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CONSEIL DE L'EUROPE

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## **LANZAROTE CONVENTION**

## **CONVENTION DE LANZAROTE**

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Convention du Conseil de l'Europe sur la protection des enfants contre l'exploitation et les abus sexuels

**Compilation of Replies to Question 6  
of the Thematic Questionnaire**  
(including Replies to Questions 4 and 11 of the  
General Overview Questionnaire to which it refers)

**Compilation des réponses à la Question 6  
du Questionnaire Thématique**  
(y compris les réponses aux Questions 4 et 11 du Questionnaire  
« Aperçu général » à laquelle elles se réfèrent)

The full replies submitted by States and other stakeholders are available at:

Les réponses intégrales des Etats et autres parties prenantes sont disponibles ici :

[www.coe.int/lanzarote](http://www.coe.int/lanzarote)

## Introduction

During its 7<sup>th</sup> meeting (9 December 2013, see §13 of the report as well as its Appendix III)<sup>1</sup>, the Committee decided that the Secretariat should compile the replies to the General Overview and Thematic Questionnaires.

This document is aimed at responding to this request by compiling replies to question 6 of the thematic questionnaire (and replies to questions 4 and 11 of the General Overview Questionnaire to which it refers).

If when replying to this question, States referred to another of their answers in both the General Overview and Thematic questionnaires, their replies will where possible, also be included in this compilation.

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Lors de sa 7<sup>e</sup> réunion (9 décembre 2013, voir §13 du rapport ainsi que son annexe III<sup>2</sup>), le Comité a décidé que le Secrétariat devait compiler les réponses au Questionnaire « Aperçu général » et au Questionnaire Thématique.

Le présent document vise à répondre à cette demande en compilant les réponses reçues à la question 6 du questionnaire thématique (et aux questions 4 et 11 du Questionnaire « Aperçu général » à laquelle elles se réfèrent).

Si, en répondant à cette question, les Etats se réfèrent à des réponses données à d'autres questions du Questionnaires Général et Thématique, leurs réponses seront, dans la mesure du possible, également incluses dans cette compilation.

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<sup>1</sup> The 7<sup>th</sup> meeting report is online at:

[http://www.coe.int/t/dghl/standardsetting/children/T-ES\(2013\)12Report7thMeeting\\_en.pdf](http://www.coe.int/t/dghl/standardsetting/children/T-ES(2013)12Report7thMeeting_en.pdf).

<sup>2</sup> Le rapport de la 7<sup>e</sup> réunion est en ligne ici :

[http://www.coe.int/t/dghl/standardsetting/children/T-ES\(2013\)12Report7thMeeting\\_fr.pdf](http://www.coe.int/t/dghl/standardsetting/children/T-ES(2013)12Report7thMeeting_fr.pdf)

## **Question 6 of the TQ: Participation of children, the private sector, the media and civil society**

Replies to questions 4 and 11 of the GOQ will be examined by the Committee to assess the implementation of **Article 9** with respect to the theme of the monitoring round. Please therefore only add whether any specific steps have been taken to encourage participation by children, the private sector, the media and/or civil society in the development and implementation of policies, programmes or other initiatives specifically concerning sexual abuse of children in the circle of trust. If so, please specify which and explain how participation takes place. (**Explanatory Report, paras. 67-75**).

### **Question 4 of the GOQ: Child participation**

a. Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (**Article 9, para. 1**) In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (**Article 14, para. 1**).

b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (**Article 14, para. 1**).

### **Question 11 of the GOQ: Participation of the private sector, the media and civil society**

What steps have been taken to encourage:

a. the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (**Article 9, para. 2, Explanatory Report, paras. 68-73**);

b. the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (**Article 9, para. 3, Explanatory Report, para. 74**)

c. the financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (**Article 9, para. 4, Explanatory Report, para. 75**). May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (**Article 27, para. 5, Explanatory Report, para. 193**).

### **Question 6 du QT : Participation des enfants, du secteur privé, des medias et de la société civile.**

Les réponses aux questions 4 et 11 du QAG seront examinées par le Comité pour évaluer la mise en œuvre de l'**article 9** par rapport au thème du cycle de suivi. En répondant à cette question, veuillez uniquement rajouter si des mesures spécifiques ont été prises pour encourager la participation des enfants, du secteur privé, des médias et/ou de la société civile à l'élaboration et à la mise en œuvre de politiques, de programmes ou d'autres initiatives concernant spécifiquement les abus sexuels commis sur des enfants dans le cercle de confiance. Dans l'affirmative, veuillez préciser lesquelles et expliquer les modalités de cette participation (**Rapport explicatif, par. 67 à 75**).

### **Question 4 du QAG : Participation des enfants**

- a. Veuillez indiquer quelles mesures ont été prises pour encourager la participation des enfants, selon leur stade de développement, à l'élaboration et à la mise en œuvre des politiques, des programmes publics ou autres portant sur la lutte contre l'exploitation et les abus sexuels concernant des enfants (**article 9, par. 1**)
- b. En particulier, veuillez indiquer si, et dans l'affirmative, comment les vues, les besoins et les préoccupations des enfants victimes ont été prises en compte pour définir les mesures législatives ou autres destinées à aider les victimes (**article 14, par. 1**).

### **Question 11 du QAG : Participation des enfants, du secteur privé, des medias et de la société civile.**

Quelles mesures ont été prises pour encourager :

- a. le secteur privé (notamment les secteurs des technologies de communication et de l'information, l'industrie du tourisme et du voyage et les secteurs bancaires et financiers) à participer à l'élaboration et à la mise en œuvre des politiques, programmes ou autres initiatives de prévention de l'exploitation et des abus sexuels concernant des enfants ? Veuillez indiquer quels secteurs privés sont concernés et dans quelle mesure leur participation a lieu. Merci de bien vouloir fournir également des informations concernant tout code de conduite ou charte d'entreprise pertinents visant la protection des enfants contre l'exploitation et les abus sexuels (**article 9, par. 2, Rapport explicatif, par. 68 à 73**)
- b. les médias à fournir une information appropriée concernant tous les aspects de l'exploitation et des abus sexuels concernant des enfants (**article 9, par. 3, Rapport explicatif, par. 74**)
- c. le financement, y compris le cas échéant, par la création de fonds, de projets et programmes pris en charge par la société civile en vue de prévenir et de protéger les enfants contre l'exploitation et les abus sexuels (**article 9, Rapport explicatif, par. 75**). Les produits du crime peuvent-ils être utilisés pour financer les projets et programmes susmentionnés ? Merci de bien vouloir préciser (**article 27, par. 5, Rapport explicatif, par. 193**)

## Relevant extracts from the Lanzarote Convention and its Explanatory report

### **Lanzarote Convention, Article 9 – Participation of children, the private sector, the media and civil society.**

1 Each Party shall encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or others initiatives concerning the fight against sexual exploitation and sexual abuse of children.

2 Each Party shall encourage the private sector, in particular the information and communication technology sector, the tourism and travel industry and the banking and finance sectors, as well as civil society, to participate in the elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children and to implement internal norms through self-regulation or co-regulation.

3 Each Party shall encourage the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children, with due respect for the independence of the media and freedom of the press.

4 Each Party shall encourage the financing, including, where appropriate, by the creation of funds, of the projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse.

### **Explanatory report**

67. Paragraph 1 recognises that the development of policies and measures, including action plans, to combat the sexual exploitation and abuse of children must of necessity be informed by children's own views and experiences in accordance with their evolving capacity.

68. . Paragraph 2 requires Parties to encourage the information and communication technology sector, the tourism and travel industry and the banking and finance sectors to participate in the elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children.

69. The use of the broad term "information and communication technology" sector, which ensures that any future developments in this field will also be covered, targets in particular Internet service providers but also mobile phone network operators and search engines. There can be no doubt that the Internet is a medium much used for the purposes of the sexual exploitation and abuse of children. The use of the Internet in the production and dissemination of child pornography and in the trafficking of children for the purposes of sexual exploitation is well documented and receiving attention from a number of national and international bodies. For this reason it is important that Internet service providers themselves are involved in taking steps to raise awareness about sexual exploitation and that, as far as possible, policies are developed to regulate the use of the Internet through their systems.

70. The travel and tourism industry is included specifically to target the so-called "child sex tourism" phenomenon. In some member States, for example, airline companies and airports provide passengers with audiovisual preventive messages presenting the risks of prosecution to which perpetrators of sexual offences committed abroad are exposed..

71. The inclusion of the finance and banking sectors is very important because of the possibility for financial institutions, in cooperation with law enforcement, to disrupt the functioning of financial mechanisms supporting pay for view child abuse websites and to contribute to dismantling them.

72. The reference to the implementation of internal norms is intended to cover codes of conduct or enterprise charters aimed at protecting children from sexual exploitation and abuse. An example of good practice in this domain is the "Code of Conduct to Protect children from Sexual Exploitation in Travel and Tourism", initiated in 1998 by ECPAT in collaboration with the World Tourism Organisation (WTO), which is currently implemented by over 45 companies, tour operators, travel agencies, tourism associations and hotel

chains in over 16 countries worldwide. One of its measures is to provide information to travellers through catalogues, posters, brochures, in-flight films, ticket-slips, websites, etc, about the subject of sexual exploitation and sexual abuse of children.

73. . “Self-regulation” is regulation by the private sector; “co-regulation” is regulation in the context of a partnership between the private sector and public authorities.

74. Paragraph 3 refers to the role of the media in providing appropriate information on all aspects of sexual exploitation and abuse of children. This function should be exercised with due respect for the fundamental principle of the independence of the media and freedom of the press, in particular concerning the evaluation of the “appropriate” nature of the information provided. There is no doubt that the media play a central role in the provision of information about children and images of childhood in general which significantly influence public stereotypes, assumptions and knowledge about children. Equally though they can play a very positive role in helping to raise awareness about children who are sexually exploited or abused and about the very nature of sexual exploitation and abuse and the scale of the problem. The provision is intended also to cover the important issue of the respect of privacy of child victims.

75. Paragraph 4 requires Parties to encourage the financing of projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse. The negotiators wish here to recognise and highlight the important work of NGOs in this field.

#### **Lanzarote Convention, Article 14 – Participation of children, the private sector, the media and civil society.**

1. Each Party shall take the necessary legislative or other measures to assist victims, in the short and long term, in their physical and psycho-social recovery. Measures taken pursuant to this paragraph shall take due account of the child’s views, needs and concerns.

2. Each Party shall take measures, under the conditions provided for by its internal law, to co-operate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.

3. When the parents or persons who have care of the child are involved in his or her sexual exploitation or sexual abuse, the intervention procedures taken in application of Article 11, paragraph 1, shall include:

- the possibility of removing the alleged perpetrator;
- the possibility of removing the victim from his or her family environment. The conditions and duration of such removal shall be determined in accordance with the best interests of the child.

4. Each Party shall take the necessary legislative or other measures to ensure that the persons who are close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care.

#### **Explanatory report**

(...)

100. The negotiators recognised that the application of paragraph 4 would be limited, but felt that in certain particularly serious cases it would be justified for those persons close to the victim, including for example family members, friends and classmates, to benefit from emergency psychological assistance. These assistance measures are not meant to benefit the alleged perpetrators of sexual exploitation and abuse, who can instead benefit from the intervention programmes and measures in Chapter V.

**Lanzarote Convention, Article 27 para. (5) – Participation of children, the private sector, the media and civil society.**

(...)

5. Each Party may establish that the proceeds of crime or property confiscated in accordance with this article can be allocated to a special fund in order to finance prevention and assistance programmes for victims of any of the offences established in accordance with this Convention.

**Explanatory report**

(...)

193. Paragraph 5 suggests that Parties could allocate the proceeds of crime or property confiscated to a special fund to finance prevention and assistance programmes for victims of any of the offences established in the Convention. This provision could be linked with that of Article 9 paragraph 4 which encourages the financing of projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and abuse.

## Extraits pertinents de la Convention de Lanzarote et de son rapport explicatif

### Convention de Lanzarote, Article 9 – Participation des enfants, du secteur privé, des medias et de la société civile.

1 Chaque Partie encourage la participation des enfants, selon leur stade de développement, à l'élaboration et à la mise en œuvre des politiques, des programmes publics ou autres portant sur la lutte contre l'exploitation et les abus sexuels concernant des enfants

2 Chaque Partie encourage le secteur privé, notamment les secteurs des technologies de communication et de l'information, l'industrie du tourisme et du voyage et les secteurs bancaires et financiers, ainsi que la société civile, à participer à l'élaboration et à la mise en œuvre des politiques de prévention de l'exploitation et des abus sexuels concernant des enfants, et à mettre en œuvre des normes internes à travers l'autorégulation ou la corégulation

3 Chaque Partie encourage les médias à fournir une information appropriée concernant tous les aspects de l'exploitation et des abus sexuels concernant des enfants, dans le respect de l'indépendance des médias et de la liberté de la presse.

4 Chaque Partie encourage le financement, y compris, le cas échéant, par la création de fonds, des projets et programmes pris en charge par la société civile en vue de prévenir et de protéger les enfants contre l'exploitation et les abus sexuels.

### Rapport explicatif

67. Le paragraphe 1 souligne l'importance de prendre en compte le point de vue et les expériences des enfants, conformément à leur stade de développement, pour l'élaboration des politiques et des mesures relatives à la lutte contre l'exploitation et les abus sexuels les concernant, y compris les plans d'action.

68. Le paragraphe 2 prévoit que les Parties doivent encourager les secteurs des technologies de l'information et de communication, l'industrie du tourisme et du voyage et les secteurs bancaires et financiers à participer à l'élaboration et à la mise en œuvre des politiques de prévention de l'exploitation et des abus sexuels concernant des enfants.

69. L'utilisation du terme général « secteurs des technologies de l'information et de la communication », qui garantit que les innovations futures dans ce domaine seront aussi couvertes, vise en particulier les fournisseurs d'accès à Internet, mais aussi les opérateurs de téléphonie mobile et les moteurs de recherche. Il ne peut y avoir aucun doute sur le fait qu'Internet est communément utilisé à des fins d'exploitation et d'abus sexuels concernant des enfants. L'utilisation d'Internet pour la production et la diffusion de matériels pornographiques mettant en scène des enfants et pour la traite des enfants en vue de leur exploitation sexuelle est largement attestée et suscite l'attention de nombreux organes nationaux et internationaux. Pour cette raison, il est important que les fournisseurs d'accès à Internet soient eux-mêmes associés à l'adoption des mesures de sensibilisation à l'exploitation sexuelle et que, dans la mesure du possible, des politiques soient élaborées pour contrôler l'utilisation d'Internet par l'intermédiaire de leurs systèmes..

70. L'industrie du tourisme et du voyage est mentionnée afin de viser spécifiquement le phénomène du « tourisme sexuel ». Dans certains Etats membres, par exemple, les compagnies aériennes et les aéroports diffusent aux passagers du transport aérien, des messages de prévention audiovisuels présentant les risques de poursuite auxquels s'exposent les auteurs d'infractions sexuelles commises à l'étranger

71. L'inclusion des secteurs bancaires et financiers est très importante : les institutions financières ont en effet la possibilité, en coopération avec les forces de l'ordre, de perturber le fonctionnement des dispositifs financiers sur lesquels reposent les sites pédophiles payants et de contribuer à leur démantèlement.



72. La mise en œuvre des normes internes est mentionnée afin de couvrir les codes de conduite ou les chartes d'entreprise destinés à protéger les enfants contre l'exploitation et les abus sexuels. Un exemple de bonne pratique, dans ce domaine, est le « Code de conduite pour protéger les enfants contre l'exploitation sexuelle dans les secteurs du voyage et du tourisme », initiative lancée par l'ECPAT en 1998 en collaboration avec l'Organisation mondiale du tourisme (OMT). Le Code est aujourd'hui appliqué par plus de 45 sociétés, voyagistes, agences de voyage, associations touristiques et chaînes d'hôtels, dans plus de 16 pays du monde entier. Il prévoit, entre autres mesures, d'informer les voyageurs sur l'exploitation et les abus sexuels concernant les enfants. Cette information est diffusée de diverses manières : catalogues, affiches, brochures, films projetés dans les avions, billets de voyage, sites Internet, etc.

73. L'« auto-régulation » est la régulation par le secteur privé ; la « co-régulation » est la régulation dans le cadre d'un partenariat entre le secteur privé et l'autorité publique.

74. Le paragraphe 3 concerne le rôle des médias d'informer correctement sur tous les aspects de l'exploitation et des abus sexuels concernant les enfants. Cette fonction doit pouvoir s'exercer dans le respect du principe fondamental de l'indépendance des médias et de la liberté de la presse, notamment pour ce qui concerne l'appréciation du caractère « approprié » de l'information dispensée. Il ne fait aucun doute que les médias, par les informations qu'ils diffusent concernant les enfants et par l'image de l'enfance qu'ils véhiculent, influencent de manière déterminante les stéréotypes, les représentations et les connaissances du grand public au sujet des enfants. De la même manière, ils peuvent avoir un rôle extrêmement positif et contribuer à sensibiliser l'opinion au sujet de l'exploitation et des abus sexuels concernant les enfants et à faire connaître la réalité de ces pratiques et l'étendue du problème. Cette disposition vise aussi la question importante du respect de la vie privée des enfants victimes de tels actes.

75. Le paragraphe 4 précise que les Parties doivent encourager le financement des projets et programmes pris en charge par la société civile en vue de prévenir l'exploitation et les abus sexuels et de protéger les enfants contre ces faits. Les négociateurs ont entendu ici reconnaître et valoriser le travail important des ONG dans ce domaine

### **Convention de Lanzarote, Article 14 – Participation des enfants, du secteur privé, des medias et de la société civile.**

1. Chaque Partie prend les mesures législatives ou autres nécessaires pour assister, à court et à long termes, les victimes en vue d'assurer leur rétablissement physique et psychosocial. Les mesures prises en application du présent paragraphe tiennent dûment compte des vues, besoins et préoccupations de l'enfant

2. Chaque Partie prend des mesures, selon les conditions prévues par son droit interne, afin de coopérer avec les organisations non gouvernementales, d'autres organisations compétentes ou d'autres éléments de la société civile, engagés dans l'assistance aux victimes

3. Lorsque les parents ou les personnes auxquelles l'enfant est confié sont impliqués dans les faits d'exploitation ou d'abus sexuels commis à son encontre, les procédures d'intervention prises en application du paragraphe 1 de l'article 11 comportent

- la possibilité d'éloigner l'auteur présumé des faits
- la possibilité de retirer la victime de son milieu familial. Les modalités et la durée de ce retrait sont déterminées conformément à l'intérêt supérieur de l'enfant

4. Chaque Partie prend les mesures législatives ou autres nécessaires pour que les proches de la victime puissent bénéficier, le cas échéant, d'une aide thérapeutique, notamment d'un soutien psychologique d'urgence.

