



T-ES(2012)004_en

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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Report

2nd meeting
Strasbourg, 29-30 March 2012

Prepared by the Children's Rights Division
Justice and Human Dignity Directorate

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 2nd meeting in Strasbourg on 29-30 March 2012. The agenda of the meeting, as adopted, appears in Appendix I.

Opening of the meeting

2. The Director General of the Human Rights and Rule of Law Directorate General, Mr Phillipe BOILLAT, opened the meeting. His speech appears in Appendix II.

3. The Chairperson of the Lanzarote Committee, Mr Eric RUELLE welcomed the new members of the Committee (Bulgaria, Moldova and Turkey) as well as all members, participants and observers. The Committee then took note of the forthcoming ratification of the Lanzarote Convention by Belgium, Iceland, Italy, Portugal and Switzerland as well as the forthcoming signature of the Lanzarote Convention by the Russian Federation. It was pointed out that any new signature/ratification is published on the Lanzarote Convention website (www.coe.int/lanzarote).

Examination and adoption of the Rules of Procedure of the Committee of the Parties

4. The first day of the meeting was devoted to the examination of the Committee’s draft revised Rules of Procedure (document T-ES(2012)001) prepared by the Secretariat in consultation with the Committee’s Chairperson and with the Legal Advice and Litigation Division of the Council of Europe.

5. Following discussions, several amendments were agreed, including in particular:

- Addition, in the rule on the general principles (which was moved at the beginning of part II and became Rule 22), of a reference to the Guidelines on Child-friendly Justice as these should also be respected by the Committee while executing its monitoring function.
- Addition of a rule (Rule 23) to enable the Committee to first acquire a general overview of the situation with regard to the protection of children against sexual exploitation and sexual abuse (in terms of existing legislation, institutional framework and policies at the national, regional and local levels). The Committee was of the opinion that such an overview would serve as a basis for the thematic monitoring of the implementation of the Convention.
- Paragraph 5 of Rule 26 was added to equip the Committee with the necessary procedure to act in the event of conflicting replies to its questionnaire.
- The rule on special reports (Rule 27) was moved to part II as it was considered that it concerned more specifically the Committee’s monitoring functions.
- The possibility for the Committee to issue general comments was added in Rule 33 to create a link between the Committee’s monitoring and observatory functions.

6. The Rules of Procedure, as adopted on 30 March 2012, are published on the Lanzarote Convention website.

Presentation of the new website of the Lanzarote Convention

7. The Secretariat presented the new website of the Lanzarote Convention (both the restricted and public versions). Members, participants and observers were invited to indicate to the Secretariat (lanzarote.committee@coe.int) any relevant event related to the Lanzarote Convention which might be highlighted on the new website.

8. Committee members were invited to send (lanzarote.committee@coe.int) a short biographical note to the Secretariat to accompany their picture on the Lanzarote Committee page.

Exchange of views on the themes for the monitoring rounds

9. The Lanzarote Committee exchanged views on document T-ES(2012)002. It confirmed that the monitoring of the implementation of the Lanzarote Convention should be carried out through a thematic approach as decided at its 1st meeting (20-21 September 2011) and as outlined in the above-mentioned document. It decided, however, that it would first need to have a general overview of the situation as agreed when elaborating its Rules of Procedure (see above). It was agreed that a draft questionnaire to enable the Committee to collect such a general overview would be presented to the Committee for adoption at its next meeting.

10. As to the themes, the majority was in favour of starting with the “Sexual abuse of children in the circle of trust”. To enable it to adopt at its next meeting a specific questionnaire on the implementation of the Convention with respect to this theme, the Committee asked the Secretariat to prepare a concept paper on the theme and a draft questionnaire covering all relevant provisions of the Convention related to the theme.

11. In accordance with its Rules of Procedure (Article 25), the Committee agreed that the Secretariat could, where necessary, select independent experts in cooperation with the Chair and commission their services to assist it in its tasks. To this effect, Parties to the Convention as well as participants and observers, could suggest names of possible independent experts to the Chairperson and the Secretariat (lanzarote.committee@coe.int).

