



T-ES(2013)09_en

14 October 2013

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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Report

5th meeting

Strasbourg, 15-16 May 2013

Prepared by the Secretariat of the Lanzarote Committee

1. 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 5th meeting in Strasbourg on 15-16 May 2013. The agenda of the meeting, as adopted, appears in Appendix I. The list of participants appears in Appendix II.

Opening of the meeting and up-date on ratification of the Lanzarote Convention

2. Mr RUELLE, Chairperson of the Committee, opened the meeting. He particularly welcomed Lithuania’s recent deposit of the instrument of ratification of the Lanzarote Convention. The Committee then took note of progress in the ratification process of the Convention by the Russian Federation and Sweden.¹

3. Mrs RUOTANEN, Director of the Justice and Human Dignity Directorate in the Council of Europe Directorate General of Human Rights and Rule of Law, informed the Committee about the Secretary General’s priorities for the Council of Europe for 2015-2016. She highlighted that children’s rights remain within such priorities and that there are high expectations as to the forthcoming monitoring work on the implementation of the Lanzarote Convention. In this regard, she announced that the Secretariat of the Lanzarote Committee would be reinforced with the redeployment of an Administrator during the summer 2013. The Committee welcomed this good news.

Monitoring of the Convention

4. During its previous meeting the Committee agreed that a summary of the relevant case law of the European Court of Human Rights and the European Committee of Social Rights on the right of children to be protected against sexual violence should be addressed to States Parties at the beginning of the monitoring process.² During the current meeting it agreed that such a summary (i.e. document T-ES(2013)07) would constitute a reference document (not an Appendix to the questionnaires) and that it should be made available to State Parties at the same time as the questionnaires.

5. During its previous meeting the Committee also decided that the current meeting was primarily aimed at:

- adopting both questionnaires (the general overview one and the thematic one) before the summer (see §§ 20-21 and 37, Lanzarote Committee 4th meeting report);
- deciding on the concrete steps to take once the questionnaires are addressed to the Parties to the Convention (see document T-ES(2013)06).

Examination of the draft questionnaire for the first thematic monitoring round on “Sexual abuse of children in the circle of trust”

6. On the basis of the comments and amendments agreed upon, the Committee adopted the thematic questionnaire on 16 May 2013 as it appears in document T-ES(2013)03 and is available at: www.coe.int/lanzarote.

¹ It should be noted that since the meeting, Sweden deposited the instrument of ratification of the Lanzarote Convention on 28 June 2013 and the Russian Federation deposited it on 9 August 2013 and Slovenia deposited it on 26 September 2013. Information on new signatures/ratifications is regularly published in the news headlines of the Lanzarote Convention web page (www.coe.int/lanzarote). An up-to-date table of signatures/ratifications and list of declarations and reservations to the Lanzarote Convention is available on the Council of Europe’s Treaty Office web page (<http://conventions.coe.int>).

² See Lanzarote Committee 4th meeting report (doc. T-ES(2013)06), para. 22.

7. Two main substantial issues were at the heart of the deliberations:
- whether a question on the notion of the “circle of trust” was to be retained in the questionnaire;
 - whether a question concerning the implementation of Article 26 of the Convention (“Corporate liability”) was relevant with respect to the theme of the 1st monitoring round (i.e. whether sexual abuse of children in the circle of trust may be associated with legal persons).

As to the notion of circle of trust

8. The Committee attempted to reword the question on who is part of the circle of trust in internal law with a view to clarifying what was expected by States Parties while replying to it.

9. This exercise revealed that asking State Parties whom they include in the circle of trust was not the right approach to take. The Committee thus decided to delete the question in this regard. It however agreed that it had to clarify whom it understands to be included in the circle of trust. The definition, as agreed upon following lengthy discussions, appears in paragraph 9 of the preliminary remarks to the thematic questionnaire, which reads as follows:

“For the purpose of this questionnaire the notion of “circle of trust” includes members of the extended family, persons having care-taking functions or exercising control over the child, persons with which the child has relations, including his/her peers. Examples of these different categories of persons may be found in paragraphs 123-125 of the Explanatory Report of the Convention.”

As to the possible liability of legal persons with respect to sexual abuse of children in the circle of trust

10. The Committee discussed about the possible “benefits” a legal person may draw from the lack of supervision or control by a natural person, acting either individually or as part of an organ of the legal person, which may contribute to the commission of sexual abuse of children in the circle of trust.

11. As a result of this discussion, it considered appropriate the inclusion of a question on the implementation of Article 26 of the Convention also in the thematic questionnaire. The solution agreed upon is set forth in question 11 of the thematic questionnaire, which contains a cross reference to question 17 of the general overview questionnaire which results in the following:

“The reply to question 17 of the GOQ will be examined by the Committee to assess the implementation of Article 26 of the Convention with respect to the theme of the monitoring round. If, in addition, any other measures are foreseen, please specify.”³

³ Question 17 of the General Overview Questionnaire: “Does your system provide that a legal person may be held liable for an offence established in accordance with Article 26? Please specify under which conditions.”

Examination of the draft General Overview questionnaire to enable the Lanzarote Committee to take stock of the situation in State Parties

12. At its 4th meeting the Committee agreed on the structure and content of the general overview questionnaire. It however decided to formally adopt it when the thematic questionnaire was also finalised. This decision was taken to ensure some leeway for possible adjustments to guarantee the coherence and right balance between the two questionnaires.