## **Rapport explicatif**

(...)

100. Les négociateurs ont reconnu que le paragraphe 4 aurait une application limitée. Ils ont estimé cependant que dans certains cas particulièrement graves, il serait justifié que les personnes de son entourage, y compris par exemple les membres de sa famille, les amis et ses camarades de classe, puissent bénéficier d'une assistance psychologique d'urgence. Ces mesures d'assistance n'ont pas vocation à bénéficier aux auteurs présumés des faits d'exploitation et d'abus sexuels, qui peuvent en revanche bénéficier des programmes et mesures d'intervention du chapitre V.

## **Convention de Lanzarote, Article 27 – Sanctions et mesures.**

(...)

5. Chaque Partie peut établir que les produits du crime ou les biens confisqués conformément au présent article puissent être alloués à un fond spécial pour financer des programmes de prévention et d'assistance aux victimes d'une des infractions établies conformément à la présente Convention.

## **Rapport explicatif**

(...)

193. Le paragraphe 5 propose aux Parties d'allouer les produits du crime ou les biens confisqués à un fonds spécial pour financer des programmes de prévention et d'assistance aux victimes d'une des infractions établies conformément à la Convention. Cette disposition pourrait être associée à celle de l'article 9, paragraphe 4, qui encourage le financement des projets et programmes pris en charge par la société civile pour la prévention de l'exploitation et des abus sexuels, et la protection des enfants contre ces fléaux.

**COMPILATION  
of replies / des réponses<sup>3</sup>**

**I – States to be assessed in the 1st monitoring round /  
Etats devant faire l’objet du 1er cycle de suivi**

**ALBANIA / ALBANIE**

**Question 6 of the TQ / du QT**

Did not reply to this question / N’a pas répondu à cette question.

**Question 4 of the GOQ / du QAG**

Did not reply to this question / N’a pas répondu à cette question.

**Question 11 of the GOQ / du QAG**

**a)**

Safe internet for children

With the growth of children's access to Internet services and electronic communications networks, there is a need to establish rules in order to protect children from harmful information that can circulate from these sources.

By DCM No.182 dated 03.13.2013 was adopted Code of Conduct "For Safe and Responsible use of Electronic Communications Networks" between electronic communications operators: AMC, Vodafone Albania, Eagle Mobile, Plus, Albanian Association of Information Technology (AITA) and ISP Provider: Albtelecom Abcom, Abissnet, Tring Communications.

At the present there are no clear standards and regulations regarding the classifications of the commercial context and the above entrepreneurs, agree that have no control over the content offered on the Internet, but through this code they ensure that the commercial content offered by or through them will be controlled and will be classified within a suitable framework. Commercial content will be "marked" to distinguish whether it is suitable for children less than 18 years of age. Under this code to entrepreneurs engage on helping of children and parents on the use of networks or Internet services, by reflecting the guidelines for parents on their web sites

**b)**

The Albanian Parliament, approved Law No. 97/2013, date 4.03.2013 “On Audiovisual Media in the Republic of Albania” This law it harmonises the diversity of programming with the need to protect special groups such as minors. The law also introduces specific technical regulations for such cases (see Art. 27 AVMSD).

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<sup>3</sup> The replies are reproduced here in the language they were received / Les réponses sont reproduites ici dans la langue où elles ont été reçues.

c)

Did not reply to this question / N'a pas répondu à cette question.

## **AUSTRIA/AUTRICHE**

### **Question 6 of the TQ / du QT**

See questions 4 and 11 of the GOQ.

### **Question 4 of the GOQ / du QAG**

a)

1. The Federal Ministry of Youth involves children in decision making processes via their representations but not directly.

The "Austrian National Youth Council" (OJV) which is set up by law and financed publicly represents 2,9 million children and young adults. It has to be involved in all political projects like all other social partners. The Youth Check (outcome-oriented impact assessment) makes it easier for youth organisations, in particular the National Youth Council, to become involved in the legislative process. OJV provides young people with a strong collective voice towards policy and decision-makers at all levels and actively advocates for their interests and, OJV in particular focuses on promoting active participation of young people in decision-making processes. In cooperation with partner institutions such as ECPAT and the Austrian Centres for Child Protection, it is involved in the drafting of state policies, programmes or other initiatives also concerning the fight against sexual exploitation and sexual abuse of children.

As such OJV was invited to the Coordination Committee set up within the Federal Ministry of Economy, Family and Youth to discuss and coordinate issues of the optional protocol to the CRC on child trafficking, child pornography and child prostitution (OPSC). OJV issued an expert opinion in October 2012, drawing special attention to the specific needs of children who have suffered from (sexual) abuse in the circle of trust.

Another important partner in discussing measures relevant to the OPSC is ECPAT. ECPAT Austria's statute foresees full participation of youth at all governance and program levels. A representative of the CYA (Committee for Youth Action) is full member of the ECPAT Austria Board. The CYA is an independent informal body and is comprised of volunteer youth who support and supplement the work of ECPAT Austria. I.e. the CYA was very actively involved in developing and conducting public awareness raising activities in 2009 and 2010 in the framework of the campaign "Stop Sex-Trafficking of Children and Young People", a cooperation project of the ECPAT network and The Body Shop (private sector cosmetics company).

Since January 2013 ECPAT Austria is implementing a 2-years Daphne project, "Make-ITSafe Peer Experts", which aims at building capacity on young people from schools and youth centres, enabling them to become experts for IT/social media in order to pass the

knowledge to other peers and/or raise awareness among peers on internet/social media safety issues.

2. The national strategy for the implementation of a “violence free school” has been developed and will be continued by the Federal Ministry for Education.

**b)**

The child victim's views, needs and concerns are taken into account via psychosocial and legal victim support measures taken in the course of court proceedings which is given obligatory for free. The youth welfare authorities have to take account of the best interest of the child and give due weight to the opinion of the child when providing supporting measures

### **Question 11 of the GOQ / du QAG**

**a)**

1. Austria (BMWFI-Federal Ministry of Economy, Family and Youth, Dept. for Tourism) has been very active in the fight against sexual exploitation of children in tourism for many years. The association of tour operators and travel agencies has signed the "Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism" in 2001. The national tourism authority (BMWFI), in strong cooperation with the tourism stakeholders and Non-Governmental Organisations (strongest partner here: ECPAT) set numerous measures for awareness rising. Among these measures, the preparation and distribution of accompanying material for the tourism industry, teaching material to be used in schools and the organisation of train-the trainer courses were supported.

Trainings for hotel and tourism manager (“Code of contact”= contract concluded by tourism enterprises, committing themselves to fulfil certain conditions) are offered to encourage the participation (private sector) in the elaboration and implementation of policies or programmes to prevent sexual exploitation and sexual abuse of children.

The BMWFI/Austria initiated the campaign in 2009 together with the Federal Ministry of Economics and Technology and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth of Germany and the State Secretariat for Economic Affairs (SECO) of Switzerland. In each of the countries a reporting address at the police has been installed and recognition features have been used (e.g. identical video spots). The campaign is ongoing in all the three countries (France and Luxemburg joined the campaign in 2011).

For more than 7 years a round-table (twice a year, participants are tourism stakeholders and other Ministries) has been organised by the BMWFI twice a year. Among other topics (ethics in tourism, CSR...), the exchange of experiences and new ideas, discussions of further and monitoring ongoing measures against sexual exploitation of children in tourism have been in the focus of these meetings.

Since 2003, ECPAT Austria is the focal point for the international "Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism". In this capacity, ECPAT is in constant exchange with relevant partners from the Austrian tourism industry on

different levels: consultancy and training on the implementation of the Child Protection Code; training on child protection in tourism in general; evaluation and monitoring.

ECPAT is also a member of the "Round Table on Ethics in Tourism", hosted by the department for International Tourism Relations under the Federal Ministry of Economy, Family and Youth. In this capacity ECPAT is also the key partner in the Government-driven so called "Trilateral campaign "Don't Look Away" which was initiated by the department for International Tourism Relations in 2010. For the first time, Germany, Switzerland and Austria joint forces in bringing forward a campaign on stopping child sex tourism.

2. The communication technology sector (ISPA, Safer Internet) is member of the Coordination Committee discussing issues of the optional protocol to the CRC on child trafficking, child pornography and child prostitution (OPSC).

**b)**

Firm collaboration with various NGO's (ECPAT, Safer Internet) and media have been elaborated to encourage the financing of projects and programmes carried out by civil society. Proceeds of crime cannot be used to finance the projects.

**c)**

1. About 40 child protection centres and 400 family counselling centres out of which 94 concentrate on (domestic) violence are financed by the Federal Ministry of Economy, Family and Youth. Further funds are dedicated to the "platform against domestic violence" which also is active in preventing and protecting children from sexual exploitation and sexual abuse. Parental education, which is supported with 1,4 mio/ year, contributes to the prevention of sexual abuse of children by providing effective sexual education.

2. The federal ministry for education supports NGO's to enhance the prevention of sexual exploitation and sexual abuse of children. Current examples include the support of a symposium "The role of resilience factors in the prevention of children and adolescents", which took place in November 2013 and workshops in schools in cooperation with experts.

## **BELGIUM / BELGIQUE**

### **Question 6 of the TQ / du QT**

#### Au niveau de la Communauté flamande

Les organisations de jeunesse ont été associées à l'élaboration de la déclaration d'engagement pour la protection du mineur dans le secteur de la jeunesse et à la transposition du cadre sexualité et politique au secteur de la jeunesse. Un moment de suivi est organisé avec elles chaque année.

La lutte coordonnée contre la violence, la maltraitance d'enfants, le harcèlement et le suicide est un objectif stratégique du plan flamand de politique de la jeunesse 2010-2014. La lutte contre la violence et la maltraitance d'enfants est également l'un des 6 domaines d'action du Plan d'action flamand 2010-2014 pour les droits de l'enfant qui met en

application les observations finales formulées par le Comité des droits de l'enfant à la Belgique. Les organisations qui s'occupent de la jeunesse et des droits de l'enfant sont associées tant à sa préparation qu'à son suivi par l'intermédiaire du groupe de réflexion sur la politique des droits de l'enfant et de la jeunesse. Cette thématique sera également prise en considération dans le cadre de la préparation du nouveau plan de politique sur les droits de l'enfant et de la jeunesse 2015-2019. Les travaux préparatoires associeront également des jeunes et des organisations qui s'occupent de la jeunesse et des droits de l'enfant.

L'asbl De Ambrassade<sup>4</sup>, qui apporte son appui au Conseil flamand de la jeunesse, a pour objectif de renforcer la position des enfants et des jeunes dans la société. En collaboration avec le secteur de la jeunesse, elle veille à l'actualisation du Vlaggensysteem (système de drapeaux) "(N)iets mis mee?!" (voir questionnaire général, questions 3b) et 8).

L'organisation Jong & Van Zin<sup>5</sup> offre à des enfants et à des jeunes des possibilités d'avoir une vie heureuse et responsable sur le plan des relations et de la sexualité. Elle souhaite atteindre cet objectif en offrant aux enfants, aux jeunes et à leurs accompagnateurs des informations actuelles, claires et synoptiques sur divers aspects de la sexualité. Les accompagnateurs dans le domaine de l'encadrement de la jeunesse reçoivent un appui dans le cadre de la formation relationnelle et sexuelle. 'Jeugd en Seksualiteit' propose une offre de formation accessible à tous, dynamique, interactive, éducative et axée sur la personne. Les deux organisations sont subsidiées par l'Autorité flamande dans le cadre de l'année de sa politique des droits de l'enfant et de la jeunesse.

#### Au niveau de la Fédération Wallonie-Bruxelles

Au vu des obligations internationales en matière de participation des enfants, les gouvernements de la Fédération Wallonie-Bruxelles et de la Région wallonne ont souhaité que cet exercice de rapportage triennal soit réalisé avec la participation des enfants. Le Plan d'actions 2011-2014 a dès lors intégré un projet spécifique à cet égard, qui prévoit d'« initier un processus de consultation et de participation des enfants dans le cadre de la préparation, du suivi et de l'évaluation du Plan consacré aux droits de l'enfant ».

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<sup>4</sup> « De Ambrassade » est un centre de soutien pour la politique de la jeunesse. La base juridique à l'origine est le décret flamand de la politique de la jeunesse de 2001 qui créait le 'Steunpunt Jeugd' (Centre de soutien pour la jeunesse). Ce décret avait comme but de fournir une réponse aux signaux envoyés par les organisations de jeunesse actives sur le terrain sur la nécessité de regrouper leurs forces au profit de secteur associatif de la jeunesse. Le secteur associatif de la jeunesse était l'actionnaire principal du Centre de soutien pour la Jeunesse. Le Vlaamse Jeugdraad (conseil de la jeunesse pour la Flandre) était le partenaire privilégié. Dans un souci de centraliser davantage, le Centre de soutien pour la jeunesse, le VIP Jeugd (VIP Jeunesse) et le Conseil de la Jeunesse pour la Flandre) sont, depuis le 1<sup>er</sup> janvier 2013 fusionnés dans « De Ambrassade – 'Bureau pour des affaires jeunes' » auquel les enfants, les jeunes et les acteurs du terrain peuvent s'adresser.

<sup>5</sup> Jong & Van Zin est une organisation solide d'information, de participation et de formation pour des enfants, des jeunes et leurs accompagnateurs. Jong & Van Zin travaille de manière positive, expérimentée et participative autour des thèmes qui sont importants pour les enfants et les jeunes aux tournants dans leur vie. En particulier, l'accent est mis sur les relations personnelles et la sexualité. Que fait Jong & Van Zin?:

- Développement des publications informatives et du matériel éducatif pour des enfants, des jeunes et leurs accompagnateurs.
- Formation de manière expérimentée des jeunes et leurs intermédiaires.
- Développement et accompagnement des projets de participation avec et par les jeunes.
- Encourager et faciliter 'peer support'

Ce projet s'inscrit dans le premier axe du Plan qui vise à améliorer la gouvernance des droits de l'enfant en Fédération Wallonie-Bruxelles et en Région Wallonne. L'objectif des Gouvernements se base explicitement sur le constat que la pertinence des décisions publiques est d'autant plus importante qu'elles rencontrent les aspirations de leurs destinataires. Les Gouvernements précisent que ce processus devra se baser sur une réflexion approfondie avec les acteurs concernés.

Les Gouvernements de la Wallonie et de la Fédération Wallonie-Bruxelles, soutenus par l'Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la jeunesse (OEJAJ), souhaitent mettre en place un processus de consultation et de participation des enfants en vue de l'évaluation du Plan d'actions consacré aux droits de l'enfant (2011-2014) et de l'élaboration du Plan suivant. Les gouvernements ont donc financé une recherche qui a abouti, en 2013, à l'élaboration d'un vademécum de la participation des enfants aux décisions qui les concernent. Depuis janvier 2014, la Fédération Wallonie-Bruxelles organise concrètement la participation des enfants à l'évaluation et l'élaboration de la politique relative à l'application de la CIDE en impliquant un large nombre d'enfants sur l'ensemble du territoire de la Fédération Wallonie-Bruxelles, ce qui inclut une information approfondie sur leurs droits et le relais de leurs opinions sur la manière dont ces droits doivent être réalisés auprès des Gouvernements. Il s'agit de placer les enfants dans une posture d'évaluation de l'action publique. Cette démarche s'inscrit en continuité avec le travail prospectif réalisé par Eurochild et devra respecter les critères de qualité identifiés au niveau international pour une participation respectueuse des enfants. Il s'agit d'une première expérience de participation des enfants aux décisions politiques de la Wallonie et de la Fédération Wallonie-Bruxelles. L'objectif final est de convaincre, par le succès de cette initiative-pilote, de l'importance de la participation des enfants aux décisions qui les concernent, afin que ce type de démarches soit pérennisé.

#### **Question 4 of the GOQ / du QAG**

**a)**

##### Au niveau de la Communauté flamande

Partant du constat que le numéro 1712 touche peu d'enfants et de jeunes, une enquête a été réalisée afin de voir comment le 1712 peut être rendu plus convivial pour les enfants. Les résultats de cette enquête, menée par 'Kind en Samenleving' ('Enfant et Société'), seront disponibles dans le courant de 2014.

Une action planifiée est également prévue, notamment l'organisation d'un feed-back annuel des travaux du Vlaams Forum Kindermishandeling<sup>6</sup> (VFK – 'Forum Flamande sur la Maltraitance des enfants') aux organisations de jeunes.

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<sup>6</sup> Le Vlaams Forum Kindermishandeling a été créé par l'intermédiaire d'un accord de coopération conclu en janvier 2011 entre le ministre du Bien-être, de la Santé publique et de la Famille et la ministre de la Justice. Il a été créé aux fins suivantes :

- l'examen au niveau stratégique de problèmes structurels dans l'approche de la maltraitance d'enfants ;
- la recherche active de solutions et la formulation de recommandations aux autorités flamandes et fédérales compétentes ;
- le suivi/monitoring du protocole Maltraitance par la formation et la sensibilisation.



### Au niveau de la Fédération Wallonie-Bruxelles

Au vu des obligations internationales en matière de participation des enfants et sur base du constat explicite que la pertinence des décisions publiques est d'autant plus grande qu'elles rencontrent les aspirations de leurs destinataires, les gouvernements de la Fédération Wallonie-Bruxelles et de la Wallonie ont souhaité que leur Plan d'actions relatif aux droits de l'enfant soit réalisé à l'avenir avec la participation des enfants.

Le Plan d'actions Droits de l'enfant 2011-2014 a dès lors intégré un projet spécifique à cet égard, qui prévoit d'« initier un processus de consultation et de participation des enfants dans le cadre de la préparation, du suivi et de l'évaluation du Plan consacré aux droits de l'enfant ».