12. As to the theme “Sexual abuse of children in the virtual world”, Mr Alexander SEGERS, Secretary of the Cybercrime Convention Committee (T-CY), drew the attention of the Committee to the work already being carried out by the T-CY (<http://www.coe.int/t/dghl/standardsetting/t-cy>). The Committee decided it needed an overview of the work already carried out in relation with this theme. The aim of such an overview would be to identify areas where the work of the Lanzarote Committee would provide an added value. An overview prepared by the Secretariat should also be ready for the next Committee meeting.

13. As to the other themes suggested in document T-ES(2012)002 (“Preventing and minimising the risks of repeated offences of a sexual nature against children” and “Fighting impunity against sexual abuse and sexual exploitation of children within and across borders”), the Committee agreed that they might be dealt with in the context of the former topics or assessed in more detail at a later stage. With particular reference to the last theme, Ms Petya NESTOROVA, Executive Secretary of GRETA, pointed out that the Lanzarote Committee might wish to build on the results of GRETA’s first monitoring round (http://www.coe.int/t/dghl/monitoring/trafficking/Docs/News/1stRoundWeb_en.asp).

14. Finally, in the light of the above decisions, the Committee decided that its next meeting would be preceded by an in-depth exchange of views with experts based on the above-mentioned concept paper concerning “the circle of trust” theme and the overview concerning “the virtual world” theme.

Information about follow-up to the Question by Mr Omtzigt on “No prosecution of the Dutch association Martijn”

15. The Dutch member of the Committee, Mr Erik PLANKEN, pointed out that a reply by the Committee of Ministers to the question by Mr Omtzigt, as well as civil proceedings in the Netherlands against the association Martijn, were still pending, thus there was no new information to share. Mr Erik PLANKEN took the opportunity to outline the legislation applicable to the situation and to state that the Dutch authorities fully support Article 26 (“corporate liability”) of the Lanzarote Convention.

16. The Chairperson of the Committee, Mr Eric RUELLE pointed out that the Lanzarote Committee had not, in any event, been asked to comment on the specific case of the association Martijn. He highlighted that such cases could be considered in more general terms, such as State Parties obligations under Article 8 paragraph 2 of the Lanzarote Convention, which provides that “Each Party shall take the necessary legislative or other measures to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention”.

Information on the Council of Europe ONE in FIVE Campaign to stop sexual violence against children

17. The Secretariat updated the Lanzarote Committee on the Campaign’s progress. The latest developments are available at: www.coe.int/oneinfive

18. The Committee was also informed about a survey being carried out by the Council of Europe Parliamentary Assembly on the obligation to report suspicion of sexual exploitation or sexual abuse against children. When available, the results may be found at: <http://www.assembly.coe.int/oneinfive>

19. Finally, Mrs Dušica DAVIDOVIĆ of the Council of Europe Congress of Local and Regional Authorities informed the Committee that the Congress had also recently decided to invest in the ONE in FIVE Campaign. She particularly drew the Committee’s attention to the draft resolution and recommendation on “Regional legislation and action to combat sexual exploitation and abuse of children” prepared by the Current Affairs Committee of the Congress. She explained she was the

Rapporteur for these texts and welcomed any suggestions to improve them by the Lanzarote Committee.

Other business

20. The Head of the Programme “Building a Europe for and with Children”, Mrs Regina JENSDOTTIR presented the new Council of Europe Strategy for the Rights of the Child (2012-2015) which is available at: http://www.coe.int/t/dg3/children/Strategy150512_en.pdf

21. She then informed the Committee that there was an opportunity to organise, within the framework of the Strategy, activities to enable the Lanzarote Committee to build capacity by sharing good practices on how to effectively protect children against sexual abuse and sexual exploitation. In this regard, she pointed out that the Icelandic representative in the Committee, Mr Bragi GUDBRANDSSON had offered to organise a one-and-a-half day study visit on the Icelandic model of the “children’s house” for a maximum of 20 participants at the end of May 2012. The members of the Committee were asked to express their interest in participating in such a study visit as soon as possible and at the latest by 27 April 2012.