13. With this objective in mind, Missing Children Europe put forward a series of amendments to the general overview questionnaire. These were examined by the Committee and the results of the deliberations were integrated in a revised version of the questionnaire which was adopted on 16 May 2013 as it appears in document T-ES(2013)02 and is available at: www.coe.int/lanzarote.

Exchange of views on the way ahead following the adoption of the questionnaires [document T-ES(2013)05]

14. Ms SCAPPUCCI, Secretary to the Lanzarote Committee, presented the alternative options outlined in document T-ES(2013)05 to enable the Committee to indicate its preference on the way ahead before engaging in the 1st monitoring round.

15. She recalled that in accordance with Rule 27, the replies to the thematic questionnaire will lead to an assessment of the situation by the Lanzarote Committee, which shall take the form of an “implementation report”, including 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.

16. She highlighted that since the 1st monitoring round will concern a considerable number of countries (26 or more), the Committee should decide whether it prefers implementation reports construed as:

- a. individual country reports (i.e. an implementation report on the selected monitoring theme for each one of the States Parties. See §§ 20-22 of document T-ES(2013)05);
- b. specific thematic reports (i.e. an implementation report covering all Parties for each sub-theme of the monitoring round. See §§ 23-25 of document T-ES(2013)05).

17. The Committee discussed both options at length. A strong majority was clearly in favour of proceeding with an assessment of all States Parties simultaneously with respect to focused sub-themes of the selected monitoring theme (option b).

18. It was considered that this option (option b) had the following advantages:

- It would build a momentum on a specific dimension of the monitoring theme throughout all States Parties at the same time, which in turn would favour the exchange of good practices and the identification of shortcomings or difficulties.
- It would allow the Committee to assert its standpoint on topical issues covered by the Lanzarote Convention, based on an analysis of the situation in all States Parties, at regular and relatively short intervals whilst assessing countries separately and successively would result in the Committee having a comparative picture of the situation at a much slower pace.

19. In the light of the choice for option b, the Committee decided that it was preferable to set a same deadline to reply to both questionnaires for all States Parties.

20. The Committee then agreed that since the final versions of the questionnaires would be addressed to State Parties' authorities by the end of June 2013, it was reasonable to set 31 January 2014 as a deadline to reply to them.

21. It was recalled that NGOs wishing to reply to the questionnaires would also have to respect the above deadline (see Rule 26 para. 4). NGOs participating in the Lanzarote Committee, as well as the Conference of INGOs, would be invited to reply.

22. It should be noted that the deadline of 31 January 2014 was preferred to an end of 2013 deadline to avoid an overlapping with the deadline for EU member states to report to the European Commission with regard to the transposition of Directive 2011/93/EU.

23. Finally, it was agreed that a decision on the splitting of the thematic questionnaire in more focused sub-themes should be agreed upon by the Committee at its next meeting on the basis of suggestions put forward by the Secretariat. The Secretariat was instructed to bear in mind that it appeared judicious to start the assessment of the situation in States Parties with respect to the theme "sexual abuse of children in the circle of trust" by first having regard to the substantive criminal law and prosecution questions.

Up-date on the Council of Europe ONE in FIVE Campaign initiatives

24. The Head of the Programme "Building a Europe for and with Children", Ms JENSDÓTTIR up-dated the Lanzarote Committee on progress with the ONE in FIVE Campaign, the latest developments of which are available at: www.coe.int/oneinfive

25. Ms COOK, member of the Congress of Local and Regional Authorities of the Council of Europe, drew the attention of the Lanzarote Committee on the fact that, thanks to a donation of the Leventis foundation, the Pact of towns and regions to stop sexual violence against children had been translated into Greek which meant it was now available in seven languages (i.e. English, French, German, Italian, Russian and Serbian).⁴ She highlighted that the Congress was seeking other partners who would be able to finance the translation into other languages.

26. She also informed the Committee that efforts were being made to encourage more towns and regions to sign up to the pact and to register good practices in its database, for example a meeting had been held with the President of the Berlin Parliament who had decided to set-up a cross-party working group to look into signature of the Pact.

27. Ms KYRIAKIDES, the new General Rapporteur on children of the Parliamentary Assembly of the Council of Europe, drew the attention of the Committee on the two following reports debated in the plenary during the April part-session of the Assembly:

⁴ The webpage of the Congress dedicated to its Pact of Towns and Regions to Stop Sexual Violence against Children is: <http://www.congress-pact1in5.eu/en/>

- “Fighting child sex tourism”:⁵ with this report the Assembly calls on European governments to develop, implement and monitor mechanisms that will “prevent high-risk sex offenders from travelling abroad”, to increase international co-operation for the prosecution of travelling sex offenders, and to establish a reliable and centralised database system allowing the exchange of records.
- “Parliaments united in combating sexual violence against children: mid-term review of the ONE in FIVE Campaign”: with this report the Assembly asserts that it is possible to step up the effectiveness of the Council of Europe ONE in FIVE Campaign and recommends that the Committee of Ministers allocate adequate financing from the ordinary budget of the Council of Europe to the three dimensions of the campaign (intergovernmental, parliamentary and regional/local) until it ends in November 2014.