Par ailleurs, les Gouvernements veulent mettre en avant les projets suivants - réalisés ou à réaliser - qui mettent en oeuvre ce principe fondamental :

- Recherche sur la participation des enfants aux décisions publiques
- Appel à projets « budget participatif »
- "Eté solidaire, je suis partenaire"
- Le lundi du patrimoine
- Education à la citoyenneté et au bien-être
- Conseil consultatif des jeunes
- Articulation des conseils locaux de la jeunesse au Conseil de la jeunesse de la Fédération Wallonie-Bruxelles
- La participation des enfants et des jeunes en Aide à la jeunesse
- Appel à projet des Comités Consultatifs de Locataires et de Propriétaires
- Sensibilisation, actions des jeunes dans les écoles
- Éducation à l'énergie
- Participation des enfants dans les consultations ONE pour les enfants
- Participation des enfants dans les activités d'éducation à la santé de l'ONE
- Participation des enfants dans les milieux d'accueil et l'accueil extrascolaire

### **b)**

#### Au niveau de la communauté flamande

Le Vlaams Forum Kindermishandeling (VFK – 'Forum Flamande sur la Maltraitance des enfants') a tenu une réunion au cours de laquelle un certain nombre de propositions ont été formulées afin d'accroître la participation des enfants. Dans le cadre du GENERAL COMMENT N° 12 (2009), deux propositions ont été faites. D'abord, le Vlaams Forum Kindermishandeling (VFK – 'Forum Flamande sur la Maltraitance des enfants') invite chaque année le commissaire flamand aux droits de l'enfant, un représentant du Vlaamse jeugdraad (Conseil flamand de la jeunesse), un représentant de la Kinderrechtencoalitie (Coalition des droits de l'enfant) et un représentant de l'ASBL Cachet. Cette réunion a pour objet de prendre connaissance des problèmes que les enfants et les jeunes indiquent eux-mêmes rencontrer. Elle a en outre pour objectif de permettre aux représentants de donner également un feed-back sur les solutions développées par le VFK pour répondre à ces problèmes. Ensuite, le VFK associe systématiquement des organisations qui représentent des enfants dans des projets thématiques comme, par exemple, les relations qui échouent (divorce, séparation). Dans ce contexte, le but est d'intégrer la perspective des enfants et des jeunes dans les recommandations.

Il convient également de référer au Décret du 20 janvier 2012 relatif à une politique renouvelée des droits de l'enfant et de la jeunesse, en particulier aux articles 4 et 5 qui prévoient que chaque projet de décret doit être assorti d'un rapport des incidences sur les enfants et jeunes, nommé « JoKER », et la désignation dans tous les départements des fonctionnaires comme point de contact en matière de politique des droits de l'enfant et de la jeunesse :

*« Art. 4. Chaque introduction d'un projet de décret au Parlement flamand est assorti d'un rapport des incidences sur les enfants et jeunes, JoKER, lorsque la décision envisagée touche directement à l'intérêt d'individus de moins de vingt-cinq ans.*

*Le JoKER est un document public reprenant au moins l'information suivante :*

*1° une description de l'effet de la décision envisagée sur la situation de l'enfant ou du jeune ;  
2° une description de l'effet sur la situation de l'enfant ou du jeune sans la décision envisagée ;*

*3° des alternatives pour la décision envisagée, notamment une description des mesures envisagées pour éviter, limiter et le cas échéant, remédier aux conséquences défavorables importantes de la décision pour la situation de l'enfant ou du jeune.*

*Le Gouvernement flamand arrête les modalités relatives à la rédaction de ce rapport.*

*Art. 5. § 1er. Les fonctionnaires dirigeants de tous les départements et agences autonomisées internes et externes de l'Autorité flamande désignées par le Gouvernement flamand à cet effet, désignent un fonctionnaire qui agira comme point de contact en matière de politique des droits de l'enfant et de la jeunesse.*

*Il incombe aux points de contact en matière de politique des droits de l'enfant et de la jeunesse :*

*1° de contribuer à la préparation du plan de politique flamande sur les droits de l'enfant et de la jeunesse;*

*2° d'assumer le suivi et le rapportage de la mise en oeuvre de la Convention des Droits de l'Enfant et du plan de politique flamande sur les droits de l'enfant et de la jeunesse;*

*3° d'apprécier les effets sur les enfants et les jeunes et leurs droits de la politique préparée ou mise en oeuvre par leur département ou agence.*

*§ 2. L'administration :*

*1° coordonne le réseau des points de contact en matière de politique des droits de l'enfant et de la jeunesse;*

*2° coordonne la préparation du plan de politique flamande sur les droits de l'enfant et de la jeunesse et du rapportage visé à l'article 3. »*

## **Question 11 of the GOQ / du QAG**

**a)**

Depuis le mois de décembre 1995, le Ministre des Affaires étrangères attire l'attention de tous les postes diplomatiques et consulaires, via une circulaire officielle, sur l'existence de dispositions pénales relatives à l'extraterritorialité en matière de tourisme sexuel. Les représentations doivent systématiquement demander le rapport de police si un Belge est arrêté pour abus sexuels sur des mineurs de moins de 16 ans. La représentation est tenue d'informer le département à Bruxelles, tant sur l'arrestation que sur l'évolution de la procédure judiciaire. Tous ces éléments factuels devraient donner à la justice belge l'opportunité d'évaluer si elle est compétente afin d'intervenir sur base du principe de

l'extraterritorialité. Le Ministre des Affaires étrangères a également envoyé des instructions aux ambassades et aux consulats à l'étranger afin qu'ils demandent aux autorités locales d'être informés de tout abus sexuel commis sur un mineur belge.

ECPAT a pris l'initiative de collaborer ces dernières années avec des partenaires externes comme ECPAT, Child Focus, la Défense, FEBETRA (la Fédération royale belge des Transporteurs et des Prestataires de services logistiques) et des services de tourisme dans trois campagnes de sensibilisation.

b)

Dans ce cadre il est référé tout d'abord aux mécanismes généraux de protection des victimes instaurés par des instruments législatives.

Les articles 28quinquies, § 3 (pour l'information) et 57, § 3, du Code d'instruction criminelle, prévoient des conditions que le ministère public doit respecter lorsqu'il des informations sont données à la presse. Ainsi, il doit veiller au respect de la présomption d'innocence, des droits de la défense des personnes soupçonnées, des victimes et des tiers, de la vie privée et de la dignité des personnes. Dans la mesure du possible, l'identité des personnes citées dans le dossier n'est pas communiquée.

*« Article 28quinquies. § 1er. Sauf les exceptions prévues par la loi, l'information est secrète. Toute personne qui est appelée à prêter son concours professionnel à l'information est tenue au secret. Celui qui viole ce secret est puni des peines prévues à l'article 458 du Code pénal.*

*§ 2. Sans préjudice des dispositions des lois particulières, le procureur du Roi et tout service de police qui interrogent une personne l'informent qu'elle peut demander une copie du [texte] de son audition, qui lui est délivrée gratuitement.*

*Cette copie lui est remise ou adressée immédiatement ou dans le mois.*

*Toutefois, en raison de circonstances graves et exceptionnelles, le procureur du Roi peut, par une décision motivée, retarder le moment de cette communication pendant un délai de trois mois maximum renouvelable une fois cette décision est déposée au dossier.*

*Lorsqu'il s'agit d'un mineur et qu'il apparaît qu'il existe un risque pour celui-ci d'être dépossédé de la copie ou de ne pouvoir en préserver le caractère personnel, le procureur du Roi peut, par une décision motivée, lui en refuser la communication. Cette décision est déposée au dossier.*

*Dans ce cas, le mineur peut consulter une copie du texte de son audition, accompagné d'un avocat ou d'un assistant de justice du service d'accueil des victimes du parquet. Toutefois, en raison de circonstances graves et exceptionnelles, le procureur du Roi peut, par décision motivée, retarder le moment de cette consultation pendant un délai de trois mois maximum renouvelable une fois. Cette décision est déposée au dossier.*

*Dans le cas visé à l'alinéa 4 et sans préjudice de l'application de l'alinéa 3, le procureur du Roi peut décider de délivrer une copie gratuite du texte de l'audition du mineur à l'avocat de ce dernier. Cette décision est déposée au dossier.*

*§ 3. Le procureur du Roi peut, lorsque l'intérêt public l'exige, communiquer des informations à la presse. Il veille au respect de la présomption d'innocence, des droits de la défense des personnes soupçonnées, des victimes et des tiers, de la vie privée et de la dignité des personnes. Dans la mesure du possible, l'identité des personnes citées dans le dossier n'est pas communiquée.*

*§ 4. L'avocat peut, lorsque l'intérêt de son client l'exige, communiquer des informations à la presse. Il veille au respect de la présomption d'innocence, des droits de la défense des personnes soupçonnées, des victimes et des tiers, de la vie privée, de la dignité des personnes et des règles de la profession. Dans la mesure du possible, l'identité des personnes citées dans le dossier n'est pas communiquée. »*

*« Article 57. § 1er. Sauf les exceptions prévues par la loi, l'instruction est secrète. Toute personne qui est appelée à prêter son concours professionnel à l'instruction est tenue au secret. Celui qui viole ce secret est puni des peines prévues à l'article 458 du Code pénal.*

*§ 2. Sans préjudice des dispositions des lois particulières, le juge d'instruction et tout service de police qui interrogent une personne, l'informent qu'elle peut demander une copie du texte de son audition, qui lui est délivrée gratuitement.*

*Cette copie lui est remise ou adressée par le juge d'instruction immédiatement ou dans les quarante-huit heures et par les services de police immédiatement ou dans le mois. Toutefois, en raison de circonstances graves et exceptionnelles, le juge d'instruction peut, par une décision motivée, retarder le moment de cette communication pendant un délai de trois mois maximum renouvelable une fois. Cette ordonnance est déposée au dossier.*

*Lorsqu'il s'agit d'un mineur et qu'il apparaît qu'il existe un risque pour celui-ci d'être dépossédé de la copie ou de ne pouvoir en préserver le caractère personnel, le juge d'instruction peut, par une décision motivée, lui en refuser la communication. Cette décision est déposée au dossier.*

*Dans ce cas, le mineur peut consulter une copie du texte de son audition, accompagné d'un avocat ou d'un assistant de justice du service d'accueil des victimes du parquet. Toutefois, en raison de circonstances graves et exceptionnelles, le juge d'instruction peut, par décision motivée, retarder le moment de cette consultation pendant un délai de trois mois maximum renouvelable une fois. Cette décision est déposée au dossier.*

*Dans le cas visé à l'alinéa 4 et sans préjudice de l'application de l'alinéa 3, le juge d'instruction peut décider de délivrer une copie gratuite du texte de l'audition du mineur à l'avocat de ce dernier. Cette décision est déposée au dossier.*

*§ 3. Le procureur du Roi peut, de l'accord du juge d'instruction et lorsque l'intérêt public l'exige, communiquer des informations à la presse. Il veille au respect de la présomption d'innocence, des droits de la défense des inculpés, des victimes et des tiers, de la vie privée et de la dignité des personnes. Dans la mesure du possible, l'identité des personnes citées dans le dossier n'est pas communiquée.*

*§ 4. L'avocat peut, lorsque l'intérêt de son client l'exige, communiquer des informations à la presse. Il veille au respect de la présomption d'innocence, des droits de la défense des inculpés, des victimes et des tiers, de la vie privée, de la dignité des personnes et des règles de la profession. Dans la mesure du possible, l'identité des personnes citées dans le dossier n'est pas communiquée. »*

*La Circulaire commune 7/1999 du Ministre de la Justice et du Collège des Procureurs généraux concernant les informations qui peuvent être transmises à la presse par les*

autorités judiciaires et les services de police durant la phase de l'enquête préparatoire règle de manière plus détaillé la communication d'informations à la presse par les parquets et les services de police compétents dans le cadre de l'enquête préparatoire et tend à établir une relation harmonieuse entre les autorités judiciaires et la presse en matière de communication d'informations judiciaires. Dans le point 6.3 de la Circulaire, il est référé explicitement à l'article 378bis du Code pénal :

*« 6.3 La publication et la diffusion de textes, de dessins, de photographies ou d'images de nature à révéler l'identité de victimes de violence sexuelle sont interdites, sauf de l'autorisation écrite de la victime elle-même, ou de l'autorisation, dans l'intérêt de l'enquête, du magistrat chargé de l'enquête. »*

Dans le point 7.1 de la Circulaire, il est référé à la possibilité d'un embargo ou black-out pour éviter que des informations distribuées par la presse causent de la victimisation secondaire.

*« 7.1. L'article 3 bis du Titre préliminaire du Code de procédure pénale impose aux autorités judiciaires l'obligation " de traiter de façon correcte et consciencieuse les victimes d'infractions et leurs proches, en particulier en leur fournissant l'information nécessaire". La prise de connaissance directement par la presse d'informations importantes les concernant (données qui ne tombent donc pas sous le coup de secret de l'enquête), peut provoquer un dommage supplémentaire et causer une rupture de confiance difficilement réparable. Un embargo ou un black-out sur l'information peuvent constituer d'excellents instruments pour éviter cette situation. »*

Ensuite, il convient de référer aux initiatives prises en collaboration avec les médias ou en concertation avec les médias.

En 2008 une brochure « Face aux médias – Conseils aux victimes » a été réalisée dans une collaboration entre le Service Public Fédéral Justice, le Forum national pour une politique en faveur des victimes, Steunpunt Algemeen Welzijnswerk (Point d'appui d'aide sociale), Parents d'Enfants Victimes de la Route, ZEBRA – allié des jeunes de la route et Child Focus. En 2011, les ministres de l'Intérieur et de la Justice et des partenaires issus des mondes médiatique et social, ont mis en oeuvre, un moyen simple afin d'aider les victimes et les membres de leurs familles dans leurs contacts avec les médias en cas de drame ou d'incident majeur. Il s'agit d'une petite carte reprenant des conseils de base que les policiers de première ligne peuvent immédiatement remettre aux familles concernées. Le but est d'éviter que les intéressés ne deviennent victimes une deuxième fois et ce, à cause d'informations relayées par les journaux, la radio, la télévision et les médias sociaux. La petite carte est étayée par une série de mesures :

- Un site Internet [www.victimesetmedias.be](http://www.victimesetmedias.be) comprenant des conseils détaillés qui sont plutôt destinés aux secouristes ou à d'autres personnes venant en aide aux victimes.
- La circulaire relative à l'assistance policière aux victimes dans la police intégrée sera adaptée.
- Dans la formation de base d'inspecteur de police, le volet "assistance aux victimes" sera adapté grâce à des informations concernant la petite carte et le site Internet.

- La formation continuée “assistance aux victimes” pour le personnel de police sera adaptée.
- Les organisations et services qui soutiennent le projet pourront mettre les textes sur leurs propres sites Internet.

Sur la petite carte, l’inspecteur de police de première ligne pourra noter un numéro de téléphone, c.-à-d. celui du responsable de l’accueil des victimes de la zone de police ou d’une personne d’une organisation spécialisée dans l’aide aux victimes. En arrivant sur place, ces spécialistes pourront fournir de plus amples explications concernant les conseils de base et pourront éventuellement aussi faire usage des textes figurant sur le site web.

Le Raad voor de Journalistiek (Conseil pour la journalistique) joue également un rôle important. On peut faire référence aux codes d'éthique professionnelle existants. L'article 5 de la 'Déclaration des devoirs des journalistes' (1971) est rédigé comme suit : "S'obliger à respecter la vie privée des personnes".

L'article 5 du 'Code de principes de journalisme' (1981) est rédigé comme suit : "Les éditeurs, les rédacteurs en chef et les journalistes doivent respecter la dignité et le droit à la vie privée de la personne et doivent éviter toute intrusion dans les souffrances physiques et morales à moins que des considérations touchant à la liberté de la presse, telle que définie à l'article 1 ne le rendent nécessaire".

Le Raad voor Journalistiek confirme ces principes dans une directive du 13 novembre 2013 relative à l'attitude de la presse à l'égard des victimes, mais estime nécessaire de la compléter par une directive concrète sur l'attitude de la presse à l'égard des victimes, qui dispose que comparé à il y a quelques décennies, l'influence de l'image dans le compte rendu s'est intensifiée. La concurrence plus forte incite également les journalistes à agir de manière intrusive au moment de recueillir des informations. Cependant, il doit être clair que d'autres intérêts, tels que le respect de la vie privée et la dignité humaine, doivent aussi toujours être pris en considération et peuvent parfois même prévaloir lorsqu'il s'agit de décider de diffuser ou non certaines informations. Des éléments à prendre en considération sont les sentiments des victimes et de leur entourage ainsi que les conséquences néfastes éventuelles que peut causer la publication de données d'identité.

La directive du 13 novembre 2003 sur l'attitude de la presse à l'égard des victimes dispose ce qui suit:

La problématique de la vie privée est beaucoup plus vaste que la seule attitude à l'égard des victimes. Le Raad voor Journalistiek préfère se limiter à cet aspect actuellement car des questions et des plaintes ont été enregistrées à ce sujet. D'autres aspects du respect de la vie privée pourront être abordés ultérieurement.

La directive sur l'attitude de la presse à l'égard des victimes :

La presse tient toujours compte du droit à la vie privée et de la dignité humaine. Le droit à l'information est toujours mis en balance avec le droit à la vie privée. La presse fait preuve de retenue concernant la publication de noms et de données d'identité ainsi que la prise et la diffusion de photos ou d'images de victimes d'accidents, de catastrophes ou de délits. La notoriété ou le statut social des victimes ainsi que la pertinence sociale des faits peuvent justifier l'identification.

Lorsqu'elle recherche des informations, la presse n'exerce aucune pression inappropriée sur les victimes ou leur entourage. Ainsi, la presse s'abstient de toute intimidation et n'importune pas constamment les personnes concernées. La presse rend compte respectueusement de cérémonies intimes, familiales ou funèbres et tient compte à cet égard du souhait des personnes concernées. Tant les directions des médias, les rédacteurs en chef et les rédacteurs finaux que les journalistes ont le devoir particulier de veiller au bon respect des principes de la vie privée de manière générale et de ces principes-ci en particulier.

Le 28 octobre 2005, le Raad voor Journalistiek a publié une brochure : 'Pers en slachtoffers. Tips voor journalisten' (Raad voor Journalistiek, 28/10/2005 – « Presse et victimes. Des conseils pour des journalistes »). Il s'agissait d'une initiative du Raad voor Journalistiek, de la Vlaamse Vereniging van Beroepsjournalisten (VVJ) et du Steunpunt Algemeen Welzijnswerk, avec le soutien du ministre des Médias du gouvernement flamand. La brochure donne des conseils pour le recueil des informations (notamment tenir compte des émotions, des réactions et des souhaits de la victime, respecter le souhait des victimes de se retrouver seules) ainsi que pour l'information en elle-même (notamment se demander s'il est nécessaire de mentionner le nom, le domicile et d'autres données personnelles de la victime, demander expressément l'autorisation si le nom ou d'autres détails personnels sont explicitement mentionnés dans l'information). La brochure contient en outre quelques témoignages et attire également l'attention sur quelques groupes particuliers, comme les mineurs et les victimes de violence sexuelle. La brochure reprend les recommandations de la directive du 13 novembre 2003 du Raad voor Journalistiek relative à l'attitude de la presse à l'égard des victimes et invite les journalistes à prendre contact avec le service d'aide aux victimes afin de mieux s'informer sur les thèmes relatifs aux victimes.

