance with Rule 24.2, the Lanzarote Committee should decide on the length of the monitoring round and deadlines for the submission of the replies to the questionnaires. Given the considerable number of States

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<sup>1</sup> The Lanzarote Committee Rules of Procedure are available at:  
[http://www.coe.int/t/dghl/standardsetting/children/T\\_ES/T-ES\\_2012\\_001RoPfinal\\_en.pdf](http://www.coe.int/t/dghl/standardsetting/children/T_ES/T-ES_2012_001RoPfinal_en.pdf)

<sup>2</sup> See 2<sup>nd</sup> meeting (29-30 March 2012), list of decisions, document T-ES(2012)002, decisions 3-5.

Parties participating in the 1<sup>st</sup> monitoring round, a distinction needs to be made with respect to the questionnaires and the different processes they will set in motion:

**a. General overview questionnaire and stocking-taking and sharing of information**

8. Based on the experience of other Council of Europe monitoring mechanisms, 5 months to reply to this questionnaire could be a reasonable deadline.

**b. Thematic questionnaire and the monitoring process**

9. Subject to the chosen “monitoring deliverable” (see below §§ 16 and following), deadlines will have to be set either for individual countries or for the different parts of the thematic questionnaire. In the event of:

- **Individual country reports on the selected monitoring theme** (see §§ 20-22): the Committee would have to establish for example that Parties 1 to 5 should submit replies within a given date; Parties 6 to 10 a year later, 11 to 15, two years later, etc. Given that the States Parties participating in the 1<sup>st</sup> monitoring round are 26, the cycle will last more than 5 years.
- **One report covering all Parties with regard to specific sub-themes of the selected monitoring theme** (see §§ 23-25): the Committee would have to decide on several deadlines to collect and have the time to assess the replies from all 26 Parties with respect to a part of the thematic questionnaire. For example, end of September 2013 for the general framework and substantive criminal law provisions, end of 2014 for the protection provisions and end of 2015 for the prevention provisions. Depending on the number of parts in which the thematic questionnaire is grouped, the 1<sup>st</sup> cycle might last 3 years or more.

10. Once the deadlines are set, according to Rule 26, the questionnaires will be addressed by the Secretariat to the Parties through the members of the Lanzarote Committee who will act as “contact persons”. It should be highlighted that not all Council of Europe Member States have appointed a representative to the Lanzarote Committee. This should be done as soon as possible to enable the Lanzarote Committee to carry out its functions appropriately, in particular in the case of the 26 State Parties to the Convention participating in the 1<sup>st</sup> monitoring round. In any event, the questionnaires will also be made immediately available on the Lanzarote Committee’s webpage ([www.coe.int/lanzarote](http://www.coe.int/lanzarote)) to ensure a high level visibility of the take-off stage of the monitoring of the Convention.

**2. STOCK-TAKING AND SHARING OF INFORMATION**

11. In accordance with Rule 23, the general overview questionnaire referred to above shall be addressed to all States which have signed the Convention i.e. all Council of Europe Member States except the Czech Republic, thus a total of 46 countries so far.

12. Rule 23.3 foresees that “the Secretariat shall compile the replies received”. Since the replies to the questionnaires may concern 46 States, such a “compilation exercise” will initially just consist in the publication on the Lanzarote Committee webpage ([www.coe.int/lanzarote](http://www.coe.int/lanzarote)) of the replies received. In accordance with Rule 26.4, replies

submitted by representatives of civil society, who wish to make their replies public, could also be published on the same webpage.

13. In accordance with Rules 1.2 and 29, which concern the Committee's function as "observatory on protection of children against sexual exploitation and sexual abuse", the publication of the replies to the general overview questionnaire could then set in motion the organisation of **national round tables to facilitate exchanges of views and experience on the implementation of the Convention.**

14. To ensure Member States' ownership of this process, the above mentioned round tables may be organised at the initiative of national authorities who should identify the relevant national stakeholders (governmental and non-governmental) to discuss the replies to the general overview questionnaire. A member of the Secretariat and/or a consultant, as well as one or several members of the Lanzarote Committee would draw conclusions of the round table discussions to provide the Lanzarote Committee with a snapshot of the general situation in each party.