28. She also informed the Lanzarote Committee that the Network of Contact Parliamentarians had focused its meeting in April 2013 on “Sexual abuse of children by their peers” and that it would dedicate its meeting in June 2013 to the theme: “Child sexual abuse in sport”.⁶

Capacity building activities and exchange of information

- De-briefing Rome Conference of 29-30 November 2012⁷

29. The Italian representative, Ms ZANNINI, shared her authorities’ satisfaction with the results of the Conference held in Rome on “The role of international cooperation in tackling sexual violence against children”. She also informed the Committee of the concrete follow-up the Conference triggered and outlined other initiatives that might be taken to pursue the conclusions of the Conference.

30. The Committee agreed to include the full text of her presentation as an Appendix to this report (see Appendix III).

- De-briefing Brussels Conference of 11 April 2013

31. Mr RUELLE informed the Committee that he had presented the relevant Lanzarote Convention benchmarks in an international Conference in the European Parliament on the global aspects of the fight against online child sexual abuse content.

32. He referred that Internet Watch Foundation, amongst the organisers of the Conference, manifested its keen interest in contributing to the work of the Lanzarote Committee when it shall focus on online sexual abuse and sexual exploitation of children.

⁵ Resolution 1926(2013) on “Fighting “child sex tourism”” as adopted, is available at: <http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=19687&Language=EN>

⁶ It is recalled that the full list of the meetings and the themes discussed are available at: http://www.coe.int/t/dg3/children/1in5/PACE/Meetings_en.asp Moreover, the minutes of the Network’s meetings are available upon request (lanzarote.committee@coe.int).

⁷ It is recalled that the debriefing of this event was postponed to the absence of the Italian representative at the Committee’s previous meeting.

- **Call for topics for the second volume of the Council of Europe publication “Protecting children from sexual violence”**

33. The plan to publish a second volume of the successful Council of Europe publication “Protecting children from sexual violence” was reiterated. Any suggestions on topics/authors may still be communicated to the Secretariat of the Lanzarote Committee (lanzarote.committee@coe.int) until the beginning of October 2013 at the latest.

34. It is recalled that, for ease of reference, the table of contents of the first volume of the publication was reproduced in Appendix IV of the 4th meeting report (document T-ES(2013)06).

- **Gender Equality Rapporteurs**

35. Ms KOPAÇI-DI MICHELE, Head of the Gender Equality and Violence against Women and Domestic Violence Division, presented the Council of Europe Gender Equality transversal programme. She highlighted the role of Gender Equality Rapporteurs and encouraged the Lanzarote Committee to appoint one. Detailed information on the role of the Gender Equality Rapporteurs is included in Appendix IV.

36. The Committee agreed to decide on the possible appointment of such a Rapporteur at its next meeting.

37. It also decided to include a gender equality perspective in its questionnaires by adding in the preliminary remarks of both questionnaires the following invitation:

“Parties are kindly requested to (...) answer the questions from a gender equality perspective, i.e. specifying, where relevant, whether and how measures for victims and/or offenders take into account gender-specific requirements.”

Dates of the next meeting

38. The Committee took note that its next meetings will be on **14-15 October 2013** and at the beginning of December.⁸

⁸ Meantime, it has been confirmed that the December meeting of the Lanzarote Committee will be followed by a capacity building conference on prevention of sexual violence. Both the **Committee’s meeting and the conference will take place in Madrid on 9-11 December.**

Appendix I: Agenda

1. Opening of the meeting and adoption of the agenda

2. Monitoring of the implementation of the Convention:
 - a. 3rd reading of the draft questionnaire for the 1st thematic monitoring round on *“Sexual abuse of children in the circle of trust”*;
 - b. Adoption of the finalised versions of the general overview and the thematic monitoring questionnaires;
 - c. Exchange of views and adoption of a calendar and modalities for the 1st monitoring round.

3. Up-date on the Council of Europe ONE in FIVE Campaign initiatives

4. Capacity building activities:
 - a. De-briefing of the Conference in Rome on 29-30 November 2012;
 - b. De-briefing of the Conference in Brussels on 11 April 2013;
 - c. Information on any up-coming suggested activity:
 - Call for topics for the second volume of the Council of Europe publication *“Protecting children from sexual violence”*
 - Appointment of a Gender Equality Rapporteur

5. Date and place of the next meeting

Appendix II: List of participants

STATE PARTIES / ETATS PARTIES

ALBANIA / ALBANIE

Ms Miranda PASHAJ
Director
National Agency for the Protection of Children Rights

Apologised / Excusée

Ms Elisa DIZDARI
Expert
National Agency for the Protection of Children Rights

AUSTRIA / AUTRICHE

Ms Martina KLEIN
Legal Adviser
Directorate General for Criminal Law
Federal Ministry of Justice

BELGIUM / BELGIQUE

Ms Vicky DE SOUTER
Attachée Juriste
Direction générale de la Législation et des Droits et Libertés Fondamentaux

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Ms Tijana BOROVIČANIN-MARIĆ
Ministry for Human Rights and Refugees

BULGARIA / BULGARIE

**No nomination / Pas de nomination

CROATIA / CROATIE

Ms Sanja NOLA
Assistant Minister
Directorate of Criminal Law and Probation
Ministry of Justice

DENMARK / DANEMARK

Mr Ketilbjørn HERTZ
Legal Adviser, Deputy Head of the Criminal Law Division
Ministry of Justice

FINLAND / FINLANDE

Mr Jaakko HALTTUNEN
Deputy Director
Legal Service
Unit for Human Rights Courts and Conventions
Ministry for Foreign Affairs

