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COMMITTEE OF THE PARTIES

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

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Proposals for possible themes for the monitoring procedure

2nd meeting

Strasbourg, 29-30 March 2012

Council of Europe, Strasbourg, Agora – Room G01

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Justice and Human Dignity Directorate
www.coe.int/children; www.coe.int/lanzarote

Introduction

1. Setting up a specific monitoring mechanism to ensure the effective implementation of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter referred to as “the Lanzarote Convention” or “the Convention”) by its Parties is singled out as one of the purposes of the Convention.¹ However, no details are provided in the Convention on the functioning of the monitoring mechanism. It is for the Committee of the Parties (hereinafter referred to as “the Lanzarote Committee” or “the Committee”) to determine such details within the framework of its Rules of Procedure.²

2. While undertaking a first reading of its draft Rules of Procedure during its 1st meeting on 20-21 September 2011, the Lanzarote Committee expressed a preference for beginning monitoring the Lanzarote Convention by means of a thematic approach instead of opting for a provision-by-provision or chapter-by-chapter monitoring procedure.³

3. This choice entails identifying the themes which, after several monitoring rounds, will provide an overall picture of the state of implementation of the Lanzarote Convention by its Parties. Thus, the Lanzarote Committee decided to entrust the Secretariat with the task of:

- coordinating the request to delegations to submit a maximum of four priority themes;⁴
- proposing a list of themes for the Lanzarote Committee’s next meeting.⁵

4. The aim of this document is therefore to provide the Lanzarote Committee with an initial selection of themes for a first exchange of views during the Committee’s 2nd meeting on 29-30 March 2012.

Monitoring of the Lanzarote Convention – a thematic approach

5. Following the Secretariat’s request, representatives from three Council of Europe member states and the Parliamentary Assembly submitted proposals as set out in the Appendix to this document. These proposals were further elaborated upon by the Secretariat in consultation with the Chairperson of the Lanzarote Committee following his intervention in a debate organised in Strasbourg by the Network of contact parliamentarians within the context of the Council of Europe Campaign ONE in FIVE to stop sexual violence against children.⁶

6. The proposals included in this document are open-ended and non-exhaustive. Other suggestions might emerge during the exchange of views scheduled on 30 March (item 5 of the draft agenda). All members, participants and observers may therefore put forward further proposals during the meeting. Once the Lanzarote Committee considers that enough information on the possible themes has been gathered, it will be for its members to decide on the selection of themes. To this effect, it might be necessary to organise another more in-depth exchange of views on the themes during the 3rd meeting of the Lanzarote Committee in the Autumn (2012).

7. According to draft Rule 22 of the Lanzarote Committee’s Rules of Procedure:⁷

1. *“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.*

2. *The Lanzarote Committee will determine the length of each monitoring round in the light of the themes selected and the provisions of the Convention to be monitored.*

3. *The monitoring round will be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme.*

4. *(...).”*

¹ See Article 1§2 of the Lanzarote Convention.

² See Article 41§1 of the Lanzarote Convention.

³ See 1st meeting report, paragraph 12, letter f.

⁴ See 1st meeting report, paragraph 13, point 2.

⁵ See 1st meeting report, paragraph 13, point 2.

⁶ Network of contact parliamentarians, 6th meeting held on 24 January 2012 during the first part-session 2012 of the Parliamentary Assembly of the Council of Europe, on the means to redress and eliminate sexual violence against children.

⁷ See document T-ES(2012)001.

8. If the above Rule is adopted, while exchanging views on the possible themes for the monitoring rounds, the Lanzarote Committee should also:

- identify the relevant provisions of the Convention it intends to monitor with respect to a given theme;
- decide how to prepare the first questionnaire to initiate the first monitoring round;
- determine the approximate duration of the monitoring round for a given theme.