En 2012, l'Université d'Anvers et l'Université Catholique de Leuven étaient chargés le Ministre flamand du Bien-être, de la Santé publique et le Ministre des Médias flamands, d'une étude scientifique sur la thématique de « La presse et les victimes ». Leur recherche était finalisée en juin 2013. La recherche était composée d'un volet quantitatif (étude sur la manière dont la presse informe sur des victimes), d'un volet qualitatif (des interviews en profondeur ont été effectuées, 30 journalistes et 18 victimes et leurs proches concernés par des incidents sur lesquels les médias ont informés étaient interviewés) et d'un volet de droit comparatif.

c)

Il n'existe pas des dispositions spécifiques à ce sujet. Référence peut être faite à la Commission pour l'aide financière aux victimes d'actes intentionnels de violence et aux sauveteurs occasionnels qui examine les demandes d'aide financière de victimes d'actes intentionnels de violence ou de leurs proches. Le Fonds de la Commission est alimenté par des contributions des personnes condamnées. Lors de chaque condamnation à une peine principale criminelle ou correctionnelle, le juge condamne à l'obligation de verser une somme de 25 euros à titre de contribution au Fonds. Cette somme est soumise à l'augmentation prévue par la loi du 5 mars 1952 relative aux décimes additionnels sur les amendes pénales et peut être modifiée par arrêté royal délibéré en Conseil des ministres et s'élève actuellement à 150 €.

## **BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE**

### **Question 6 of the TQ / du QT**

See questions 4 & 11 of the GOQ

### **Question 4 of the GOQ / du QAG**

**a)**

The principle of participation and the option to hear the child's opinion is represented in the laws regulating the field of family relations, social and child protection, that is legal protection. At the level of constitutional principles, this right is recognized to all persons under the jurisdiction of Bosnia and Herzegovina regardless of differences in age. Family laws, inter alia, foresee that the bodies of custody, prior to the placement in family, will allow for a child to express his view on the family placement and that opinion shall be regarded in compliance with the age and maturity of child, the child is entitled to be given all the information needed to form the opinion, the child who has reached the age of 10 may freely and directly express his opinion in all the procedures during which it is decided on the child's rights, that is, the child may on his own, or through another person or an institution, approach the court or a body of administration and request assistance in the achieving of the child's right.

Regulations from the field of education prescribe that students' council may be established as one of the forums through which children may influence plans, measures, express their opinions and positions and get feedback.

Project "Protection of Children Exposed to Risk and Children in Contact with Judicial System of Bosnia and Herzegovina", within which a public campaign "Justice For Every Child" was implemented was financially supported by the Swedish Agency for Development (SIDA), Swiss Cooperation for Development (SDC) and UNICEF and implemented with a full cooperation of competent ministries and police stations in 10 municipalities in BiH. The comprehensive goal of the project, through the application of international norms and standards, is to contribute to the improvement of the position and respect of the children's rights and witnesses of criminal offences when children come into contact with judicial and other bodies where either a judicial, administrative or extra-judicial decision is required. The first individual goal is to advance the treating of children in conflict with the law and allow for the hearing procedure of the child as an injured party or a witness is adjusted to children. The second individual goal is to improve the application of prevention programs, alternative procedures and measures based on the children's rights and restorative justice and the programs of rehabilitation and re-integration.

Network of NGOs "Stronger Voice for Children" is of the view that although the children as per CRC (Article 12) and this Convention are entitled to participation. The state does not consult the children when passing and implementing national policies, programs or some other initiatives that apply to the protection of children against sexual exploitation and sexual abuse. However, it is important to indicate that over the past years in the procedure of drafting and passing various strategic documents, representatives of civil sector should



also participate, which is a relevant step forward in the work and conduct of state bodies, therefore, it is now to a greater extent made easier to hear a child's opinion when drafting strategic state documents.

Non-governmental organizations, Ombudsmen for children of RS and Ombudsmen for human rights of BiH foster the participation of children in this field, but it is still difficult to achieve the children's views be taken into account when passing national or entities' policies. A network of young advisors to ombudsman for children is a body set up by the Ombudsman for children of Republika Srpska which has advisory and associate roles. The network of young advisors gather children/young persons from the entire Republika Srpska with a view of achieving the participation of children/young people in all the issues of concern to them, their freedom of expressing views, allowing for the access to information and introducing the young with the UN Convention on the Rights of the Child. Working on the achieving of these goals, the children will address the issues related to the rights guaranteed to them by the Convention thereby contributing to a better quality and more comprehensive viewing of the status of the child's rights in Republika Srpska. These young advisors, primarily through e-forum, in meetings, at local, regional, topical roundtables exchange views and experiences (on different subjects and issues from various domains of life of children/young people) among themselves and with the representatives of Ombudsman for children. Young advisors present ideas, questions, positions, problems, describe positive situations, draw conclusions and bring up proposals. Together with the Ombudsman they work on the process of their ideas and positions being observed by those competent ones who are able to implement them. The cooperation with the young advisors is reflected in their participation in the participation and choice of topics that the children/young people find topical and deserving of consideration. The young advisors actively participate in the researches conducted by the institution of the Ombudsman for children, in the process of devising promotional and educational materials for children, peer education on the child's rights, cooperation with youth associations and NGOs gathering children/young people, informing the young on the activities of the Ombudsman and the child's rights through the Network of the Students' Councils of the RS. Through the membership in the Network of the Young Advisors, children/young people obtain a possibility of inclusion into the European Network of Young Advisors of Ombudsmen for Children and taking part in the activities outside of Republika Srpska.

Department for Protection of the Rights of Child of BiH conducted a host of activities in the course of 2012 and 2012 within the project "Strengthening of Capacities of the Department for Protection of the Rights of Child with the Institute of Ombudsman for Human Rights of BiH", which was supported by Save the Children, aimed at the promotion of the rights of children. One of the activities is the project "Ombudsman in Your School". The result of the activities are that the children get acquainted with the rights guaranteed by the Convention on the Rights of the Child thereby achieving the sensitization of the children for their participation in compliance with the Convention on the Rights of the Child, motivation for assuming an active role in the combating for the achieving of their rights and also additional education on the role of ombudsmen and mechanisms of action of this institution in the case of violation or protection of the rights of children all aimed at the children

**b)**

According to the laws on social welfare, the position of the child is taken into account in the procedure of achieving rights from social welfare. In the procedure during which it is decided on the child's rights in social welfare, the competent body is bound to allow for the child to express his view in compliance with the child's age and abilities.

Entities' laws on protection and treatment of children and juveniles in the criminal proceedings establish special rules for treatment of children who are either victims or witnesses. Courts, prosecutions, including authorized official persons, bodies of custody, families, schools<sup>7</sup> institutions at all levels of the community and other stakeholders involved in the proceedings are bound to follow such rules in such a way that without any discrimination, the sentiment of dignity and personal value of the child is advanced, the child's age is taken into account along with the child's best interest, his right to life, survival and development, it is allowed for the child to express his views, in accordance with the child's age and maturity, on all the issues related to him at which all the endeavours should lead towards the rehabilitation and social re-integration of the child and the child's assuming a constructive role in the society.

Ombudsmen for children of the RS conducted, over the period from December 2011 to end of May 2011, in Republika Srpska, a research on the phenomenon of sexual exploitation of children. The starting point for all the activities of this research was the CoE Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse and the research covered all the forms of sexual exploitation of children as defined in Articles 18 through 23 of the Convention. The research was conducted with a view of identifying the degree of understanding the notion of sexual exploitation of children and trends in this field, establishing the situation in the field of prevention of sexual exploitation of children over the past four years and the drafting of recommendations aimed at the advancement of the system of protection of children-victims of sexual exploitation over the past four years along with the recommendations for the improvement of the system of help and support.

With a view of obtaining comprehensive results and a clear picture on the right state of affairs in this field, the Ombudsman for Children sought information from the children themselves thereby securing their participation. The methodology foresaw interviews both with the children-victims and other children with a view of obtaining information on the level of their being informed and their awareness of the problem. The research encompassed the gathering of data through the adjusted questionnaires prepared in advance in the field of social protection, criminal-legislative protection and non-governmental sector, in-depth individual interviews with children, case studies and group discussion at the roundtable.

The in-depth interviews were conducted with three children. Two of them were victims of sexual exploitation. In both cases, the procedures were validly terminated before the court. The third child with whom an in-depth interview was conducted comes from a risk group – this child could become a potential victim of social exploitation due to the influence of certain social factors. Based on the data gathered in the interviews and the data from the files of three centres for social work and competent courts, the expert team made case studies and submitted a written report. The interviews were conducted by professional and sensitized persons who are well acquainted with the problem and already engaged in working directly with the children-victims. These professionals performed the interviews

with children as per a questionnaire prepared in advance and following the determined guidelines taking into account, primarily, the best interest of the child in each individual case. The interviews were conducted with previously obtained consent of both the child and his/her custodian. The purpose of the interview was to view the problem from the angle of child victim and to identify what sort of assistance, help and protection the competent bodies provided in those specific cases.

The views of children were taken into account when giving recommendations and opinions referred by the Ombudsmen to the competent bodies with a view of improving the work of state bodies, institutions and services in charge of prevention, protection and help to the children – victims of sexual abuse.

### **Question 11 of the GOQ / du QAG**

**a)**

When engagement of this sector is in question, based on our gained experience, the company „m:tel“ and several banks gave their contributions in protection against violence of child through internet, by establishing the web site [www.djecanainternetu.org](http://www.djecanainternetu.org) and printing of appropriate leaflets and holding of workshops in 40 schools across Republic of Srpska. m:tel in cooperation with the Ombudsmen for children in RS in the campaign for children protection on internet.

**b)**

The Ministry of Interior of Republic of Srpska delivers information to media, with an aim to inform the public if those offences were committed and reported to the Ministry, with a purpose to condemn those offences, prevent any commitments of those acts and abet a victim to report the offence. We point out while informing the public by presenting data, a protection of privacy of child it taken into consideration. Moreover, statistics of all, including these offences are available to media and generally to public, citizens. The official statistics, including all statements and information are published on the web site of the Ministry of Interior.

**c)**

Printing of educative flyers for pupils of elementary schools and students of secondary schools in BIH on protection against sexual abuse and sexual exploitation was financed by micro credit company from Banja Luka „Zdravo“.

There are no organisations in Bosnia and Herzegovina that are exclusively dealing with prevention and protection of children against sexual exploitations. There are shelters for victims of violence and trafficking. Activities of those organisations are partly financed by state budget. The proceeds of crime have not yet been used for financing of projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse.

## **BULGARIA / BULGARIE**

### **Question 6 of the TQ / du QT**

Such measures focused explicitly on the circle of trust are not taken.

### **Question 4 of the GOQ / du QAG**

In its endeavour to encourage child participation, SACP accepted without any observations the draft recommendation of the Committee of Ministers of the Council of Europe to member states on child and youth participation. This served as an impetus for a number of NGOs to initiate advocacy projects seeking modification of the legislation on the individual aspects in spheres such as family life, health and social care, institutional care, child protection, adoption, education, public life, administration, legal procedures, as well as in the implementation of the public policy and democratic decision-making at local, regional, national and international levels. The Child Council to SACP also developed a four-level mechanism for child participation. It is designed to encourage collective child participation in the decision-making processes at school, municipal, regional and national level. Currently the mechanism is being piloted with the cooperation of UNICEF, the Ministry of Education and Science (MES) and the local authorities in three districts in Bulgaria. The project is expected to end up with analysis and recommendations for modifications in the legislation.

When performing their control functions, SACP experts inspect the social, health, educational services for children, incl. for children - victims of sexual exploitation and sexual abuse. During the inspections, the experts must consult children in child-friendly language about their rights. There is also a practice to interview children. After the inspections, a report shall be prepared in which the views of children are taken into consideration. The final outcome of the inspections is suggestions for legislative changes. Follow-up of the scheduled inspection of Crisis Centers in Bulgaria in 2011 was a Methodological guide for the operation of this service. Last year, planned inspections were carried out in maternity wards (early marriages), Social-pedagogical boarding school and behavioural boarding schools (where 12

children victims of sexual exploitation and/or sexual abuse are placed) and recommendations were given.

In the social services area providers are obliged to create conditions for free expression of views and independent decision-making on the part of the child, according to the Ordinance on the Criteria and the Standards of the Social Services for Children, as well as for participation in the discussion of issues related to the in-house rules and regulations of the specialized institution and to the residential service, while providing an opportunity for unimpeded filing of petitions and complaints by the users and developing a written procedure for protection against violence, abuse and discrimination.

## Question 11 of the GOQ / du QAG

a)

The Public Council on Safer Internet is a successful form of public-private partnership in the field of protection of children and minors from sexual exploitation and abuse via computer systems. The Council was founded in early 2006 as an advisory body to the National Safer Internet Centre, established and acting under the EC's "Safer Internet" program under the coordination of the "ARC" Fund and is a member of the European network of Safer Internet INSAFE. The Public Council on Safer Internet is to advise and assist the activities of the National Center for Safe Internet, in particular Internet hot line for fighting illegal and harmful content and conduct on the Internet (Web112.net), Bulgarian online safety line for consulting children, parents and teachers on issues of minors online at telephone number 124 123. Members of the Public Council on Safer Internet are state institutions, business associations, large companies in ICT and telecommunications, telecommunication providers and non-governmental organizations that are relevant to the safety of children on the Internet and mobile communications.

A Code of Conduct for Prevention of Trafficking and Sexual Exploitation of Children in Tourism was signed in 2005 and is in force. The Code is a declaration of wilful agreement, destined to orient and regulate the ethical conduct of physical and legal persons directly or indirectly involved in tourist activities, against the sexual exploitation of children in tourism. The Bulgarian Code has been adapted based upon the original "Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism" of ECPAT International, which is supported by UNICEF and the World Tourism Organization. The Bulgarian Code is part of worldwide effort.

b)

During a meeting of the Council for Electronic Media (CEM) on 25 October 2011, the Chairpersons of the State Agency for Child Protection and CEM approved the Assessment Criteria for content which is harmful or threatens to harm the physical, mental, moral and / or social development of children. The proposal of the agreement was widely discusses with civil society, citizens and media service providers

c)

During the design stage of the operative programmes and the defining of measures, the focus is on vulnerable children, particularly – children at risk.

Child at risk is a child:

- a) whose parents are dead, unknown, or have been deprived from parental rights/or with limited parental rights, or the child has been left without their care;
- b) who has become victim of abuse, violence, exploitation or any other inhuman or degrading treatment or punishment either in or out of his or her family;
- c) for whom there is a danger of causing damage to his or her physical, mental, moral, intellectual and social development;
- d) who is afflicted with mental or physical disabilities and difficult to treat illnesses;
- e) who is at risk of dropping out of school or who has dropped out of school.

Thus ensures the funding is directed for prevention and protection of the children from sexual exploitation and sexual abuse According to Bulgarian criminal justice system

confiscation is the only punishment and is imposed only in cases provided by law in the Special Part of the Penal Code. For crimes falling within the scope of the Directive 2011/92/EU, this penalty is provided under Art. 159 (child pornography). For all other offenses under Directive 2011/92/EU apply confiscation in favour of the State of finances and benefits of crime under Art. 53 of the Criminal Code. This is a characteristic of the Bulgarian legal system, since the withdrawal of art. 53 of the Penal Code is a separate expressly provided by law institute through which the state takes (i.e. confiscates under international terminology) items, tools, benefits subject to crime or its equivalent if missing or alienated (in this connection, please see in particular Art. 53, para. 2 b)). The existence of this institute is in line with international standards for the seizure and confiscation "Equivalent" on the merits (the outcome thereof). Art. 53 of the CC is an independent ground for denial and do not need to be mentioned in the Articles of the Special Part (which includes Chapter One, Section VIII "Debauchery" and Chapter Four, Section II "Crimes against youth") as it is a provision of general Part of the Criminal Code and in addition to the forfeiture of the state shall apply regardless of criminal responsibility.

Another option for forfeiture to the State of illegally acquired property is under the Law on Forfeiture of the State of illegally acquired property. Regarding the withdrawal of funds and benefits from entities that are enriched or would be enriched by committing any of the offenses established in the Penal Code is applicable to Law on Administrative Violation and Penalties. Criminal code

#### Article 53

(1) Notwithstanding the penal responsibility, confiscated in favour of the state shall be:

- a) objects belonging to the convict, which were intended or have served for the perpetration of intentional crime;
- b) objects belonging to the culprit, which were subject of intentional crime - in the cases expressly provided in the Special Part of this Code.

(2) (New, SG No. 28/1982) Confiscated in favour of the state shall also be:

- a) articles that have been subject or means of the crime, the possession of which is forbidden, and
- b) objects acquired through the crime, if they do not have to be returned or restored. Where the acquired objects are not available or have been disposed of, an equivalent amount shall be adjudged.

Both normative acts state the term "confiscated in favour of the state" without concretization of the purpose for which the state will use the confiscated belongings and/or funds.

## **CROATIA / CROATIE**

### **Question 6 of the TQ / du QT**

Educational institutions have various programmes in which children participate or they themselves create workshops as well as take part in the workshops organised by civil society organisations implementing such programmes.

In accordance with the answer to question 4a of the General Overview Questionnaire, children participate in the development of the integrative strategy aimed at affirming and protecting the rights of children, as well as in the work of the Council for Children

#### Question 4 of the GOQ / du QAG

a)

The Council for Children, a governmental advisory body, has been active since 1998. It is entrusted with the task of permanently monitoring the implementation of the National Action Plan for the Rights and Interests of Children and coordinating the activities of state and other bodies within the overall implementation of the measures and activities planned. The Decision on the Establishment of the Council for Children of December 2012<sup>7</sup> provides for the first time that a children's representative and a representative of the National Council of Pupils sit on the Council.