FRANCE

M. Eric RUELLE
Magistrat, Premier vice-président
Tribunal de grande instance de Meaux

Chairperson / Président

GREECE / GRÈCE

Mr George NIKOLAIDIS
Director
Department of Mental Health and Social Welfare
Centre for the Study and Prevention of Child Abuse and Neglect

ICELAND / ISLANDE

Mr Bragi GUÐBRANDSSON
General Director
Government Agency for Child Protection

ITALY / ITALIE

Ms Patrizia DE ROSE
Head of the Department for Equal Opportunities
Presidency of the Council of Ministers

Apologised / Excusée

Ms Tiziana ZANNINI
Executive of General Affairs
Office for General and International Affairs and Interventions in the Social Field
Department for Equal Opportunities

LITHUANIA / LITUANIE

Ms Asta ŠIDLAUSKIENĖ
Expert
Children and Youth Division
Family and Communities Department
Ministry of Social Security and Labour

LUXEMBOURG

M. Claude JANIZZI
Maître en psychologie
Conseiller de direction première classe
Ministère de la Famille et de l'Intégration

MALTA / MALTE

Ms Lorna MUSCAT
Head of Office
Office of the Commissioner for Children

Apologised / Excusée

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Ms Tatiana ȚURCAN
Head of the European Integration Unit
International Relations and European Integration General Department
Ministry of Internal Affairs

MONTENEGRO

Ms Svetlana SOVILJ
Senior Adviser for Child Protection
Ministry of Labour and Social Welfare

Ms Nevenka STANKOVIĆ
Ombudsperson for Children
Ombudsman Office for Children

Apologised / Excusée

NETHERLANDS / PAYS-BAS

Mr Erik PLANKEN
Policy Advisor
Law Enforcement Department
Ministry of Security and Justice

Apologised / Excusé

PORTUGAL

Ms Cláudia MADURO REDINHA
Legal Adviser
Directorate-General for Justice Policy
Ministry of Justice

ROMANIA / ROUMANIE

Ms Alina ION
Legal Adviser
Department for Drafting Legislation
Ministry of Justice

SAN MARINO / SAINT-MARIN

Mme Maria Domenica MICHELOTTI
Département pour l'Egalité des Chances

SERBIA / SERBIE

Mr Stevan POPOVIC
Independent Adviser
Ministry of Labour, Employment and Social Policy

SPAIN / ESPAGNE

Ms Almudena DARIAS DE LAS HERAS
Deputy Secretary General
Justice Matters with EU and International Organisations
Ministry of Justice

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / « L'EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE »

**No nomination / Pas de nomination

TURKEY / TURQUIE

Ms Selnur ÇAKMAK
Judge
International Law and External Relations General Directorate
Ministry of Justice

UKRAINE

Ms Svitlana ILCHUK
Deputy Director
Department of Family and Children
Ministry of Social Policy

**OTHER MEMBER STATES OF THE COUNCIL OF EUROPE /
AUTRES ETATS MEMBRES DU CONSEIL DE L'EUROPE**

ANDORRA / ANDORRE

**No nomination / Pas de nomination

ARMENIA / ARMÉNIE

**No nomination / Pas de nomination

AZERBAIJAN / AZERBAÏDJAN

Ms Jeyran RAHMATULLAYEVA

Head of the Department of the Regional (Children & Family Support) Centres
State Committee on Family, Women and Children Affairs

CYPRUS / CHYPRE

Ms Hara TAPANIDOU

Head of Department for Family and Child Affairs
Social Services
Ministry of Labour and Social Affairs

Apologised / Excusée

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

**No nomination / Pas de nomination

ESTONIA / ESTONIE

**No nomination / Pas de nomination

GEORGIA / GÉORGIE

**No nomination / Pas de nomination

GERMANY / ALLEMAGNE

**No nomination / Pas de nomination

Apologised / Excusée

HUNGARY / HONGRIE

**No nomination / Pas de nomination

IRELAND / IRLANDE

**No nomination / Pas de nomination

LATVIA / LETTONIE

Ms Evita MIEZĀNE

Legal Adviser
Criminal Law Department
Ministry of Justice

LIECHTENSTEIN

Ms Marion MALIN

Diplomatic Officer, Second Secretary
Office for Foreign Affairs

Apologised / Excusée

MONACO

**No nomination / Pas de nomination

M. Gabriel REVEL

Adjoint au Représentant Permanent
Représentation permanente de Monaco auprès du Conseil de l'Europe

NORWAY / NORVÈGE

**No nomination / Pas de nomination

POLAND / POLOGNE

Ms Alicja KLAMCZYŃSKA

Chief Specialist
Criminal Law Department
Ministry of Justice

Apologised / Excusée

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

**No nomination / Pas de nomination

Mr Alexey MURATOV
Deputy to the Permanent Representative
Permanent Representation of the Russian Federation to the Council of Europe

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

**No nomination / Pas de nomination

SLOVENIA / SLOVÉNIE

**No nomination / Pas de nomination

SWEDEN / SUÈDE

**No nomination / Pas de nomination

Ms Sara FINNIGAN
Deputy to the Permanent Representative
Permanent Representation of Sweden to the Council of Europe

Ms Gunilla RASEGÅRD
Deputy to the Permanent Representative
Permanent Representation of Sweden to the Council of Europe