Possible themes for the first monitoring rounds

9. The following proposals may be considered in the exchange of views referred to in paragraph 6 above:

- **“Sexual abuse of children in the circle of trust”:**

This theme includes *inter alia* issues related to facilitating disclosure of the “silent crime”; detecting the signs of sexual abuse; improving reporting of suspicion of abuse by the relevant professional sectors in contact with the child victim; avoiding secondary victimisation of the child; how to best protect the interests of the child before, during and after investigation and/or judicial proceedings.

- **“Sexual abuse of children in the virtual world”:**

This theme includes issues related to “grooming”, and *inter alia*, how to act against child abuse images, how to cooperate to best combat child pornography offences; how to block and eventually remove child abuse images at the source; how best to promote online safety.

- **“Preventing and minimising the risks of repeated offences of a sexual nature against children”:**

This theme includes *inter alia* issues such as the different “types” of sex offenders, the age of criminal responsibility, which prevention programmes for potential sex offenders produce effective results, what sanctions for juvenile offenders are taken in their best interest.

- **“Fighting impunity against sexual abuse and sexual exploitation of children within and across borders”:**

This theme might be seen as a theme on its own but also as a cross-cutting theme for the previous ones. As a specific theme, it concerns more particularly issues related to the notions of jurisdiction (related to child sexual abuse, child pornography and child prostitution including “sex tourism”), corporate liability and aggravating circumstances.

10. With regard to the above themes (as well as any other), the Lanzarote Committee would need to compile information on the definition(s) in the criminal law of the Parties with respect to the relevant offences prescribed by the Convention as well as a detailed indication of the sanctions for such offences, and to obtain:

- a detailed description of the applicable legislative framework with respect to the relevant offences;
- a general overview of the policies and specific measures taken or structures in place to prevent sexual exploitation and sexual abuse of children;
- a general overview of the policies and specific measures taken or structures in place to protect child victims involved in investigations and criminal proceedings;
- a general overview of the policies and specific measures taken or structures in place to assist child victims of sexual abuse and sexual exploitation.

The overviews should include statistical data and reference to relevant case law.

11. With regard to all the above themes, it is suggested that special attention is devoted to guaranteeing the rights of children in vulnerable situations (such as those with disabilities, in detention, in alternative care, migrant or Roma children), as agreed in the recently adopted Council of Europe Strategy for the Rights of the Child (2012-2015).⁸

⁸ See document CM(2011)171 final, adopted by the Ministers’ Deputies on 15 February 2012.

Appendix

Suggestions for themes

Submitted by members and participants following the 1st meeting of the Lanzarote Committee

ITALY

- Broad-spectrum assessment of the effective implementation of the provisions of the Lanzarote Convention requiring legislative measures to be taken;
- Specific assessment of existing offences concerning child pornography;
- Broad-spectrum assessment of measures in place to protect child victims involved in investigations and criminal proceedings;
- Specific assessment of measures to assist child victims of sexual abuse and sexual exploitation.

MALTA

- Assessment of provisions and measures to combat 'grooming'.

SERBIA

- Broad-spectrum assessment of provisions and measures concerning recruitment, training and awareness raising of persons working with children;
- Broad-spectrum assessment of provisions and measures to ensure that children, during education, receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves;
- Broad-spectrum assessment of measures in place to protect child victims involved in investigations and criminal proceedings;
- Specific assessment of measures to assist child victims of sexual abuse and sexual exploitation.

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

- Broad-spectrum assessment of existing legislation concerning:
 - a. Statutes of limitation for sexual offences against children;
 - b. Definition of offences and penalty degrees;
 - c. Cross-border offences;
 - d. Abuse of children in the virtual world;
 - e. Prevention programmes for potential sex offenders.
- Broad-spectrum assessment of child protection policies at all levels (national, regional, local, cross-sectoral) as well as of social services, including assistance services and help lines for children;
- Specific assessment of existing protection measures in the child's environment (school, home, leisure etc.);
- Specific assessment of prevention programmes aimed at potential offenders.