In the first quarter of 2011, the Office of the Ombudsperson for Children has carried out a study among the young in the cities of Rijeka, Split and Osijek in order to find out their attitudes towards certain aspects of sexual abuse. The Criminal Act<sup>8</sup> (hereinafter referred to as: the CA/97) in force at the time defined the child as a person under the age of 14 years. The Office carried out this study in collaboration with children - members of the Network of Young Advisors of the Ombudsperson for Children, whose attitudes and opinions prompted the taking of certain measures within this sphere of activity. The study focused on the issue of the minimum age of consent to sexual intercourse with an older partner as one of the aspects of the protection of children against sexual exploitation. This study sought to find out what children thought about this. Therefore, in the first quarter of 2011, as a continuation of the study conducted among 850 secondary-school pupils in Zagreb in 2009, an additional study was carried out among 1,650 secondary-school pupils in Split, Osijek and Rijeka. The overall results of the survey show that of the 2,500 secondary-school pupils surveyed, 2,367 (94.68%) of them held that the minimum age of 14 years was too low and that it needed to be raised. Of these, 1,143 (45.72%) held that this minimum age should be 16 years, 562 (22.48%) opted for the minimum age of 17 years, 438 (17.52%) for the minimum age of 18 years, and 224 or 8.96% were of the opinion that it should be 15 years. Only 5.32% (133) of surveyed secondary-school pupils held that the minimum age of 14 years was appropriate and that it should not be changed. These results revealed that it was necessary to amend criminal legislation in terms of increasing adult criminal liability for the sexual exploitation of children, which was also brought to the attention of the working group charged with drafting the Criminal Act and thus eventually led to the increase in the minimum age to 15 years.

The Office of the Ombudsperson for Children has organised four workshops for the young entitled "What Kind of Sex Education for the Young", in the work of which members of the Network of Young Advisors to the Ombudsperson for Children (NYA) participated. The workshops were held in December in the cities of Osijek, Rijeka, Split and Zagreb. Members of the NYA were informed of the Council of Europe "One in Five" Campaign to stop sexual violence against children and they participated in the discussion on the sex education for the young. Children stated what they thought of the ways in which they obtain information about sexuality and responsible sexual conduct and expressed their opinions as to when and how they should be given information relating to sexuality in school, what type of

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<sup>7</sup> Official Gazette 98/12

<sup>8</sup> Official Gazette 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08 and 57/11.

information was relevant to them and to what extent it was important, whether they have a need to discuss and learn about the relations between the sexes, what content in terms of the child's upbringing and education promoting responsible sexual behaviour it would be best to offer at each stage of the child's development, in particular in view of peer violence, and what approach to take in working with children on preventing sexual abuse and exploitation.

Moreover, audio recordings in which children give advice to other children on how to protect themselves against sexual abuse and exploitation have been placed on the website [www.sigurnijinternet.hr](http://www.sigurnijinternet.hr).

At education institutions children are actively involved through taking classes on Health Education in schools and, to some extent, Civic Education classes. Pupils are taking part, depending on their grade of study, in the work of civil society organisations dealing with this issue.

Also, the working group charged with developing the 2013-2020 National Strategy for the Protection and Promotion of the Rights of Children in the Republic of Croatia was formed so as to include, among others, a representative of the children and a representative of the National Council of Pupils, whereas in order to prepare itself for its role within the said working group, the Union of Societies "Our Children" of Croatia carried out a survey among children in children's councils and children's forums in 15 cities throughout the Republic of Croatia, the results of which survey were taken into account when the said 2013-2020 National Strategy was being developed.

**b)**

The Office of the Ombudsperson for Children<sup>9</sup> pays attention to children's views, interests and needs when legislative and other measures are being adopted, carries out surveys and collects data on children's views, interests and needs.

The results of the survey carried out by the Office of the Ombudsperson for Children revealed that it was necessary to increase adult criminal liability for the sexual exploitation of children.

With a view to strengthening the criminal-law protection of children offered to all children, a more severe penalty has been introduced for criminal offences committed against children under the age of fifteen years.

The interests of children are also looked after by means of statutory provisions on the statute of limitations for the criminal prosecution of criminal offences committed against a child. Specifically, the statute of limitations for the criminal prosecution of the said criminal offences starts to run when the child-victim attains the age of majority.<sup>10</sup>

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<sup>9</sup> Under the Ombudsperson for Children Act (Official Gazette 96/03), the ombudsperson for children protects, monitors and promotes the rights and interests of children pursuant to the Constitution of the Republic of Croatia, international treaties and laws. The Ombudsperson for Children acts independently and autonomously, adhering to the principles of fairness and morality. The Ombudsperson for Children may not be given instructions or orders with respect to his/her sphere of activity. The Ombudsperson for Children is appointed and relieved of duty by the Croatian Parliament upon the proposal of the Government of the Republic of Croatia.

<sup>10</sup> Under Article 83, paragraph 3, of the CA, the statute of limitations for initiating criminal proceedings for the following criminal offences: "Slavery" referred to in Article 105, paragraph 3, "Trafficking in Human Beings" referred to in Article 106, paragraphs 2 and 3, "Murder" referred to in Article 110, "Aggravated Murder"



## Question 11 of the GOQ / du QAG

a)

The Ministry of Science, Education and Sports co-funds or funds civil society organisations that have and implement child abuse prevention programmes.

The Croatian Employers' Association and UNICEF have developed a guide book for companies entitled "Children are Our Most Important Activity" presenting different contexts and ways in which companies may integrate the rights of children into their business activities. Moreover, a Cooperation Agreement has been signed between the Croatian Employers' Association and UNICEF regulating their joint spheres of activity for the benefit of children in the business sector.

b)

The Ombudsperson for Children and her collaborators continuously, through their public appearances, point to the need to protect children from sexual abuse and sexual exploitation. From 2010 to 31 October 2013, 96 telecasts have been shown by major television broadcasting companies and more than 60 press articles published on the following: prevention of sexual violence against children, underage pregnancies, age of consent, national campaign for the protection of children against sexual abuse, introduction of sex education classes into school, and the sex offenders registry. On its website, the Office of the Children's Ombudsperson<sup>11</sup> has made available the information on the protection of children on the Internet. Other portals have also joined suit. The media see the Office of the Children's Ombudsperson as a place they will turn to when they want to warn and educate the public about the protection of children against sexual abuse, especially with regard to the obligation of the state to provide protection to children and penalise perpetrators of violence. Thus, they frequently ask for statements, comments or answers to certain questions.

Discussions among experts and campaigns are one way in which the Office of the Children's Ombudsperson educates the media about how to report on children, in particular children - victims of violence. The Office of the Children's Ombudsperson organised a discussion "Positive Content for Children and about Children" on how protected children are in the media and on media content and published the proceedings so that it would serve as a useful manual to the media. The media are continually being reminded of the need to respect UNICEF's Principles of Ethical Reporting on Children and the Ombudsperson is constantly calling on the Croatian Journalists' Association and the Croatia's Media Council to

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referred to in Article 111, "Manslaughter" referred to in Article 112, paragraph 1, "Participation in Suicide" referred to in Article 114, "Female Genital Mutilation" referred to in Article 116, "Serious Bodily Injury" referred to in Article 118, "Particularly Serious Bodily Injury" referred to in Article 119, "Serious Criminal Offences against Sexual Freedom" referred to in Article 154, paragraph 1, point 2, "Sexual Abuse of a Child under the Age of Fifteen" referred to in Article 158, "Sexual Abuse of a Child over the Age of Fifteen" referred to in Article 159, "Child Pandering" referred to in Article 162, "Exploitation of Children for Pornography" referred to in Article 163, "Exploitation of Children for Pornographic Performances" referred to in Article 164, "Serious Criminal Offences of Child Sexual Abuse and Exploitation" referred to in Article 166, "Enabling Non-marital Cohabitation with a Child" referred to in Article 170, "Abandonment of a Close Person in a Situation of Distress" referred to in Article 171, "Child Desertion" referred to in Article 176 and "Violation of Children's Rights" referred to in Article 177 of this Act, committed against the child starts to run from when the victim reaches the age of majority. The said provision on the statute of limitations for criminal prosecution existed in the previous Criminal Act as well.

<sup>11</sup> <http://www.dijete.hr>

contribute through their activities to the education of and awareness-raising among journalists about how to recognise and protect the best interests of the child, and the need to sanction examples of unethical reporting on children and other acts by the media that contravene positive law. Thus, under the Media Act<sup>12</sup>, the Electronic Media Act<sup>13</sup>, and the Juvenile Courts Act, the media are obliged to respect the privacy, dignity and reputation of children, prohibit the broadcasting or publication of information on the child's identity where this jeopardises the child's well-being, and in particular respect the right to identity protection of witnesses and victims of criminal offences. Where they fail to do so, the said Acts lay down hefty fines (up to one million kuna). Under the Ordinance on the protection of juveniles<sup>14</sup>, radio, television and electronic publication broadcasters are required to protect the identity of minors involved in any kind of violence, are prohibited from making public any information concerning the child's family relations or publish the personal details of a minor where this might jeopardise their well-being. News footage containing disturbing or violent scenes must be preceded by a warning and unencrypted programmes are forbidden from broadcasting pornography. Unencrypted programmes which could jeopardise the development of minors must display visual symbols for the entire period of their transmission. Programmes displaying the sign "18" must not be broadcast from 7 to 23 hours, those displaying the sign "15" from 7 to 22 hours, and those displaying the sign "12" from 7 to 21 hours.

Despite the progress achieved in electronic media regulation through the Electronic Media Act and the Ordinance on the protection of minors, the effective protection of children against potentially harmful electronic media content has not yet been achieved (e.g., pornography advertisements, vulgarities, excessively violent scenes). Violations of regulations are rarely and mildly penalised. Although television broadcasters mark the content that is unsuitable for children, this leaves a lot to be desired in terms of uniformity and appreciation. This is the reason why the Ombudsperson suggested to the Electronic Media Council, which is the authority responsible for monitoring the implementation of legislation but also for promoting media culture development in society, to launch a public dialogue between experts on the criteria and principles for, and manner of protecting children from potentially harmful media content, and to publish professional opinions on this. The Ombudsperson for Children warns editors-in-chief, publishers and broadcasters of their omissions in protecting children, files reports to the Council of Honour of the Croatian Journalists' Association and to the Electronic Media Council, and in case of serious violation of a child's right to privacy in the media informs the State Attorney's Office. Sanctions for violations of the child's right to privacy are rarely imposed in practice, although reporting about children is frequently sensationalist and it is not seldom the case that their identities are disclosed, either directly or indirectly. Unfortunately, as regards the press, it is not clearly established who supervises the implementation of laws. Therefore, many cases of violations of children's right to privacy are not sanctioned. It is necessary to specify the authority responsible for supervising the implementation of the Media Act, as is done by the Electronic Media Council in the case of electronic media, and consistently sanction violations of regulations by publishers. It is also necessary to strengthen the self-regulatory bodies in the field of the media, which are as yet not sufficiently influential, and to continually

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<sup>12</sup> Official Gazette 59/04, 84/11 and 81/13

<sup>13</sup> Official Gazette 153/09, 84/11, 94/13 and 136/13.

<sup>14</sup> Official Gazette 60/10.

educate journalists through their professional associations about the importance of protecting the rights and best interests of children.

c)

In order to avoid repeating what has already been said, we refer the reader to the answer to question 8a) which we supplement with the remark that every year, the Ministry of Social Policy and Youth provides project funding to civil society organisations through calls for projects aimed at various prevention activities. In 2013, 3 million kuna, earmarked from games of chance proceeds, were allocated in support of projects aimed at preventing violence against and among children and youth, while 5,717,296.86 kuna were devoted to projects aimed at preventing substance abuse and other forms of addiction among children and youth. A total of 550,000.00 kuna were awarded to 20 projects through a call for projects aimed at promoting and protecting the rights of children, and another 550,000.00 kuna to 17 other projects aimed at supporting single-parent families and strengthening parent competences through a call for projects aimed at providing family support.

## **DENMARK / DANEMARK**

### **Question 6 of the TQ / du QT**

See answers to questions 4 and 8(a) of the GOQ.

### **Question 4 of the GOQ / du QAG**

a)

In 2012 an Act of Parliament was passed with the purpose of strengthening the protection of children's right pursuant to the UN Convention on the Rights of the Child. One way is through the strengthening of the advocacy role of the National Council for Children, and DKK 2m a year was allocated to the strengthening of the National Council for Children. The National Council for Children's central work areas are to:

- advise the government and Parliament about children's conditions in society
- point out areas in legislation or administrative practices where the right of the child is not taken into account
- inform and assess the progress in children's conditions
- cooperate with authorities, institutions, and organisations to improve children's welfare
- involve children's point of view in the work of the Council and visit institutions with children

Furthermore, steps have been taken to safeguard children's viewpoints in the policymaking by establishing children's panels where topics and initiatives concerning children are being discussed.

b)

The "Child's Reform" introduced several initiatives to strengthen children's rights in 2011 – including cases where it is suspected that a child has been sexually abused. These initiatives include e.g.:

- The right to appeal from the age of 12, including the right to legal assistance in the hearing of their cases according to the Act on Social Services.
- Ensure that the contact between a child placed in care and the parents, family or network is conducted with the best interests of the child in mind.
- New funding to significantly expand the adviser system (*bisidderordningen*). The organisation "Children's Welfare in Denmark" receives financial support in order to ensure that disadvantaged children and young people are offered a professional advisor. This service is offered free of charge to children and young persons who need an adult to advise on the Act on Social Services and on their rights.
- The National Social Appeals Board (*Ankestyrelsen*) is given an extended authority to take up cases on its own initiative when a child is at risk.
- When cases concerning children are presented at the children and young person's committee and at the National Social Appeals Board children's experts must be heard in all aspects of the case.

The plan "Coordinated measures to protect children against abuse" includes an Act of Parliament which entered into force in October 2013. One of the main points of the Act and the initiatives thereunder is to involve children and their needs throughout the whole inquiry. This includes, *inter alia*, an interview with the children early in the process.

The Act was also the basis for establishing Child Advocacy Centres (*børnehuse*) in which the help from social services, police and health services is gathered. In the child-friendly centres the different professionals and authorities work and cooperate to help children who have been sexually abused, as well as when it is assumed that a child has been sexually abused.

#### **Question 11 of the GOQ / du QAG**

**a)**

See answer to question 8(a) of the GOQ

**b)**

See answer to question 8(a) of the GOQ

**c)**

See answer to question 8(a) of the GOQ

When proceeds of crime are confiscated, the values confiscated will be an income on the general budget. There is no direct link between such income on the general budget and any particular expenditure appearing on the budget, including projects and programmes aimed at preventing and protecting children from sexual exploitation and sexual abuse.

#### **Question 8a of the General Questionnaire**

Embedded in different subjects in primary and lower secondary education is instruction in areas relevant for raising awareness among children and enabling them to protect themselves, such as anatomy, sexuality and sex, gender roles and equality. The purpose of the teaching is to enable the pupils to form a critical opinion and act to promote the health of themselves and others.

The education in primary and lower secondary education also comprises teaching the pupils both basic internet usage skills and understanding of possibilities and dangers related to the internet. In relation to this teaching the children are to be made familiar with strategies and

guidelines for safe internet use. This teaching is given in connection with a number of different subjects. To assist the teachers in this connection the Ministry of Education in cooperation with the Ministry of Culture has made a web portal with teaching materials on this theme available to schools.

Knowledge of human and children's rights is a mandatory competence objective for all students completing the B.Ed. programme for primary and lower secondary schools. Furthermore, teacher students are required to be able to apply that knowledge in organising their teaching, in conducting communications with parents and co-workers, and in the continuous development of school culture.

Knowledge of pupils' social, emotional and cognitive development (including gender-issues) is also a mandatory competence objective for all students completing the B.Ed. programme for primary and lower secondary schools. Furthermore, teacher students are required to be able to apply that knowledge in observing, supporting and challenging pupils' emotional and cognitive development. In addition, all teacher students are offered a voluntary course on Family, health and sexual education. The competence objectives of this course include knowledge of children's development, psychological and physical changes during puberty and sexuality (including sexual identities) and the ability to apply this knowledge in preparing, executing and evaluating teaching.

The Act of Parliament adopted pursuant to the plan "Coordinated measures to protect children against abuse" which entered into force in October 2013 underlines the importance of timely and correct action from the social authorities when they receive a report about a child who is presumed to have been exposed to violence or other abuse. Thus, the social authorities must evaluate the report within 24 hours in order to decide if immediate action is needed, and the social authorities must interview the child as part of its investigation of the report.

In addition, DKK 1.8m was allocated to launch a campaign that focuses on the duty of professionals working with children and of other adults to notify the authorities if they learn or have a reason to believe that a child has been exposed to violence or other abuse. The campaign aims to secure that professionals and other adults are aware of:

- Their duty to inform the authorities
- The extent of the duty to inform the authorities, and
- The possibility to inform the National Social Appeals Board.

The campaign also aims to secure awareness about the legislative changes following the plan "Coordinated measures to protect children against abuse" which entered into force in October 2013. The campaign was launched at the end of 2013.

Furthermore, in 2012 DKK 10.8m was allocated to an initiative where the main focus is to teach children about their rights. Save the Children will be in charge of the initiative and will in 2014 launch a campaign with the purpose of teaching children about their rights including their right to a life without abuse and violence. Save the Children will also be in charge of a development project that aims to test ways to build children's self-esteem and general resistance to assault.

In order to raise awareness of trafficking of children the Centre against Human Trafficking has conducted extensive training for outreach workers and social workers in close

cooperation with major municipalities, social organisations, trade unions, the police, the Prison and Probation Service, Immigrations Services and asylum centres.

## **FINLAND / FINLANDE**

### **Question 6 of the TQ / du QT**

No specific measures have been taken.

### **Question 4 of the GOQ / du QAG**

**a)**

According to the Constitution of Finland section 14(4) the public authorities shall promote the opportunities for the individual to participate in societal activity and to influence the decisions that concern him or her. The provision also applies to children. Ministry of Education and Culture has published an evaluation on children's participation rights (only available in Finnish, Opetus- ja kulttuuriministeriön julkaisu 2011:27). See also answer 5a on Ombudsman for Children.

**b)**

When drafting legislation or planning new measures the different ministries are normally in some way in contact with NGO's dealing with children's rights. Opinion of the Ombudsman of Children is generally inquired when planning new legislation or measures concerning children. Research studies are also a commonly used tool when amending legislation.

### **Question 11 of the GOQ / du QAG**

**a)**

One example of the private sector being involved in the prevention of sexual abuse and exploitation is the practise of removing and blocking of web pages containing child pornography. The act on preventive measures against child pornography (1068/2006, translation not available) allows for the police to keep list on pages containing child pornography. The list is given to the internet operators so they can use it to block access to these pages from their users.

The internet service providers are required to remove any child pornography material that is found in web pages hosted by them (Act on provision of information society services (458/2002), Section 15).