SWITZERLAND / SUISSE

Ms Anita MARFURT
Juriste Droit pénal international
Unité Droit pénal international
Office fédéral de la justice - OFJ
Département fédéral de justice et police - DFJP

UNITED KINGDOM / ROYAUME-UNI

**No nomination / Pas de nomination

Ms Cristina BARBAGLIA
Human Rights Officer
Deputy to the Permanent Representative
Permanent Representation of the United Kingdom to the Council of Europe

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**OBSERVERS WITH THE COUNCIL OF EUROPE /
OBSERVATEURS AUPRES DU CONSEIL DE L'EUROPE**

EUROPEAN UNION / UNION EUROPÉENNE

**No nomination / Pas de nomination

HOLY SEE / SAINT-SIÈGE

M. Philippe TOUSSAINT

UNITED STATES OF AMERICA / ÉTATS-UNIS D'AMÉRIQUE

**No nomination / Pas de nomination

CANADA

**No nomination / Pas de nomination

JAPAN / JAPON

**No nomination / Pas de nomination

MEXICO / MEXIQUE

Mme Andrea BARBOSA

Attachée

Mission permanente du Mexique auprès du Conseil de l'Europe

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**STATE HAVING REQUESTED ACCESSION TO THE CONVENTION /
ETAT AYANT DEMANDE D'ADHERER A LA CONVENTION**

MOROCCO / MAROC

Mme Zhou HORR

Apologised / Excusée

Conseillère de Madame la Ministre

Ministère de la solidarité, de la femme, de la famille et du développement social

Présidente du Comité scientifique chargé d'étudier les propositions concernant la création du conseil consultatif de la famille et de l'enfance

M. Mohammed AIT AAZIZI

Apologised / Excusé

Directeur de la Coopération et des Affaires Générales

Chargé de la Famille, de l'Enfance et des Personnes Agées

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**INTERNATIONAL AND NON-GOVERNMENTAL ORGANISATIONS /
ORGANISATIONS INTERNATIONALES ET NON-GOUVERNEMENTALES**

UNICEF

Ms Martha SANTOS

Apologised / Excusée

Programme Manager, CEE/CIS Regional Office

United Nations Children's Fund (UNICEF)

Geneva

UNHCR

Mr Samuel BOUTRUCHE ZAREVAC

Apologised / Excusé

Legal Associate

UNHCR Representation to the European Institutions in Strasbourg

ECPAT INTERNATIONAL

Ms Katlijn DECLERCQ

Apologised / Excusée

Western Europe Regional Representative

ECPAT Belgium

TERRE DES HOMMES INTERNATIONAL FEDERATION

Ms Eylah KADJAR-HAMOUDA

Apologised / Excusée

Head of International Secretariat

Ms Federica GIANNOTTA

Apologised / Excusée

Advocacy and Rights of the Child

Terre des Hommes Italy

eNACSO (European NGO Alliance for Child Safety Online)

Mr Tiziano BLASI
Network Coordinator

Apologised / Excusé

MISSING CHILDREN EUROPE

Mr Francis HERBERT
Secretary General

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COUNCIL OF EUROPE BODIES / ORGANES DU CONSEIL DE L'EUROPE

COMMITTEE OF MINISTERS / COMITE DES MINISTRES

Ms Anica DJAMIĆ
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Croatia to the Council of Europe
Thematic Co-ordinator on Children

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE / ASSEMBLÉE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

Ms Stella KYRIAKIDES
Member of the PACE and General Rapporteur on Children

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE / CONGRÈS DES POUVOIRS LOCAUX ET RÉGIONAUX DU CONSEIL DE L'EUROPE

Ms Alison COOK
Representative of the Chamber of Local Authorities
2nd full member (Current Affairs Committee)

GOVERNMENTAL COMMITTEE OF THE EUROPEAN SOCIAL CHARTER AND THE EUROPEAN CODE OF SOCIAL SECURITY (T-SG) / COMITÉ GOUVERNEMENTAL DE LA CHARTE SOCIALE EUROPÉENNE ET DU CODE EUROPÉEN DE SÉCURITÉ SOCIALE (T-SG)

Mme Jacqueline MARECHAL
Présidente

STEERING COMMITTEE FOR HUMAN RIGHTS / COMITÉ DIRECTEUR POUR LES DROITS DE L'HOMME (CDDH)

**No nomination / Pas de nomination

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC) / COMITE EUROPEEN POUR LES PROBLEMES CRIMINELS (CDPC)

**No nomination / Pas de nomination

EUROPEAN COMMITTEE ON LEGAL COOPERATION (CDCJ) / COMITÉ EUROPÉEN DE COOPÉRATION JURIDIQUE (CDCJ)

Apologised / Excusé

EUROPEAN COMMITTEE FOR SOCIAL COHESION (CDCS) / COMITE EUROPEEN POUR LA COHESION SOCIALE (CDCS)

Ms Odete SEVERINO
Head of International Relations Unit
Strategic and Planning Office
Ministry of Solidarity and Social Security
Lisbon, Portugal

CONFERENCE OF INGOS OF THE COUNCIL OF EUROPE / CONFÉRENCE DES OING DU CONSEIL DE L'EUROPE

Ms Anna RURKA

Présidente d'EUROCEF (Comité européen d'action spécialisée pour l'enfant et la famille dans leur milieu de vie)