Date and place of the next meeting

22. The Committee took note that the dates for its next meeting might be 16-17 October 2012 and decided to explore the possibility of convening in Brussels in order also to hold a meeting to exchange views and share experiences with the relevant stakeholders in the EU. As mentioned in paragraph 14 above, the in-depth exchange of views on the themes for the monitoring would precede the meeting and could thus be held on 15 October at the same venue.

Appendix I

AGENDA

1. Opening of the meeting
2. Adoption of the agenda
3. Examination and adoption of the Rules of Procedure of the Committee of Parties
4. Presentation of the new website of the Lanzarote Convention
5. Exchange of views on the themes for the monitoring rounds
6. Information on follow-up to the Question by Mr Omtzigt “No prosecution of the Dutch association Martijn”
7. Information on the Council of Europe ONE in FIVE Campaign
8. Other business
9. Date and place of the next meeting

Appendix II

OPENING ADDRESS

**by Philippe BOILLAT, Director General of Human Rights and Legal Affairs
at the 2nd meeting of the Lanzarote Committee**

Mr Chairman, your Excellencies, ladies and gentlemen.

I am privileged to have this opportunity to open the 2nd meeting of the Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse.

The eradication of all forms of violence against children has long been a political priority of the Council of Europe. Ratification of the Lanzarote Convention is an essential step towards proper child protection against one of the worst forms of violence, namely sexual exploitation and sexual abuse.

Since this Committee first met in September 2011, the Lanzarote Convention has been ratified by 5 more states, taking the total number of ratifications to 18. This is a welcome development and I am confident that, in this morning's round table discussion, we will learn that other states are preparing to follow suit.

If ratification is to translate into a genuine guarantee of children's dignity and meaningful protection of their rights, however, it needs to be followed up by effective action. Your committee plays a key role here, by ensuring such implementation and facilitating co-operation between states in order to achieve this goal.

As regards your monitoring role, the Convention itself does not give any details as to how this should work. This meeting represents an important step, therefore, because it is an opportunity for you to specify these procedures in your rules. You are also going to be holding an initial exchange of views on the proposed themes for this monitoring and I wish you every success in your discussions on this subject.

Turning now to your role as a catalyst for inter-state co-operation, it is my hope that your committee will be a forum for exchanging good practices and for capacity building. I am glad to see that, as well as the States Parties, we also have a large number of observers here today. I am confident that the participation of future Parties to the Convention and civil society representatives will serve to enhance the work of the Lanzarote Committee.

Unfortunately I will not be able to take part in all your discussions, but I will keep myself informed about the outcome of your work which, I am sure, will help make the Lanzarote Convention an effective and innovative instrument in international efforts to combat the sexual exploitation and sexual abuse of children.

I wish you a very successful meeting.

Appendix III

LIST OF PARTICIPANTS

STATES PARTIES / ETATS PARTIES

ALBANIA / ALBANIE

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

Apologised/Excusé

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

AUSTRIA / AUTRICHE

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

BULGARIA / BULGARIE

Mr Mihail BOZHKOV
Deputy to the Permanent Representative - Permanent Representation of Bulgaria to the Council of Europe

CROATIA / CROATIE

Ms Anica DJAMIC
Ambassador Extraordinary and Plenipotentiary - Permanent Representative of Croatia to the Council of Europe

DENMARK / DANEMARK

Ms Brit Gotthard JENSEN
Head of Section, Ministry of Justice, Criminal Law Division

Apologised/Excusé

FINLAND / FINLANDE

Mr Jaakko HALTTUNEN
Counsellor, Legal Service, Unit for Human Rights Courts and Conventions, Ministry for Foreign Affairs

FRANCE

Mr Eric RUELLE
président
Magistrat, Premier vice-président, Tribunal de grande instance de MEAUX

Chair /

GREECE / GRÈCE

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

LUXEMBOURG

M Claude JANIZZI
Conseiller de direction première classe, Ministère de la Famille et de l'Intégration

MALTA / MALTE

Dr Lorna BUTTIGIEG
Private Secretariat, Ministry of Education, Employment and the Family

MONTENEGRO

Ms Svetlana SOVILJ
Senior adviser for children protection, Ministry of Labour and Social Welfare