One example of the involvement of the private sector is the travel agencies that have committed to prevent child sex tourism in their business operations. The biggest travel agencies in Finland have signed the ECPAT declaration (more information can be found from the web pages of the Association of Finnish Travel Agents (AFTA) in Finnish <http://www.smal.fi/index.php?462>

**b)**

Court proceedings and trial documents are as a main rule public. The court may order that the decision be kept secret to the necessary extent if the decision contains for example

sensitive information regarding matters relating to the private life of the victim. However, also in such a case the conclusions of the decision and the legal provisions applied are public. If the case has social significance or it has caused considerable interest in public, a public report shall be prepared regarding the decision. The public report contains a general account of the case and of the reasons for the decision. (Act on the Publicity of Court Proceedings in General Courts, 370/2007, sections 9, 24 and 25.)

c)

Finland's Slot Machine Association (RAY) is giving funding to different health and welfare projects yearly. The main purpose of Finland's Slot Machine Association (RAY) is to raise funds through gaming operations to promote Finnish health and welfare. Nearly 900 organisations receive funding each year. The final decision on the funding is made by the Ministry of Social Affairs and Health. Most of the organisations or projects mentioned in the questionnaire answers have been receiving at least some funding from RAY. Also different ministries fund directly projects that aim (for example) preventing child sexual abuse and exploitation.

## **FRANCE**

### **Question 6 of the TQ / du QT**

No reply / Pas de réponse

### **Question 4 of the GOQ / du QAG**

a)

Il n'existe pas de mesure spécifique.

b)

Les dispositions législatives sont adoptées par le Parlement qui prend en compte les besoins et les préoccupations des enfants victimes pour définir les mesures législatives ou autres destinées à aider les victimes. En particulier, toutes les lois sont adoptées après l'organisation de nombreuses consultations, notamment des organisations non gouvernementales intervenant dans le domaine de l'assistance des enfants.

### **Question 11 of the GOQ / du QAG**

No reply / Pas de réponse

## **GREECE / GRÈCE**

### **Question 6 of the TQ / du QT**

Currently there no distinctive steps taken in terms of formal legal provisos in order to encourage participation by children, the private sector, the media and/or civil society in the development and implementation of policies/programmes/initiatives with regard to sexual abuse of children in the circle of trust.

### **Question 4 of the GOQ / du QAG**

**a)**

Insofar, children's participation in the development or the implementation of state policies or other initiatives against sexual abuse or exploitation have suffered from fragmentation and is of rather more paradigmatic character. Notably, the Hellenic Children's Ombudsman has been undertaking several such efforts throughout the recent years in getting children and adolescents to be involved in procedures of public discussion on relevant issues.

**b)**

Insofar, children-victims' contribution with their own experiences in preparing and adopting national strategies and laws has been restricted. However, in general legal provisos as well as administrative other measures are regularly taken on the basis of the consideration of the children-victims' perspective which is usually be taken into account, however not always successfully.

### **Question 11 of the GOQ / du QAG**

**a)**

The private sector has not yet participated in the elaboration or implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children

**b)**

As a part of Council of Europe's "One in Five" campaign implemented by the Hellenic Representative in the CoE's Parliamentary Assembly, video spots of the "Underwear Rule" had been transmitted by TV channels. Moreover, two other TV spots developed by the Institute of Child Health in collaboration with General Secretariat of Youth had also been broadcasted within the time zone of "social responsibility" of national TV channels.

**c)**

Criteria for financing of programmes relevant to prevention of child abuse or sexual crimes against minors are standardized and intergraded within the framework programs of respectful funding schemes (i.e. EU's National Strategic Framework Program). There is no proviso for making use of proceeds of relevant crimes for financing programs such as the aforementioned ones.



## ICELAND / ISLANDE

### Question 6 of the TQ / du QT

This issue has been addressed in the answer to questions 4. and 11. of the GOQ, in particular concerning the participation of the *UNICEF* children's focus group who consists of child survivors of sexual abuse and has been regularly consulted in all major decision making with regard to policy making.

### Question 4 of the GOQ / du QAG

a)

At the initiative and within the framework of *UNICEF* Iceland, a Focus Group of child victims of sexual abuse was established in 2012. The children were recruited and supported in this effort by the *Barnahus* where the children had received their therapy. The focus group has consulted *UNICEF* in their work with regard to policy making and plan of action against sexual abuse of children. The children's Focus Group was consulted by the ad hoc Working Group appointed by the Government in January 2013 to draft an Action Plan to fight child sexual abuse and strengthen services for child victims. Furthermore, the Focus Group was on two occasions called to share their experience with the respective Ministers in the Government (Welfare, Interior and Education), including the Prime Minister when the proposals of the Working Group were examined and decided upon. The former occasion was in April 2013 and the latter in August 2013 after a new Government had been formed following the spring General elections and decided to re-view the aforementioned Plan of Action.

b)

It is safe to assert that the Focus Group mentioned above had an impact on the Government's decisions, in particular with regard to strengthening the services of the *Barnahus*. The priority given by the Focus Group on new facilities for the *Barnahus* and more staff found its way into the Government decisions for improvements, for examples shortening the waiting time for victim treatment and introduce group therapy for child victims of sexual abuse and exploitation.

### Question 11 of the GOQ / du QAG

a)

There is not a great tradition of an active participation to the private sector in the implementation of policies or programmes in the field of prevention and protection of children from sexual abuse in Iceland. However, there are exceptions to this as *Blátt Áfram* has collected financial contributions from number of private companies, including the banking and finance sector, to conduct awareness raising activity and training initiatives. Collaboration between the state or local authorities and the private sector with regard to the issue of child sexual abuse is not known.

b)

No systematic attempt has been made at the initiative of state agencies to encourage the media to cover the issue of sexual abuse and sexual exploitation. However, the state agencies are typically responsive to all request of providing information and participating in public discourse on the topic.

c)

There are no examples of the State initiative or encourage with the regard of the creation of funds nor establish that proceeds of crime be allocated to projects or programmes with regard to sexual exploitation and sexual abuse of children.

## **ITALY / ITALIE**

### **Question 6 of the TQ / du QT**

See answers to questions 4 and 11 of the GOQ.

### **Question 4 of the GOQ / du QAG**

In relation to the presence of a national specific policy dealing with the fulfilment of the right of the child to participate and be heard in all the contests of interest, in Italy such a general policy is not present, but the Law of 28 August 1997, No. 285 triggered the activation of an indirect policy on child participation. Article 7 (Positive actions to promote the rights of children and adolescents) of the Law 285/1997 stated that for the purposes of the present law, “positive actions to promote the rights of children and adolescents” are actions aimed at improving the well-being and quality of life of minors, promoting their autonomy and creativity, as well as putting into value gender, cultural and ethnic characteristics, with respect for every form of diversity. Positive actions should provide for, in particular:

- a) actions that facilitate the use of time and urban spaces, remove obstacles to mobility, and broaden the enjoyment of environmental, cultural, social and sport goods and services;
- b) measures aimed at promoting knowledge of the rights of children and adolescents among all citizens, particularly those who work in the public service sector;
- c) measures aimed at promoting the participation of children and adolescents in the life of local communities.”

The law, in this manner, supports the development of programmes that at the national as well as at the local level promote the effective implementation of the rights of the child to participation.

Moreover, the National Observatory for childhood and adolescence has paid close attention to the importance of participation of children to the development and the implementation of policies and initiatives concerning the fight against sexual exploitation and sexual abuse. Also the Offices of Social Services for Youth of the Juvenile Justice support children victims of abuse by way of interviews and by “hearing them” in “protected premises” as provided for by the Noto Charter of 1996 as amended in 2002.

[http://italy.bacaworld.org/files/2010/01/CartaNoto\\_2002.pdf](http://italy.bacaworld.org/files/2010/01/CartaNoto_2002.pdf)

In this field the role of NGOs, associations and other members of civil society should also be mentioned in relation to the promotion of children's participation.

Finally, it is important to underline that the recent establishment in 2011 of a National Authority for children and adolescents will encourage the participation of children in the development and the implementation of state policies, programmes or other initiatives.

### **Question 11 of the GOQ / du QAG**

**a)**

In the tourism sector:

First of all, in relation to Travel industry, Italian Government provides a specific Article in the Penal Code that punishes all touristic initiatives directed to child exploitation (Article 600 *quinquies*).

In 2000 representatives of the major tourism associations approved a Code of Conduct whose purpose was to report the seriousness and large extent of this problem.

In particular, tour operators and travel agencies committed themselves to:

- Informing and updating tourism staff in Italy and destination countries on sexual exploitation of children
- Informing clients — in addition to what is being required by Law 269/1998 — of the commitment made by the tourism industry to the fight against the sexual exploitation of children in tourism by pointing out to them the adoption of the Code of Conduct
- Including in agreements with suppliers in destination countries clauses requesting that:
- Contacts between tourists and potential sexual exploiters of children and/or direct contacts between tourists and children whose purpose is sexual exploitation must not be facilitated in any manner whatsoever
- Whenever possible, no contact/meeting between tourists and exploiters and/or children for the purposes of sexual exploitation should take place in accommodations
- Including in contracts between tour operators and hotels that children are not allowed in bedrooms when the purpose of letting them in is sexual exploitation, stating that the agreement with the hotel will not be renewed if sexual exploitation has taken place in the hotel itself
- Including in each contract with foreign counterparts (suppliers, tour operators, hotels, etc.) an English translation of the Code of Conduct and its addendum
- Doing away with communication materials — either printed or on video or the Internet — which might refer or allude to behaviours that are not in line with ECPAT's mission or the fundamental principles of the Code of Conduct
- Including in all forms of communication used to promote tourism products the following sentence: "our company has adopted the Code of Conduct against sexual exploitation of children in tourism"
- Informing industry staff of the Code of Conduct which will be included in existing collective and individual employment agreements
- Including the Code of Conduct in any new employment agreement.

As part of international and decentralized cooperation initiatives, the Ministry of Foreign Affairs has promoted some information initiatives on sex tourism both on its own and in conjunction with NGOs and local authorities. Awareness campaigns have been launched at regional level within the framework of decentralized cooperation projects. Among others, the work carried out in the Emilia-Romagna Region with the “Agenzia Amica” (Friendly Agency) project is worth highlighting. This initiative was launched under Regional Law No. 7 of 31 March 2003 on Regulations of Manufacturing, Organization and Sales Activities of Trips, Stays and Tourism Services. These are a series of rules governing regional travel and tourism agencies’ activities to ensure clients a high organizational and safety level of services and compliance with “ethical tourism”.

As far back as 2003, an awareness campaign on sexual abuse and exploitation of children and sex tourism was carried out in Tuscany. Young students from high schools were invited to send their drawings, three of which were selected and became, thanks to the sponsorship of the Regional Government of Tuscany, three posters distributed in schools, social centres, travel agencies and airports both in Italy and abroad.

In 2004, a wide network of associations and local authorities, including the Emilia-Romagna and Veneto Regional Governments, promoted an information and cooperation campaign, particularly with Brazil, called “STOP SEXUAL TOURISM”. The campaign aimed at promoting a “healthier”, more ethical and responsible local tourism, and carrying out aid projects in conjunction with local institutions.

In 2005 the Bilateral Italian Tourist Board and ECPAT, a non-governmental organization, signed the “Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism”. As well as sharing objectives and values at the basis of the fight against commercial sexual exploitation of children, adoption of the Code is an important commitment for tour operators, travel agents, airline companies and airports. This commitment was further strengthened by No. 38 of 6 February 2006 “Provisions Concerning the Fight Against the Sexual Exploitation of Children and Child Pornography Also Via Internet” that made permanent the obligation for tour operators organizing group or individual trips to foreign countries to clearly show in their advertising materials, programmes, travel documents for users, general catalogues and catalogues on individual destinations, that, under Italian law, offences related to child prostitution and pornography, even when committed abroad, are punishable.

The activities that have been carried out have brought the problem of the role of Italy in promoting sexual tourism to the attention of the general public. They have also led tour operators to pay greater attention to their business activities.

The most meaningful experiences that have had positive effects have included those managing to combine information in Italy and development and judicial cooperation with countries of destination of sexual tourists from Italy.

One example of this cooperation is the joint project between the Prime Minister’s Office, the Ministry of Foreign Affairs and UNICEF. The main focus of this project is prevention of

sexual exploitation and, in particular, sexual tourism involving children in those countries that are known as “sex destinations” such as Honduras.

In addition, there is the "Code of ethical tourism certification" that reflects the "Code of Conduct Italian tourist industry" and combines the most important brands of the tourism industry. On the basis of this code tour operators, travel agencies, airlines and airports undertake to adopt all necessary measures to combat the sexual exploitation of children in tourism both in Italy and in destination countries.

In 2010, on the occasion of the European Conference of Stakeholders of Tourism (Madrid 2010), the institutional campaign "And if it was your child?" was presented focusing on child sex tourism. The initiative, launched for the first time in December 2008, through the realisation of popular commercials on major television and radio channels and the inclusion of banners on the websites of major national newspapers, aimed to involve the largest Italian tourism enterprises, urging all operators to adhere to the Code of tourist behaviour "Certified Ethical Tourism - CTE".

As regards the issue of trafficking of children for the purpose of sexual exploitation, ECPAT realised the Campaign ECPAT-Italy-Bodyshop “Their protection is in our hands” (launched in 2009). It is an International campaign aimed at raising awareness and prevent trafficking of children for sexual exploitation.

**b)**

As regards the media and Internet sector:

The financial Sector and the banking System are involved in the ongoing project set up with the National Center for fighting pedopornography through the internet. These two sectors will gather the information about all the credit card purchases of material concerning child exploitation and sexual abuse.

The self-regulation code “Internet and minors”

The regulation is an initiative which was launched by the Committee on the Internet and minors, together with the Technical Committee for the conscious use of the Internet (set up at the Office of the Prime Minister - Innovation and New Technologies Department, with the Decree of 12 July 2002). Through this code, which represents the main tool to protect children on the web, the sector is requested for the first time to elaborate and adopt some rules, whose respect will be monitored by a public body. Another important initiative is the Charter of children’s rights on the web, which was approved by the National Users Council of the Communications Regulatory Authority on 3 February 2004. The document, while reaffirming the fundamental rights established in the Constitution, such as the freedom of speech, equality and the right to health, underlines the potential contribution of a good, healthy activity on the web to the process of growth of children. Then, the Charter stresses that all the institutions, schools, families and subjects in charge of the protection of minors have to guarantee their safety by doing their best to fight against crimes committed on the web. The Ministry of the Interior also opened a website which informs minors of the risks and opportunities of the Internet and collects reports concerning websites containing child pornography material. The Code, which is based on the principle of co-regulation, represents a step forward because it implies the sharing of responsibilities through an agreement between the public and the private sectors; it is a sort of “regulated” self-

regulation, whose rationale is simple but effective, given that it also introduces sanctions and “rewards” decided by the companies of the sector themselves. Each party has to play a specific role:

- the institutions establish a series of rules and political objectives;
- the companies and the parties involved elaborate in detail the instruments needed to achieve such objectives.

In this perspective, the institutions confine themselves to participating in the monitoring of the final outcome. Co-regulation is thus a more flexible, adaptable and effective instrument, especially with respect to the protection of minors. On the front of information, one of the main results of the activities of the Technical Committee has been the User’s handbook on the conscious use of the Internet. The manual was elaborated by the Ministry for Innovation and New Technologies in collaboration with the heads of the informative systems of the Ministry of Economics and Finance and with the technical support of the experts of the company “CONSIP S.p.A”. The aim of the document is to spread a set of guidelines on the conscious use of electronic communications, i.e. Internet, email, mailing lists, chats and forums; the term “conscious” here means that the user must be informed and well aware of the risks existing on the web.

The self-regulation code “TV and minors”.

The public and private broadcasting corporations commit themselves to fully respect the existing regulations for the protection of minors through a self-regulation code. Based on this code, the televisions must promote the development of personality in children and restrain from sending messages which could hurt them, in line with the UN Convention on the rights of the child, which encourages the “development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being” (art. 17). The code thus aims to protect the rights and psychological and moral integrity of minors, in particular of the most vulnerable ones (aged 0-14). The television programmes of public and private networks are monitored by the Committee for the implementation of the self-regulation code “TV and minors”, which was set up at the Ministry of Communications. In 2003-2004, the Committee examined 867 reports and opened proceedings in 236 cases. 85 TV programmes were sanctioned, of which 32 in 2003 and 53 in 2004. In general, the Committee sanctioned failures to respect the Code, its general principles and specific rules which could possibly hurt minors and their physical, psychological and moral growth.

In addition, to the resolutions concerning violations of the code, the Committee also drafted some specific recommendations on the following topics: the behaviour of participants in “reality shows”; the representation of the female body on TV; the obligation to inform in advance of the broadcasting of gruesome images on TV (which must in any case be justified); the need to give appropriate information to avert the abandonment of newborns; restrictions to the promotion of X-rated movies; the promotion of erotic calendars to be avoided from 7 am to 10 pm.

In accordance with the provisions of the code, the Committee immediately sent all its resolutions concerning violations of the code, as well as reports of hard-core shows, to the Communications Regulatory Authority. However, the Committee itself highlighted that there is a “gap” between the two bodies with respect to the time they need to intervene. In order to ensure a more constant and rapid connection between the two institutions, a joint

working group has been created with the aim to prepare priority procedures and to analyze relevant issues of common interest.

In 2004, the problem of the protection of minors on TV was addressed with the introduction of new, important provisions. The Law no. 112/2004 on the broadcasting system dedicates specific attention (in art. 10) to this topic and officially recognizes the role of the self-regulation code and of the Committee for its implementation. The Law also establishes that: 1) all the networks must respect the Code, regardless of whether they originally signed it or not; 2) the Communications Regulatory Authority must intervene to ensure respect of the Code provisions, even if they do not necessarily coincide with the laws in force; 3) the fines inflicted by the Authority for violations detrimental to minors are increased (art. 10 par. 6); 4) the resolutions of the Authority and of the Committee concerning violations of the code must be publicized also by the sanctioned network (in news bulletins at peak time).

The Code of conduct for the offer of additional services and the protection of minors.

On 16 February 2005, the mobile phone companies Tim, Tre, Vodafone and Wind signed the Code of conduct promoted by the Ministry of Communications: this is a self-regulation code on the right of information and freedom of speech, which guarantees the full protection of children.

c)

Article 17, of the law n. 269/98, has established a Government fund for the prevention, assistance, and treatment programs for victims of child prostitution, child pornography, detention of pornographic material, sexual tourism directed to child exploitation. The fines imposed, the amount of money confiscated as well as the money deriving from the sale of confiscated properties pursuant to this law become part of a special fund (for the proportion of two-thirds for specific programs of prevention, care and recovery of children victims of sexual abuse and exploitation. The remaining part of the fund is aimed at the recovery of those responsible of the crimes of sexual abuse and exploitation. However, with the approval of law 328/2000 (that has set up a National Fund for Social Policy) these resources have become part of the National Fund for Social Policy which covers different social areas from the elderly to children.