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**SECRETARIAT OF THE COUNCIL OF EUROPE /
SECRETARIAT DU CONSEIL DE L'EUROPE**

Secretariat of the Parliamentary Assembly / Secrétariat de l'Assemblée parlementaire

Committee on Social Affairs, Health and Sustainable Development / Commission des questions sociales, de la santé et du développement durable

Ms Maren LAMBRECHT-FEIGL

Apologised / Excusée

Secretary to the Committee on Social Affairs, Health and Sustainable Development / Secrétaire de la commission des questions sociales, de la santé et du développement durable

Ms Jannick DEVAUX

Project Manager / Chargée de Projet

Network to stop sexual violence against children / Réseau contre la violence sexuelle à l'égard des enfants

**Secretariat of the Congress of Local and Regional Authorities /
Secrétariat du Congrès des pouvoirs locaux et régionaux**

Current Affairs Committee / Commission des questions d'actualité

Ms Joanne HUNTING

Apologised / Excusée

Co-secretary of the Committee / Co-secrétaire de la Commission

**Office of the Commissioner for Human Rights /
Bureau du Commissaire aux droits de l'homme**

Ms Françoise KEMPF

Apologised / Excusée

Adviser / Conseillère

Directorate General of Democracy / Direction générale de la Démocratie

**Directorate of Democratic Citizenship and Participation /
Direction de la citoyenneté démocratique et de la participation**

Youth Department / Service de la Jeunesse

Ms Anna TRIGONA

Apologised / Excusée

Administrator / Administratrice

**Directorate of Democratic Governance, Culture and Diversity /
Direction de la gouvernance démocratique, de la culture et de la diversité**

**Secretariat to the European Committee for Social Cohesion / Secrétariat du Comité Européen pour la
Cohésion Sociale**

Mr Thorsten AFFLERBACH

Head of the Social Cohesion and Integration Division / Chef de la division de la Cohésion sociale et de
l'intégration

**Directorate General of Human Rights and Rule of Law /
Direction Générale des droits de l'Homme et de l'Etat de droit**

Justice and Human Dignity Directorate / Direction de la justice et de la dignité humaine

Ms Marja RUOTANEN

Director / Directrice

**Gender Equality and Human Dignity Department /
Service de la dignité humaine et de l'égalité entre les femmes et les hommes**

Ms Elda MORENO

Head of Department / Chef de Service

Mr Emmanuel BARON

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Appendix III: Debriefing

INTERNATIONAL CONFERENCE

The role of international cooperation in tackling sexual violence against children (Rome, 29-30 November 2012)

On 29 and 30 November 2012, the International Conference “The Role of International Cooperation in Tackling Sexual Violence against Children” took place at the Italian Ministry of Foreign Affairs. The conference was organized by the Directorate General for Development Cooperation of the Italian Ministry of Foreign Affairs, in collaboration with the Council of Europe, the Department for Equal Opportunities of the Italian Presidency of the Council of Ministers, the Ministry of Justice and the *Istituto degli Innocenti* based in Florence. It gathered representatives of both Member and Non-Member States of the Council of Europe, Italian and foreign experts, representatives from NGOs and independent institutions and other partners, including the United Nations and the European Union. The international conference was an important forum for discussion on the lessons learned in this field and the best practices implemented by many different countries. It also provided a significant opportunity to reaffirm the importance of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) and to stress once again the role of international cooperation in combating such phenomena (with particular reference to Art. 38 of the Convention). The Conference was a considerable success, also due to the participation of the then Italian Ministers of

- Foreign Affairs,
- Labour, Social Policies and Equal Opportunities and
- Justice,

each of whom delivered an address on the issue.

As a consequence of the great deal of attention received by the Conference, several international reports on the fight against child sexual exploitation and sexual abuse and the protection of children were sent by both the Permanent Representations of the M.S. of Coe and many third countries. Such reports will be taken into due consideration in the drafting of the Italian annual report to the Parliament on the coordination of activities against paedophilia carried out by the Italian Public Administrations, that the Italian Department for Equal Opportunities draws up every year in accordance of national law 269/2006. International reports might also provide a useful source of information for the Lanzarote Committee’s monitoring of the implementation of the Lanzarote Convention.

- **Objectives of the Conference**

The Conference was aimed at:

- Presenting **best practices** in the area of international cooperation based on a multi-sectoral approach including the private sector and the civil society;
- **Exchanging information** on good practices in the area of development cooperation;
- Identifying strategies and mechanisms to **increase the impact of international cooperation** in the fight against such phenomena;
- Identifying adequate **strategies** to prevent and prosecute sexual exploitation and violence against children and implement the standards suggested by the Council of Europe;
- **Informing** on **programmes** and already existing **agreements** on the protection of children against sexual exploitation and sexual abuse at the international level;
- Providing information on the status of signatures and **ratifications** of the Lanzarote Convention as well as on the progress made in the Council of Europe “One in Five” Campaign with a view to promoting the ratification of the Convention;
- Disseminating information on issues and **innovations** introduced by the Lanzarote Convention.

- **Results of the Conference**

The Conference provided a general overview of a wide range of actions to tackle sexual violence against children developed in different parts of the world. During the event, it was stressed that, from the first World Congress held in Stockholm, the governments' commitment to combating the sexual exploitation and sexual abuse of children has been growing dramatically, as well as knowledge, professional experience and methodologies in this field. In fact, the implementation of actions is increasingly supported by the **private sector**, especially by companies operating in **tourism** and the travel industry, which have even adopted a Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

Although this progress is significant and noteworthy, participants in the conference expressed their concern about the scope of the problem, which remains **alarming**, as certain forms of sexual exploitation of children are on the rise.