15. It is recommended that the round tables could take place within the two years after the submission of the replies to the general overview questionnaire. Priority should be given to the organisation of round tables in the Parties to the Convention. This should however in no way become an obstacle to the Committee's monitoring functions in accordance with Rule 1.1. The time-table for the 1<sup>st</sup> monitoring round should be respected notwithstanding the organisation or not of a round table on the replies to the general overview questionnaire.

### **3. MONITORING PROCESS**

16. It should be underlined that the Lanzarote Convention's ambition is to ensure that its monitoring mechanism seeks "the effective implementation of its provisions" (Art. 1§2 of the Lanzarote Convention). Thus, the output of the monitoring mechanism (the so-called "monitoring deliverable") should enable Parties to improve their implementation of the Convention.

17. In accordance with Rule 27, the replies to the thematic questionnaire will lead to an **assessment of the situation in the party by the Lanzarote Committee** which should take the form of "**implementation reports**". Such assessment will include a summary of the good practices identified, an overview of any shortcomings or challenges in implementing the Convention and recommendations as to steps to improve the effective implementation of the Convention.

18. Since the 1<sup>st</sup> monitoring round will concern a considerable number of countries, it may be envisaged that the implementation reports be construed either as a) individual country reports on the selected monitoring theme (see §§ 20-22) or as b) one thematic report covering all Parties per sub-section of the selected monitoring theme (see §§ 23-25).

19. **The Lanzarote Committee is invited to exchange views and decide on these options and to subsequently establish a time-table for its 1<sup>st</sup> monitoring round.**

**a. Individual country reports on the selected monitoring theme**

20. Rule 27 was drafted with the reports of other Council of Europe monitoring mechanisms in mind, which are generally country specific reports. In such a case, the “monitoring deliverable” would be an implementation report for each one of the 26 Parties participating in the 1<sup>st</sup> monitoring round covering all the aspects dealt with respect to the theme “sexual abuse of children in the circle of trust” as spelled out in the thematic questionnaire.

21. As mentioned above, depending on the set deadlines, the Secretariat of the Committee would have to prepare a certain number of draft implementation reports for the Committee’s examination and approval at given intervals. It should be borne in mind that according to Rule 27.2, each party will receive a draft copy of its implementation report and is allowed to comment on the draft before it is made available to the whole Committee. This procedure will take some time (one month based on the time required by other monitoring mechanisms of the Council of Europe).

22. Always based on the experience of other Council of Europe monitoring mechanisms, it may be foreseen that the preparation of a draft implementation report for the Committee might take on average three months. It should however be borne in mind that it might take more than one Committee meeting to adopt a report. Each year the Committee might thus adopt maximum 4 country reports per year. It will thus take more than 6 years for the Committee to have a comprehensive overview of the implementation of the Convention with respect to the selected theme in the 26 State Parties.

**b. Report covering all Parties with regard to specific sub-themes of the selected monitoring theme**

23. For this type of report, the Lanzarote Committee would have to implement its Rule 27 from another angle. It would have to agree that the thematic questionnaire may be split into several sub-themes and therefore shorter questionnaires to address them. Each shorter questionnaire will support the development of a report covering all 26 Parties.

24. The duration of the monitoring round would depend on the chosen number of sub-themes concerning “sexual abuse of children in the circle of trust”, which should take into account what may realistically be achieved with respect to 26 State Parties with available resources. If the Committee manages to streamline its thematic questionnaire so as to identify 3 sub-themes concerning “sexual abuse of children in the circle of trust”, it might be possible to envisage a 1<sup>st</sup> monitoring round which would take 3 years to cover the 26 Parties concerned.

25. This approach would allow the Lanzarote Committee to communicate the results of its work on a yearly basis with respect to the 26 Parties without having to wait for the end of the monitoring round. However, to ensure such a timeline, the reports should not include the general descriptions of the relevant legislation, measures and institutional framework in the 26 Parties. This factual part should be contained in the replies received to the general

questionnaire and in the conclusions of the round tables. The implementation report would therefore only focus on the identification of good practices and major general shortcomings and challenges regarding which recommendations should be made in the conclusion of the report to improve the effective implementation of the Convention in the 26 Parties.