Ms Nevenka STANKOVIC
Deputy of the Protector of Human Rights and Freedoms

NETHERLANDS / PAYS-BAS

Mr Erik PLANKEN

Policy Adviser, Law Enforcement Department, Ministry of Security and Justice

ROMANIA / ROUMANIE

Ms Alina ION

Legal Adviser at the Department for Drafting Legislation, Ministry of Justice

SAN MARINO / SAINT-MARIN

Mme Barbara PARA

Ambassadeur, Représentante Permanente

Apologised/Excusé

SERBIA / SERBIE

Ms Jasmina IVANOVIC

Senior Advisor - Ministry of Labor and Social Policy

Ms Jelena MUJCINOVIC

Counsellor, Ministry of Labor and Social Protection, the Republic of Serbia

Apologised/Excusé

SPAIN / ESPAGNE

Mme Almudena DARIAS DE LAS HERAS

Sous-directrice générale adjointe aux affaires de justice auprès de l'UE et des OOI, Ministère de la Justice

TURKEY / TURQUIE

Ms Selnur ÇAKMAK

Judge - Ministry of Justice International Law and External Relations General Directorate

Ms Nazife Yuceldi AKTAS

Children Services Deputy General Director - Family and Social Policies Ministry

Mr Fatih Hüsnü BERBEROĞLU

Chief of Juvenile Unit - Crime Investigation Department - Turkish National Police

**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

Assistant to the Chairperson of the State Committee on Family, Women and Children Affairs

BELGIUM / BELGIQUE

Ms Vicky DE SOUTER

Attaché Juriste, Direction générale de la Législation et des Droits et Libertés Fondamentales

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

**No nomination / Pas de nomination

CYPRUS / CHYPRE

**No nomination / Pas de nomination

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

Mr Heino KIRCHNER
Legal adviser, Federal Ministry of Justice

Ms Isabel MIELENZ
Legal adviser, Federal Ministry of Justice

HUNGARY / HONGRIE

****No nomination / Pas de nomination**

ICELAND / ISLANDE

Mr Bragi GUÐBRANDSSON
General Director, Government Agency for Child Protection

IRELAND / IRLANDE

Mr James MOLONEY
Deputy to the Permanent Representative of Ireland to the Council of Europe

ITALY / ITALIE

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

Mr Michele PALMA
Director General of the International Affairs and Social Intervention Office
Department for Equal Opportunities – Presidency of the Council of Ministers

LATVIA / LETTONIE

****No nomination / Pas de nomination**

LIECHTENSTEIN

****No nomination / Pas de nomination**

LITHUANIA / LITUANIE

Ms Asta SIDLAUSKIENE
Senior Specialist, Ministry of Social Security and Labour

MOLDOVA

****No nomination / Pas de nomination**

MONACO

****No nomination / Pas de nomination**

NORWAY / NORVÈGE

****No nomination / Pas de nomination**

POLAND / POLOGNE

****No nomination / Pas de nomination**

PORTUGAL

Mr Paulo NEVES POCINHO
Deputy to the Permanent Representative of Portugal to the Council of Europe

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Mr Alexey MURATOV
Deputy to the Permanent Representative 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

SWITZERLAND / SUISSE

Mme Anita MARFURT

Juriste, Département fédéral de justice et police, Office fédéral de la justice, Unité Droit pénal international

**“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” /
“L'EX-REPUBLIQUE YUGOSLAVE DE MACEDOINE”**

**No nomination / Pas de nomination

UKRAINE

Ms Olena PETRENKO

Deputy to the Permanent Representative of Ukraine to the Council of Europe

UNITED KINGDOM / ROYAUME-UNI

**No nomination / Pas de nomination

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

HOLY SEE / SAINT-SIÈGE

**No nomination / Pas de nomination

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

Ms Fernanda GONZALEZ

Attachée, Mission of Mexico to the Council of Europe

Apologised/Excusé

EUROPEAN UNION / UNION EUROPÉENNE

Mr César ALONSO IRIARTE

Fight against sexual exploitation of children /

Unit A.2: Fight against organised crime / European Commission

Apologised/Excusé

M. Luis Pablo TARIN MARTIN

Adjoint au Chef de la Délégation de l'Union Européenne auprès du Conseil de l'Europe