A **child-centred approach** was identified as the best way to determine whether cooperation programmes effectively implement children's rights. Children, in fact, are not only the beneficiaries of development actions, but they should also be considered as partners with their own views and opinions to be taken seriously.

Another issue which was repeatedly raised during the Conference was the **lack of reliable data** on the phenomenon, which makes it difficult to make evidence-based decisions, assess the projects' outcomes and allocate resources to more effective actions. However, a large amount of qualitative data resulting from the clinical, social and educational work with child victims of sexual exploitation and sexual abuse shows the needs of such victims, as well as the short- and long-term effects of the suffered abuse. That is why authorities cannot stop supporting the **prevention** of, **protection** against, and **prosecution of such crimes**, in line with the Lanzarote Convention.

Prevention

Participants in the conference underlined that for preventive measures to be effective, they must take into account the complex **factors surrounding violence** and improve the protection system for victims. Prevention requires a multidimensional action addressing culture, social standards, laws, the organization of services, roles, functions and professional expertise.

The experiences presented during the Conference outlined both similarities and differences between the two main forms of sexual violence against children, namely, abuse and exploitation. This is relevant to international cooperation, since the specific characteristics of each form of sexual violence against children require different institutional responses.

Furthermore, programmes should address the root causes of sexual abuse and exploitation, including the social and economic challenges producing poverty, social exclusion, and gender discrimination.

In particular, **communication** was highlighted as a key factor for prevention and one of the challenges raised was how to benefit from the work of schools and public authorities for a communication enhancing prevention.

Another significant component of prevention is the promotion of the **active participation** of all relevant stakeholders. Participants agreed that sharing knowledge and best practices is crucial for the implementation of effective preventive measures. Databases collecting best practices and virtual desks storing documents and shared experiences should be set up as useful tools in this area.

Protection

Participants in the conference stressed the need to **improve coordination** between donors, cooperation professionals, NGOs and local partners. The discussion resulted in the definition of some significant operational components of protection, namely:

- The creation of **networks** among relevant public and private stakeholders;
- The drafting of **protocols of intervention** to share common objectives and cultural values;
- The development of **guidelines** to share the basic principles and priorities in the international cooperation on children's rights;
- The identification of **essential levels of services** in international cooperation programmes.

Prosecution of crimes

Considering the **transnational nature** of certain types of sexual exploitation, international cooperation is essential for the harmonization of procedural strategies and the training of professionals dealing with sexual exploitation cases. **Harmonisation** of laws was acknowledged as the fundamental requirement for the effective prosecution of such crimes. It is particularly crucial when considering the gathering of evidence of crimes. Participants discussed how and where evidence could be best collected: in the country where the crime is committed or in the State the offender comes from.

Furthermore, on the one hand, economic challenges were identified, as well as, on the other hand, feasibility concerns. In fact, the implementation of the Lanzarote Convention requires an appropriate mobilization of **resources** both at the national and international levels, as well as additional resources from all available funding mechanisms.

The conference conclusions highlighted the need to take **on-going joint action** at the international level to fight against the exploitation of children and to prevent and combat organised crime linked to child sexual exploitation and sexual abuse.

Appendix IV: Gender Equality Rapporteurs

Information note prepared by the Gender Equality Division⁹
Gender Equality and Human Dignity Department

I. THE TRANSVERSAL PROGRAMME: CONTRIBUTING TO GENDER EQUALITY BY INTEGRATING A GENDER PERSPECTIVE INTO THE COUNCIL OF EUROPE'S ACTIVITIES

1. Since early 2012, the Council of Europe has introduced the transversal gender equality programme launched by the Secretary General to improve the visibility and impact of the Council's gender equality activities in member states and within the organisation itself.

2. The aim of the programme is to move from legal equality to real equality, as member states were called upon to do by the Committee of Ministers in its Declaration "Making Gender Equality a Reality". In order to do so it is necessary to implement the gender mainstreaming strategy at legislative and political level in member states and in Council of Europe activities. The programme therefore seeks to mobilise all of the Council of Europe's bodies, in particular intergovernmental structures, and its external partners.

3. Several interdependent structures are responsible for implementing the programme to achieve this aim, i.e.

- A Gender Equality Commission (GEC), composed of 16 members proposed by member states and elected by the Steering Committee for Human Rights (CDDH);
- Gender Equality Rapporteurs, appointed from among the members of the steering committees and other intergovernmental structures of the Council of Europe;
- A network of national focal points in each member state;
- An inter-secretariat gender equality action group;
- Gender equality will also be a focus of the Committee of Ministers, in particular through the role of the thematic co-ordinator and the incorporation of gender equality issues in the priorities of the chairmanships of the Committee of Ministers.

4. The Gender Equality and Violence against Women Division within the Gender Equality and Human Dignity Department, DGI, will provide the secretariat for the programme.

II. – THE ROLE OF GENDER EQUALITY RAPPORTEURS

5. Most, if not all, Council of Europe committees can contribute to gender equality in member states by ensuring that their activities integrate a gender perspective. This does not entail additional tasks or mean that it is necessary to embark on new activities. It does, however, require a change of approach. Essentially, committees will be required to consider proposals for new activities from a gender perspective before finalising them and to adapt or formulate activities as a result of such an analysis i.e. by taking account of the likely impact of a proposed activity on both women and men.