Moreover, law 269/98 includes funding for innovative projects on child abuse. In general, the Regions and the local authorities elaborate long-term plans and follow a multidisciplinary approach involving a wide range of professions, institutions, NGOs and associations. The area plans involve the collaboration of the local health care authorities, municipalities, provinces, judicial authorities, regional education authorities, associations and cooperatives.

In addition, law 287/97 has created a fund for projects aimed at children focusing on different areas, including on violence and sexual abuse.

Associations can also avail of funds provided by Regions and municipalities. Moreover the Department for Equal Opportunities has approved a call for tender for the distribution of grants to support pilot projects for the treatment of child victims of sexual abuse and exploitation.

At local level, a number of initiatives have been undertaken in the last years. One example is the long going collaboration of the Municipality of Florence with the private body Artemisia, with a long and consolidated experience in this specific issue. Services directed to children victims of sexual violence have been recently implemented. During 2012, in particular, two different interventions have been developed in cooperation with institutional and public bodies: a first project named AGAVE - Actions Against Violence - focused on the prevention of violence and sexual abuse and the project named ALISEI directed to the psychological support of victims of sexual abuse.

## **LITHUANIA / LITUANIE**

### **Question 6 of the TQ / du QT**

See answers to questions 4 and 11 of the GOQ.

### **Question 4 of the GOQ / du QAG**

Starting from 1996, the public organisation “Save the Children” has been implementing a project “Children Groups against Violence” in schools of Lithuania. The goal of the project is to create a safer school environment for girls and boys and to fulfil children’s rights to protection from violence. In 2012, 21 Lithuanian cities and regions had 122 groups, the activities of which involved more than 1200 girls and boys from various regions of Lithuania. Groups consist of 5 to 20 pupils and an adult person, i.e. the head of the group, who is a social pedagogue, a teacher or a psychologist working at this school. Activities of children groups against violence are based on children’s initiative and participation.

Groups participate in the development of strategies, programme and projects of their schools aimed at ensuring a safe school environment. They also cooperate with self-governance bodies of the school, local community institutions, inform the school administration, teachers and parents about violence in their schools, and receive claims and information from pupils suffering from or evidencing violence. Pupils participating in these groups also perform preventive activities, share their knowledge and solve problems, teach younger children to communicate without violence, organise trainings on the UN Convention of the Rights of the Child in schools, organise competitions, academic competitions, and create Internet websites. The Ministry of Education and Science supports activities of these groups and encourages creation of new groups.

On 31 January 2013, the public organisation “Save the Children” and the British Embassy presented a social campaign against human trafficking “Two Little Girls”. A short animated film was aimed at warning young girls on the perils of human trafficking, which are usually disguised behind attractive promises of a profitable job in a foreign country. The short film is aimed at revealing the problems to the public and encouraging prevention of human trafficking. The short film “Two Little Girls” was created by Ruth Beni in 2007 after consultations with a group of women from Albany, who had become victims of human trafficking and were saved due to the project “Poppy” aimed at providing support to victims



of human trafficking. The film “Two Little Girls” is used for preventive work with children and young people by discussing perils of human trafficking including sexual exploitation and teaching them to recognise those perils as well as encouraging public awareness of human trafficking with particular attention focused on trafficking in girls and young women.

The social campaign “Two Little Girls” was launched in autumn 2012: trainings were organised in various cities of Lithuania, and the film was demonstrated to children and discussion thereof were organised in child day care centres. In the first quarter of 2013 the film was broadcast by several TV channels, and the authors of the social campaign participated in radio broadcasts on human trafficking.

Taking into consideration children’s changing needs, it should be noted that by Order No. V-1159 of 18 July 2012 of the Minister of Education and Science of the Republic of Lithuania, the General Human Safety Programme was approved, and the themes of sexual exploitation and sexual abuse were included into the curriculum of primary, basic and secondary education according to girls and boys’ needs (fields of educational activities: “Psychological preparation for perils and dangers”) and children’s achievements. The General Health Education Programme approved by Order No. V-1290 of 31 August 2012 of the Minister of Education and Science of the Republic of Lithuania provides for pupils’ achievements (opinions, abilities, knowledge and perception) and the scope of the curriculum in the field of risk behaviour prevention in primary, basic and secondary education.

As far as the implementation of provisions of Article 14 of the Convention in Lithuania is concerned, it should be noted that in the course of the implementation of Order No. A1-2 of 3 January 2011 of the Minister of Social Security and Labour of the Republic of Lithuania, the continuous 2011–2015 National Programme for the Prevention of Violence against Children and Assistance to Children was approved. On the basis of measures of this programme, complex support (psychological, medical, social and legal) to children and their family members who have suffered from violence and sexual violence has been provided since 2005. This support is provided to victims with regard to their needs and interests by state and non-governmental organisations, which, in providing support to victims, follow national legal acts and their internal provisions/articles of association.

### **Question 11 of the GOQ / du QAG**

**a)**

While discussing the implementation of Paragraph 2 of Article 9 of the Convention, “Safer Internet” should be mentioned. It is a programme aimed at illegal and harmful information on the Internet, related to such criminal offences specified in legal acts of the Republic of Lithuania as pornography, paedophilia, racism and xenophobia. A great deal of attention is particularly focussed on children and teenagers seeking to protect them from harmful Internet content. The programme is aimed at encouraging children to participate in various events and competitions

([http://www.draugiskasinternetas.lt/lt/main/events/saugus\\_internete](http://www.draugiskasinternetas.lt/lt/main/events/saugus_internete))

Children are taught on safe behaviour in the Internet. A great deal of educational material is announced on the website of the Internet project “Safer Internet” [www.draugiskasinternetas.lt](http://www.draugiskasinternetas.lt). For that purpose, a documentary movie “The Web”

([games1.one.lt/tinklas/](http://games1.one.lt/tinklas/)) has been created, various leaflets have been published, as well as tours across Lithuania have been organised by the Safer Internet Academy ([www.draugiskasinternetas.lt/lt/adult/kas\\_naujo?id=9729](http://www.draugiskasinternetas.lt/lt/adult/kas_naujo?id=9729)). There is also a youth forum of the Safer Internet (<http://www.draugiskasinternetas.lt/lt/youth/news?id=9404>). In addition, children are encouraged to report illegal Internet content via “Hot Line”, which is an effective measure helping prevent sexual exploitation of children and sexual abuse by removing pornography content from the Internet, reporting pornographic or paedophilic Internet content to competent law enforcement institutions.

The project “Safer Internet” is aimed not only at informing on sexual exploitation and sexual abuse of children by using Internet technologies, but also at involving children, civil society into the fight against sexual exploitation and sexual abuse of children on the Internet.” Pursuant to Paragraph 2 of Article 9 of the Convention, private sector subjects, i.e. such companies as UAB “Microsoft Lietuva”, the portal [www.one.lt](http://www.one.lt), AB TEO, LT and UAB “Omnitel”, as well as such associations as “Langas į ateitį” and “Infobalt” and other companies and organisations (<http://www.draugiskasinternetas.lt/lt/main/program/partneriai>) are partners of the project “Safer Internet” and contribute a lot to the organization of various events and preparation of various measures of this project, which are aimed at encouraging civil society to participate in the implementation of this project (for example, people are encouraged to report illegal Internet content via the hot line, various Safer Internet Day events are organized).

It should be noted that the Ministry of Social Security and Labour, while planning the European Union structural support project “Child Rights Protection 2014–2020”, specified the investing priority “8.4. Increase of Possibilities for Receiving Affordable, Sustainable and High Quality Services, including Health Care and Universally Important Services”. The objective of the implementation of this priority is to encourage the private sector, especially sectors of information and communication technologies, tourism and travel, banking and finance, as well as the civil society to participate in the preparation and implementation of the policy aimed at preventing sexual exploitation of children and sexual violence against children through the implementation of the provisions of the Lanzarote Convention. The accomplishment of this objective is planned to be implemented through the following measures: “Use of Information Technologies and Other Initiatives in Order to Prevent Sexual Exploitation of Children and Sexual Violence”. It is expected that the accomplishment of these measures will result in development of special services for children who have suffered sexual exploitation and sexual abuse in Lithuania.

**b)**

The Lithuanian press is regularly informed about the process, events and results of the project “Safer Internet”. In addition, it announces a great deal of information on various researches, accidents related to Internet sexual exploitation and sexual abuse of girls and boys. Mass media also provides a great deal of information on the ways how to protect children from sexual exploitation and abuse on the Internet. It should be noted that mass media in Lithuania is independent and acts in accordance with the principle of freedom of press stipulated in Article 25 of the Constitution: “The human being shall have the right to have his own convictions and freely express them. The human being must not be hindered from seeking, receiving and imparting information and ideas. Freedom to express convictions, to receive and impart information may not be limited otherwise than by law”,

for example, Section II of the Law on Provision of Information to the Public regulating freedom to receive and provide information, and other legal acts.

Pursuant to Article 4 of the Republic of Lithuania Law on the Lithuanian National Radio and Television governing requirements for broadcast radio and television programmes, establishes broadcasts dedicated to national culture, information, analyses, education as priority broadcasts on Lithuania TV and radio programmes. Such a legal regulation of broadcast priorities also contributes to the encouragement of mass media to present to the public broadcasts on the above themes.

c)

While discussing the financial encouragement of the implementation of programmes and projects mentioned in Paragraph 4 of Article 9 of the Convention, which are aimed at preventing sexual exploitation of children and sexual violence against children, activities of the public institution “Press, Radio and Television Support Foundation” should be mentioned. As it has been already mentioned, cultural and educational projects of public information producers are supported through a tendering procedure according to regional mass media, radio and television as well as internet mass media and other programmes. It should be noted that while allocating partial state financial support, priority is given to projects aimed at forming public intolerance of violence, especially violence against children, and encouraging the dissemination of moral and spiritual values, and the civil, professional and legal education of the public. It is assumed that such a legal regulation of allocation of funds encourages mass media to provide relevant information on all aspects of sexual exploitation of children and sexual violence against them.

## **LUXEMBOURG**

### **Question 6 of the TQ / du QT**

Des mesures spécifiques n’existent pas.

### **Question 4 of the GOQ / du QAG**

De telles mesures n’ont pas encore été prises.

### **Question 11 of the GOQ / du QAG**

a)

ECPAT Luxembourg travaille depuis 2009 avec les acteurs du tourisme (notamment la compagnie d’hôtels ACCOR et la compagnie aérienne Luxair et, en moindre degré, la compagnie de transport par bus Sales-Lentz et l’aéroport de Luxembourg). Ces acteurs contribuent à la promotion des campagnes de sensibilisation d’ECPAT sur le sujet du tourisme sexuel impliquant les enfants.

Luxair publie régulièrement les campagnes de sensibilisation d’ECPAT dans leur magazine « Flydoscope » et montre aussi les spots vidéo de sensibilisation dans les avions équipés

d'écrans. En outre, Luxair diffuse des dépliants d'ECPAT auprès des guichets de check in et met à disposition de ECPAT un stand d'information chaque année à la foire d temps-libre « Vakanz ».

En ce qui concerne ACCOR Luxembourg, des membres de son personnel sont formés à des intervalles réguliers par l'équipe d'ECPAT aux sujets des droits des enfants et de la protection des enfants contre l'exploitation sexuelle.

ECPAT Luxembourg a aussi, dans son rôle de Représentant Local du Code de Conduite pour la protection des enfants de l'exploitation sexuelle des enfants dans le cadre du tourisme et des voyages (Code de Conduite : [www.thecode.org](http://www.thecode.org)), informé les acteurs du tourisme au Luxembourg de l'existence de ce Code de Conduite en les encourageant à y adhérer.

Créé par le réseau ECPAT en 1996 en collaboration avec l'Organisation Mondiale du Tourisme et l'industrie du tourisme, le Code de Conduite est un instrument international qui réunit aujourd'hui plus de 200 acteurs de tourisme responsable du monde entier. A travers six critères, les membres s'engagent à mettre en place des politiques et procédures claires pour prévenir que les enfants soient victimes d'exploitation sexuelle et pour réagir de façon efficace face à des cas suspects.

Les six critères du Code de Conduite sont :

1. Établir une politique et des procédures claires contre l'exploitation sexuelle des enfants
2. Former le personnel aux droits des enfants, à la prévention de l'exploitation sexuelle et au signalement des cas suspects
3. Inclure dans tous les contrats et à tous les niveaux, une clause affirmant un rejet commun et une politique de tolérance zéro envers l'exploitation sexuelle des enfants
4. Fournir des informations aux voyageurs sur les droits des enfants et la façon de signaler des cas suspects d'exploitation sexuelle des enfants
5. Soutenir, collaborer et s'engager avec les parties prenantes dans la lutte contre l'exploitation sexuelle des enfants
6. Fournir des rapports annuels sur la mise en oeuvre du Code de Conduite

Avec le soutien d'ECPAT Luxembourg, le 26 juin 2014 ACCOR Luxembourg a décidé de renforcer son engagement dans la lutte contre l'exploitation sexuelle des enfants et est devenu le premier signataire luxembourgeois du Code de Conduite. ACCOR Luxembourg a ainsi marqué sa conviction que c'est à l'industrie touristique d'agir pour mettre fin au tourisme sexuel impliquant les enfants.

ECPAT Luxembourg continue à approcher les acteurs du tourisme au Luxembourg pour les informer sur le tourisme sexuel impliquant des enfants et pour les encourager à adhérer au Code de Conduite. ECPAT offre un soutien dans la mise en place d'une stratégie de protection des enfants ainsi que des formations à tout acteur qui souhaite s'engager contre l'exploitation sexuelle des enfants.

**b)**

Une démarche spécifique n'est pas en cours.

**c)**

Des fonds spécifiques ne sont actuellement pas disponibles.

## **MALTA/MALTE**

### **Question 6 of the TQ / du QT**

The participation of children has yet to utilize in relation to the development of such policies programmes and/or other initiatives in relation to the sexual abuse of children in the circle of trust. The programme explained above undertaken by the Commissioner for Children involved the media but not so much focus was placed on the fact that such abuse may be perpetrated by those within the child's circle of trust. More emphasis on the aspect of raising awareness and programme development and implementation are necessary with all the stakeholders mentioned in this question, especially with children.

### **Question 4 of the GOQ / du QAG**

**a)**

The Office of the Commissioner for Children coordinated an exercise of consultation with children on the Draft National Children's Policy. This policy is the first of its kind in terms of the integrated and holistic approach to policy making that cuts across the various sectors that have a bearing on the rights and well-being of children. Sexual exploitation and abuse and how these can be fought and prevented were key themes of the policy. The said consultation was conducted in 2010 as part of the Office's celebration of World Children's Day. In the same year, other consultations with children on the draft policy were conducted by the Ministry for Social Policy of the day.

**b)**

Did not provide an answer

### **Question 11 of the GOQ / du QAG**

Did not provide an answer

## **REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA**

### **Question 6 of the TQ / du QT**

In October 2013, the Ministry of Labour, Social Protection and Family launched in partnership with the United Nations Children's Fund in Moldova and with the support of the Gas Natural Fenosa Company a campaign entitled "Protect my childhood", which aims to reduce violence against children by informing parents and families about the positive methods of discipline.

During the campaign were running two video and audio spots with the theme of child protection from violence and abuse. Also was organized a national competition of drawings in schools of the country, and was organized seminars, roundtables and anti-violence marathons.

In order to promote non-violent practices in raising and educating children in the UNICEF global campaign, in November 2013 the Ministry of Labour, Social Protection and Family participated in the launch of the campaign "Stop violence". During this campaign was presented a spot that was adapted for local audiences, whose promoter sent the following message: "Just because we cannot always see the violence against children it does not mean that the violence does not exist. Join us! Together we can stop violence against children!"

#### **Question 4 of the GOQ / du QAG**

**a)**

In order to raise children and eradicate victimization and to promote partnerships with civil society, the Ministry of Internal Affairs in cooperation with representatives of the International Center for Women Rights Protection and Promotion "La Strada", the National Federation of Fight "VOIEVOD" and "New Life" during summer 2012, carried out, the campaign to promote healthy lifestyles, prevent and combat social vices and violence, youth camps and child health recovery within 19 camps and child health recovery, for adolescents were conducted informational and educational activities, attended by 2838 children. In order to prevent this scourge the Ministry of Internal Affairs drafted provision no. 6/675 of March 19, 2013 on prevention and combat of violence against children.

Police staff, responsible for the acknowledgement of legislative provisions in schools carried out 11 988 information and educational activities during 2012, and 11431 during 2011 to familiarize children with the situation regarding crime among minors, legislation in this field and victimization risks they are exposed to, as well providing them the possibility to propose recommendations to avoid such situations.

**b)**

Law on preventing and combating violence binds the government, within their competence, to carry out, together with other authorities in collaboration with non-governmental organizations in this field, educational programs for parents and children in preventing and combating domestic violence, and also to provide counselling activities for psychological and psychosocial rehabilitation of children victims of domestic violence, that further are taken into account in the process of drafting the amendment of the legislative or other measures, in order to create a better environment.

#### **Question 11 of the GOQ / du QAG**

**a)**

In the process of elaboration and development of normative and legislative acts, the Ministry of Labour, Social Protection and Family Protection creates technical working groups in which are involved various representatives of the central / local authorities and civil society representatives.

**b)**

In order to provide appropriate information was adopted the law No 30 of 07.03.2013 on the protection of children against the negative impact of information. (Article 4. Ban the dissemination of information containing negative personal data on children, Article 5. Limiting the spread of information with negative impact on children, Article 6. Exceptions to restrictions on dissemination of information with negative impact on children)

**c)**

The proceeds of crime are not used to finance the mentioned projects, as it is not expressly provided by the law. The funds are budgeted in each relevant institution's budget each year, in accordance of the competencies or in the context of developing bilateral or multilateral projects or assisting programmes.

The Republic of Moldova is currently drafting the relevant legislation regarding the asset recovery and amendment of legislation on confiscation of crime proceeds and use of these proceeds in special intervention and assistance programmes, according to the EU best practices

## **MONTENEGRO**

### **Question 6 of the TQ / du QT**

The principle of participation and the opportunity to hear the views of the child is represented in the laws governing the field of family relationships, social and child welfare, and criminal-law protection. At the level of constitutional principles, this right is granted to all persons within the jurisdiction of Montenegro without any distinctions based on age. The principle of respect for the opinion of the child is included in the Family Law. Inter alia, the law provides that the guardianship authority shall, before determining the family placement, allow the child to freely express his / her opinion regarding the family placement and shall take into account this opinion in accordance with the age and maturity child; the child has the right to timely obtain all the information needed to form an opinion; child who has reached ten years of age can freely and directly express his / her views in all proceedings in which decisions are made about his / her rights, and can address the court or the administrative authority and ask for help in the realisation of this right either independently or through another person or institution), and there are also pupils' parliaments in all schools, and local children's parliaments. In Montenegro, numerous strategies and operational plans were adopted that are aimed at exercising and protecting the rights of the child (Strategy for the Development of Social and Child Welfare System from 2013 to 2017, Strategy of Fostering Development in Montenegro 2012-2016, Strategy for the Integration of Persons with Disabilities in Montenegro 2008-2016, Strategy for Protection against Domestic Violence, Strategy for Inclusive Education in Montenegro, Strategy of Early and Pre-School Education 2010-2015, Strategy for the Development of Primary Education with Action Plan 2011-2017, Strategy for Improving the Position of Roma and Egyptians 2012-2016, National Plan of Activities for Children 2013-2017, etc.).