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

UNICEF

Ms Martha SANTOS

Programme Manager, CEE/CIS Regional Office, United Nations Children's Fund (UNICEF), Geneva

Mr John BUDD

Regional Chief of Communication

UNHCR

Mr Samuel BOUTRUCHE

Legal Associate - UNHCR Representation to the European Institutions in Strasbourg

ECPAT INTERNATIONAL

Mr Theo NOTEN

ECPAT Netherlands

TERRE DES HOMMES INTERNATIONAL FEDERATION

Ms Eylah KADJAR-HAMOUDA

Head of International Secretariat

SAVE THE CHILDREN ALLIANCE / ALLIANCE INTERNATIONALE SAVE THE CHILDREN

Mr Kuno SORENSEN

Representant of Save the Children

eNACSO (European NGO Alliance for Child Safety Online)

Mr Kuno SORENSEN

Psychologist

Ms Narine KHACHATRYAN

Member of eNACSO

Ms Katrin LANKMAYER

Member of eNACSO

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

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

Ms Marlene RUPPRECHT

Member of the Committee on Social Affairs, Health and Sustainable Development of the
Parliamentary Assembly of the Council of Europe

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

Ms Dušica DAVIDOVIĆ

Member of the Current Affairs Committee of the Congress, Member of the City Assembly of Nis

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

**No nomination / Pas de nomination

**GOVERNMENTAL COMMITTEE OF THE EUROPEAN SOCIAL CHARTER /
COMITE GOUVERNEMENTAL DE LA CHARTE SOCIALE EUROPEENNE (T-SG)**

**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 /
COMITÉ EUROPÉEN DE COOPÉRATION JURIDIQUE (CDCJ)**

Mr Werner SCHÜTZ

Apologised/Excusé

Former Deputy Director General - Ministry of Justice – Germany

**STEERING COMMITTEE ON MEDIA AND INFORMATION SOCIETY (CDMSI) /
COMITE DIRECTEUR SUR LES MEDIAS ET LA SOCIETE DE L'INFORMATION (CDMSI)**

****No nomination / Pas de nomination**

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

****No nomination / Pas de nomination**

**ADVISORY COUNCIL ON YOUTH /
CONSEIL CONSULTATIF SUR LA JEUNESSE (CCJ)**

****No nomination / Pas de nomination**

**THE CONFERENCE OF INGOS OF THE COUNCIL OF EUROPE /
LA CONFERENCE DES OINGS 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)

* * * * *

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

Parliamentary Assembly / Assemblée parlementaire

Ms Maren LAMBRECHT-FEIGL

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Ms Jannick DEVAUX

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

Congress of Local and Regional Authorities / Congrès des pouvoirs locaux et régionaux

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Secretary of the Current Affairs Committee

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Co-Secretary of the Current Affairs Committee

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

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Adviser

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Director General of the Human Rights and Rule of Law Directorate

Ms Marja RUOTANEN

Director of the Justice and Human Dignity Directorate

Ms Regina JENSDOTTIR
Head of the Children's Rights Division and Executive Secretary of the Lanzarote Committee

Ms Gioia SCAPPUCCI
Secretary of the Lanzarote Committee

Ms Petya NESTOROVA
Executive Secretary of GRETA and Head of the Trafficking in Human Beings Division

Ms Liri KOPACI-DI MICHELE
Head of the Violence against Women and Domestic Violence Division

Ms Johanna NELLES
Programme advisor, Violence against Women and Domestic Violence Division

Mr Alexander SEGERS
Secretary of the Cybercrime Convention Committee (T-CY) and Head of the Data Protection and Cybercrime Division

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

Mr Thorsten AFFLERBACH
Secretary of the Steering Committee on Social Cohesion (CDCS) and Head of the Social Cohesion and Integration Division

Mr Michaël GUET
Secretary of the Ad Hoc Committee of experts on Roma issues (CAHROM)

Interpreters / Interprètes

Mr Grégoire DEVICTOR
Mr Rémy JAIN
Ms Elisabeth BASSU