6. A few committees were already explicitly required to integrate a gender perspective into their activities. The majority of intergovernmental structures are now required, in their current terms of reference, to appoint a gender equality rapporteur from amongst their members. Of course, other committees and structures are free to appoint a gender equality rapporteur should they so wish and are encouraged to do so. In principal, convention committees should also be able to appoint a gender equality rapporteur within the framework of their internal rules. To date all the intergovernmental structures invited to appoint a rapporteur have done so (see list in Appendix).

7. The person appointed as gender equality rapporteur will not be required to write reports, but will be invited, along with the committee secretary, to liaise with the GEC (see below) and will be in contact with gender equality rapporteurs from other committees. This role is therefore essential in ensuring that

⁹ This note (document GEC (2012) 12 rev 1) is also available in PDF format at:
http://www.coe.int/t/dghl/standardsetting/equality/02_GenderEqualityProgramme/GER/Documents/GEC_2012_12_en_GE_Raps.pdf

everyone understands the gender mainstreaming strategy in the same way and in providing the impetus needed for its appropriate and effective application.

8. With this in mind, gender equality rapporteurs should ensure that a gender perspective is properly integrated during the programming process of their respective committees (i.e. the process of identifying priorities, preparing activity proposals, setting-up and implementing the activities, and evaluating the results). In the long term the person appointed as the committee's gender equality rapporteur should not be expected to do this alone. It should become the responsibility of the committee as a whole.

9. It is also important that the rapporteur is a member of the Bureau of his or her committee. Given the drop in the number of meetings, the committees have increasingly heavy agendas, and as a result the Bureaux play an increasingly important role in identifying, preparing and examining activities and in assessing their implementation. It is vital for rapporteurs to be able to intervene as soon as the Bureau begins preparing the programme of activities as this would lend more weight to their role. It is therefore strongly recommended that rapporteurs be appointed from among the Bureau members – or at least to involve them closely in the Bureau's discussions on the programme of activities.

III. – CREATING A NEW PARTNERSHIP WITH GENDER EQUALITY RAPPOREURS

10. The GEC is required to maintain close links with all partners of the transversal programme and to create opportunities to communicate with the other elements, in particular gender equality rapporteurs, and to support their work. Regular exchanges of views must be held with the gender equality rapporteurs to ensure that gender mainstreaming is taken into account within their committee on a long-term basis, improve co-operation with the different partners and, where appropriate, devise joint activities.

11. At its first meeting on 6-8 June 2012, the GEC already discussed a number of guidelines at an initial exchange of views with two gender equality rapporteurs, Ms Elisabetta Simeoni, Equality Rapporteur for the Pompidou Group, and Ms Nadejda Harizanova, Equality Rapporteur for the Committee of Experts on the rights of people with disabilities (CS RDP). It emerged from these discussions that the GEC should help the rapporteurs to carry out their task, in particular by giving them examples of gender impact or of methods for incorporating gender issues in policies. The establishment of pairs (comprising a member of the GEC and a rapporteur) might facilitate these activities by making it possible for members of the GEC who are experienced in a particular field dealt with by the committee to work in tandem with the rapporteur concerned. Members of the GEC have therefore been invited to inform the Secretariat of their particular field of expertise.

12. When specialised ministerial conferences are being organised, the Chair of the GEC could also send a message to the equality rapporteurs to remind them of the need to take account of gender equality in the declarations and action plans to be adopted by the ministers and heads of delegation, and thus draw everyone's attention to the need for gender mainstreaming in their forthcoming activities.

13. The equality rapporteurs of the different committees should also communicate with one another, exchange views on good practices, difficulties encountered and ways of overcoming them and the results obtained. All of the information gathered in this way, including that concerning the partnership between members of the GEC and the rapporteurs, could be very useful in drafting a practical handbook for current and future rapporteurs.

14. It is also important to ensure that the role of the rapporteur is preserved within each committee, as a change of expert all too often leads to the abandonment of his or her area of competence. It is therefore important that the GEC not only assist the rapporteurs themselves but also meet the committee as a whole at regular intervals to arouse the interest of its members, improve their knowledge of gender mainstreaming and encourage them to adhere to the strategy, so that if a rapporteur resigns, his or her role can be immediately taken over by another member of the committee.

15. In this context, the national focal points should not be excluded from this internal process but, on the contrary, should be closely associated so that they can pass on information at national level and ensure that it reaches all those concerned. This would encourage teamwork at national level and help member states to contribute to and benefit from the Council of Europe's work.

16. The first meeting of the GEC and the Gender Equality Rapporteurs will be held in Strasbourg on 16 November 2012 to discuss the proposals that have been made for identifying more precisely the role of the rapporteurs, the working methods and the methods of intervention and co-operation.

17. Finally, to assist the implementation of the Council of Europe transversal programme on gender equality, a special gender mainstreaming training programme has been put in place to ensure that all committee secretaries have the necessary knowledge and skills to assist the gender equality rapporteur and the committee as a whole in integrating a gender perspective into their programme of activities.

18. Committees, their secretaries and rapporteurs, should not hesitate to contact the Gender Equality Division of the DGI Secretariat for any help, advice or information they might need.