The implementation of some of these strategic documents has only begun, while the reports on their implementation are in the preparation stage, so at this point it is not possible to clearly define the current state, or the level and type of changes achieved through their previous implementation. However, it is important to point out that civil society representatives have been participating in the drafting and adoption of strategic documents for many years now, which is an important quality in the work and conduct of the state authorities, and which largely facilitates the process of taking into account the children's opinion during the preparation of these documents.

From the perspective of implementation of the principles of participation, the monitoring of the National Action Plan for Children 2013-2017 will be of paramount importance, and so will the provision of on-going consultation of children and members of the Council for the Rights of the Child.

"Microsoft" initiated the process of installing Microsoft Live Family Safety on computers in school classrooms. Installation of this programme will ensure that no inappropriate content for children may be displayed on school computers on the Internet. The programme is also used to control and limit access to websites that distract children during classes. Microsoft Live Family Safety programme allows teachers and parents to monitor the behaviour of pupils and children on the Internet.

In cooperation with the Ministry of Education, **Telenor LLC** has been implementing the project "Connecting Generations", on the topic of safe Internet, with a view to educate pupils about safe Internet use. The project was continued under the name of "Get Internet, Surf Smart".

The pilot phase of the project "Connecting Generations" lasted from February to September 2012, and it aimed to test the activity and reactions, primarily among children, and then parents and teachers, on the concept of peer education in the field of child safety on the Internet. This phase also provided for the possibility to identify problems and needs directly from the target groups, which was later confirmed by another survey undertaken by the Ministry for Information Society and Telecommunications. At the 56th session of the Committee for Human Rights and Freedoms of the Parliament of Montenegro, held on 9 December 2011, children from Children's Home Mladost – Bijela and the Centre for Education and Training "1 June" were allowed to attend the session of the Committee, which is how the right from Article 12 of the Convention on the Rights of the Child was exercised. Thus, the children, among whom there were also children with disabilities, were asking questions to representatives of relevant ministries and members of the Committee about the problems that are part of their daily lives.

To mark the International Day of Children's Rights, the Parliament of Montenegro continuously organises sessions of the Children's Parliament, where representatives of the Government of Montenegro answer questions asked by the children from all Montenegrin municipalities. The objective is to contribute to the development of awareness and the promotion of models of children's participation in social processes, and to enable children to participate and make decisions on issues that affect them.



Also, since October 2012, the Parliament of Montenegro has been implementing a programme of Democracy Workshops in which about seven thousand children from various schools from all parts of Montenegro participated so far. During the workshops, a total of 231 children's newspapers and 49 radio broadcasts were prepared, and members of the Parliament of Montenegro are often able to talk to the children in order to present them the work of the Parliament and to get familiarised with the problems that children face.

#### Question 4 of the GOQ / du QAG

a)

The Project "Justice for Children" is implemented by the Ministry of Justice of Montenegro in cooperation with the Ministry of Labour and Social Welfare of Montenegro and UNICEF Office in Montenegro, with the financial support of the EU Delegation to Montenegro. The overall objective of the Project is to contribute, through the application of international norms and standards, to the status and respect for the rights of children in conflict with the law, child victims and witnesses of criminal offences when they come into contact with the judicial or other authorities where judicial, administrative or non-judicial decisions are taken. The first individual objective is to improve the treatment of children in conflict with the law and to enable that the procedure for the hearing of children in the role of victim and witness is child-friendly. The second individual objective is to promote the implementation of prevention programmes, alternative procedures and measures based on children's rights and restorative justice, as well as the programmes of rehabilitation and reintegration.

The principle of participation and the opportunity to hear the views of the child is represented in the laws governing the field of family relations, social and child welfare, and criminal-legal protection. At the level of constitutional principles, this right is granted to all persons within the jurisdiction of Montenegro without any distinctions based on age. However, although, for example, the principle of respect for the opinions of the child is involved in the **Family Law** (among other things, the Law provides that the guardianship authority shall, before determining the family placement, allow the child to freely express his / her opinion regarding the family placement, and that it shall take into account this opinion in accordance with the age and maturity of the child; the child has the right to timely obtain all the information needed to form an opinion; the child who has reached 10 years of age can freely and directly express his / her views in all procedures in which decisions are made about his / her rights, i.e. he / she can, alone or through any other person or institution, address the court or the administrative authority and ask for help in exercising this right of his / hers), in accordance with regulations in the field of education, there are also pupils' parliaments in all schools, as well as local children's parliaments. In this way, the participation of children in the preparation and implementation of public policies that are related to their social status is ensured, and so is their visibility in the Council for Rights of the Child, as well as creating a social environment suitable for all children to express their opinion, which is treated equally with the opinion of adults.

The Ombudsman institution also involves children in its work, so group "Children, write to the Ombudsman" has been active for some time already. Within it, children are directly contacting with representatives of the Ombudsman, expressing their opinions and suggestions. The views and opinions of children are included in acts of the Ombudsman,

recommendations, legislative initiatives and opinions. The group currently has about 1,000 members - children. In Montenegro, numerous strategies and operational plans were adopted that are aimed at exercising and protecting the rights of the child (Strategy for the Development of Social and Child Welfare System from 2013 to 2017, Strategy of Fostering Development in Montenegro 2012-2016, Strategy for the Integration of Persons with Disabilities in Montenegro 2008-2016, Strategy for Protection against Domestic Violence, Strategy for Inclusive Education in Montenegro, Strategy of Early and Pre-School Education 2010-2015, Strategy for the Development of Primary Education with Action Plan 2011-2017, Strategy for Improving the Position of Roma and Egyptians 2012-2016, National Plan of Activities for Children 2013-2017, etc.).

NGO Centre for the Rights of the Child holds it that the implementation of some of these strategic documents has just begun, and reports on their implementation are in the preparation stage, so at this point it is not possible to clearly define the current state, i.e. the level and type of changes achieved through their previous implementation. However, it is important to point out that civil society representatives have been participating in the drafting and adoption of strategic documents for many years now, which is an important quality in the work and conduct of the state authorities, and which largely facilitates the process of taking into account the children's opinion during the preparation of these documents.

From the perspective of implementation of the principles of participation, the monitoring of the National Action Plan for Children 2013-2017 will be of paramount importance, and so will the provision of on-going consultation of children and members of the Council for the Rights of the Child, which is particularly insisted upon by the civil sector.

At the 56th session of the Committee for Human Rights and Freedoms of the Parliament of Montenegro, held on 9 December 2011, children from Children's Home Mladost – Bijela and the Centre for Education and Training "1 June" were allowed to attend the session of the Committee, which is how the right from Article 12 of the Convention on the Rights of the Child was exercised. Thus, the children, among whom there were also children with disabilities, were asking questions to representatives of relevant ministries and members of the Committee about the problems that are part of their daily lives.

To mark the International Day of Children's Rights, the Parliament of Montenegro continuously organises sessions of the Children's Parliament, where representatives of the Government of Montenegro answer questions asked by the children from all Montenegrin municipalities. The objective is to contribute to the development of awareness and the promotion of models of children's participation in social processes, and to enable children to participate and make decisions on issues that affect them.

Also, since October 2012, the Parliament of Montenegro has been implementing a programme of Democracy Workshops in which about seven thousand children from various schools from all parts of Montenegro participated so far. During the workshops, a total of 231 children's newspapers and 49 radio broadcasts were prepared, and members of the Parliament of Montenegro are often able to talk to the children in order to present them the work of the Parliament and to get familiarized with the problems that children face.

**b)**

In 2011, the Institution of Ombudsman carried out the survey on sexual exploitation of children in Montenegro, primarily with a view to determine the level of understanding of the concept of sexual exploitation of children by the competent services and bodies, as well as understanding trends in this area. In order to obtain comprehensive results and build a clear picture of the true state of affairs in this area, the Ombudsman also asked for information from the children themselves, ensuring their participation in this manner. The methodology anticipated interviews with both child victims and the other children, in order to obtain information about the extent of their information, and their level of awareness of the problem.

Information about the problem of sexual exploitation of children was not claimed by means of a questionnaire from educational institutions or from health care facilities. The Ombudsman opted to collect information from these institutions through the implementation of focus groups and direct interviews, guided by the observance of the right to privacy of the victims of this form of exploitation and the fact that schools, as the primary indicators of problems in the family, do not have the necessary information when it comes to this phenomenon.

Individual interviews with children (six of them) who are victims of sexual exploitation and abuse were conducted by expert and sensitized persons who are familiar with this problem and already involved in direct work with child victims. The professionals hired conducted the interviews with children according to a pre-prepared questionnaire and established guidelines, taking into account, primarily, the best interests of the child in each case. The interviews were conducted with prior consent of the child and his / her guardian. The goal of these interviews was to examine the problem from the perspective of a child – victim, as well as to determine the types of assistance, support and protection that the authorities provided in specific cases.

Interviews with the primary school and secondary school children were conducted in the form of workshops and focus groups on the subject of abuse and misuse in general, with the focus placed on the area of sexual abuse of children. In this way, information concerning the level of information of children of different age was obtained, as well as the information on the notion itself, its forms, as well as the risks of sexual abuse and misuse. In addition, their knowledge about the mechanisms of protection against potential abuse, harassment or misuse was checked.

The views of children were taken into account when giving recommendations and opinions, which the Ombudsman submitted to competent authorities in order to improve the work of state authorities, institutions and services that deal with issues of prevention, protection and assistance to child victims of sexual abuse.

## **Question 11 of the GOQ / du QAG**

**a)**

With a view to strengthening the cooperation with the private sector and the general improvement of the built standards of protection and assistance to child victims of sexual

exploitation, the Government's Office for the Fight against Trafficking in Human Beings, together with the Ministry of Tourism and with the support of the OSCE Mission to Montenegro, implements the "Code of conduct for protection of minors from sexual exploitation in travel and tourism". At the official signing ceremony in 2006, the Code was signed by 58 hotels, 28 travel agencies and 5 transport companies, but soon that number increased to more than 200 signatories who have expressed their willingness to get involved and contribute to the fight against sexual exploitation of children by signing the Code. Every hotel and travel agency nominated one or two persons, who have, in their companies, continued to inform staff on the fight against the sexual exploitation of children in tourism, and who are ensuring that the principles of the Code are implemented and observed in their respective hotels or agencies. The seminars were usually attended by employees who are, through their work, usually able to perceive some kind of atypical behaviour that could signal trafficking or sexual exploitation of juveniles.

The Office for the Fight against Trafficking in Human Beings, in cooperation with the OSCE Mission to Montenegro, periodically visits the tourist centres, in order to learn the ways in which the Code is implemented and to remind of the obligation to respect the principles that were set out.

Private sector representatives who were also members of the National Team for implementation of the campaign "One in Five" for Montenegro (Ministry for Information Society and Telecommunications, as well as hotel "Maestral", a friend and sponsor of the campaign, which hosted the round table "Sexual abuse of children in tourist centres") have actively participated in campaign activities, as event organisers and promoters. The majority of companies signed the Code of conduct for the protection of children from sexual exploitation in travel and tourism, committing themselves to take concrete measures to protect children.

The campaign "One in Five" for Montenegro encompassed the tourism sector as a particularly sensitive sector when it comes to protecting children from sexual abuse.

There is constant communication of the Ministry of Sustainable Development and Tourism and cooperation with the Montenegrin Tourist Association, the Association of Small Hotels and Caterers Association, with a view to providing instructions on how to identify victims of trafficking and how to respond appropriately, as well as informing the staff on combating the sexual exploitation of children in travel and tourism and taking care of implementation and compliance with the principles of the Code of conduct.

**"Microsoft"** initiated the process of installing Microsoft Live Family Safety on computers in school classrooms. Installation of this programme will ensure that no inappropriate content for children may be displayed on school computers on the Internet. The programme is also used to control and limit access to websites that distract children during classes. Microsoft Live Family Safety programme allows teachers and parents to monitor the behaviour of pupils and children on the Internet.

In cooperation with the Ministry of Education, **Telenor LLC** has been implementing the project "Connecting Generations", on the topic of safe Internet, with a view to educate

pupils about safe Internet use. The project was continued under the name of “Get Internet, Surf Smart”.

The pilot phase of the project “Connecting Generations” lasted from February to September 2012, and it aimed to test the activity and reactions, primarily among children, and then parents and teachers, on the concept of peer education in the field of child safety on the Internet. This phase also provided for the possibility to identify problems and needs directly from the target groups, which was later confirmed by another survey undertaken by the Ministry for Information Society and Telecommunications.

**b)**

The Media Law stipulates that the media is free to publish information and opinions on the occurrences, events and personalities while respecting the Constitution, laws and ethical rules of the profession, as well as the obligation to protect the integrity of juveniles in the media, so each media program that may endanger the health, moral, intellectual, emotional and social development of the child must be clearly and visibly marked as such, and distributed in a way that it is unlikely to be used by the child.

The Law on Electronic Media contains a number of provisions which provide for the protection of juveniles from program contents in the electronic media, especially when it comes to AVM services on demand, among other things, in cases where the provision of services may compromise the protection of juveniles.

It also prohibits broadcasting of programs outside the watershed, as well as the programs that contain pornography or whose contents support criminal behaviour. On the basis of the Law on Electronic Media, by-laws have been passed, which regulate the issues of protection of minors in the electronic media in more details.

The Rulebook on program standards in the electronic media prescribes program standards in the electronic media according to which the electronic media are prohibited from broadcasting pornography in unencrypted channels, and that programs intended for adults and programs that can have detrimental effects on juveniles can be broadcast only within the watershed. The electronic media are obliged to provide prior acoustic and visual identification of the programs that could impair the physical condition, health, moral, mental, intellectual, emotional and social development of minors (Article 22). The graphical sign 16 identifies the content not suitable for the minors under the age of 16, which includes programs containing nudity and sexuality, without the explicit portrayal of a sexual intercourse, which are justified by context (Article 24, paragraph b). The graphical sign 18 indicates that the contents are not suitable for minors under the age of 18, which includes detailed portrayal of sexual activities and explicit sex (Article 25, paragraph b).

The Rulebook on audiovisual commercial communication states that the provision of the audiovisual commercial services is based on the principle of the prohibition of violation of human dignity, prohibition of discrimination, protection of minors’ rights, as well as that pornography shall not be advertised in electronic media programs and that juveniles shall not be connected with the sexuality (Article 22). It is also stipulated that advertising of “hot lines”, text (SMS) chats, and other contents shall not be broadcast outside the watershed, as

it is established by the Rulebook on program standards that such contents can be broadcast only within the watershed.

The Agency for Electronic Media that supervises the implementation of the obligations of the AVM service provider, in line with the law, found no violations of the law in the context of protection of children from sexual exploitation and sexual abuse.

In addition to the legal provisions governing the issue of the protection of juveniles, the Code of Journalists of Montenegro provides, inter alia, the principle that a journalist is obliged to protect the integrity of juveniles, and of different and disabled persons. The Guidelines for the implementation of the Code emphasize, when it comes to protecting juveniles, that the media are obliged to show special consideration when interviewing, photographing or filming juveniles.

In Montenegro, there are four journalistic self-regulatory bodies that monitor the method of reporting of electronic and print media, and whose task, inter alia, is to point to possible violations of the journalistic code, especially when it comes to the way of reporting on juveniles. For example, during the analysis of the report of the Media Self-Regulation Council, which gathers about twenty media, in the period between March 2012 and September 2013, there were no cases of violations of the code when it comes to contents relating to juveniles, in the context of the protection of children from sexual exploitation and sexual abuse.

It should be noted that all the activities of the campaign “One in Five” for Montenegro were available to the public and the media with a view to promote the campaign, raise awareness on and prevent sexual exploitation and sexual abuse of children, which is evidenced by published statements on the website of the Government of Montenegro, where the media were invited to attend activities.

Also, as part of the activities of the campaign, a roundtable discussion on “Implementation of the journalistic code of ethics in informing about the cases of sexual violence against children” was intended to include media in the campaign and to highlight their important role in the fight against child sexual abuse. Accordingly, after the roundtable, the following conclusions were brought:

1. Information concerning children shall not be published if they can harm the child in any way.
2. When reporting on children, it is necessary to respect the rights of children and the code of ethics of journalists, especially in sensitive cases such as sexual violence against children.
3. The current reporting on the cases of abuse and sexual violence against children was totally unacceptable in certain media, with a gross violation of the code of ethics.
4. When reporting in sensitive cases such as sexual violence against children, it is essential that journalists get all relevant information from the relevant institutions, while in the case of disclosure of information they have to be from reliable sources whereas the identity and rights of the child must be protected.
5. Increasing public awareness of the problems and the need to protect children from abuse and neglect is the obligation of everyone, especially the media, but in a way that respects and protects the best interests of the child.

6. In order to effectively prevent sexual exploitation and sexual abuse of children, further coordinated action by all relevant departments is necessary, with the full co-operation with non-governmental organisations that provide assistance to victims, and above all, it should be insisted on preventive measures, which are primary and important to avoid unintended consequences.

7. The fact that not all of the media had their editors attend the meeting, although it was on a very important and sensitive subject, to which the editors should pay the most attention, in order to encourage positive role models, objective and ethical reporting, was assessed as negative.

Montenegrin media legislation (Media Law, Official Gazette of the Republic of Montenegro 51/02 and 60/02, Law on Electronic Media, Official Gazette of Montenegro 46/10, 40/11, 53/11, and the Law on Public Broadcasting Services of Montenegro Official Gazette of Montenegro 79/08) regulates the right to freedom of expression in more details.

c)

In Montenegro, there are no organisations that deal exclusively with the prevention and protection of children from sexual exploitation. There are shelters for victims of violence and victims of trafficking. Part of the activities of these organisations is financed from the state budget. The proceeds of crime are still not used to fund projects and programmes implemented by civil society in order to prevent and protect children from sexual exploitation and sexual abuse.

## **NETHERLANDS / PAYS BAS**

### **Question 6 of the TQ / du QT**

Did not reply yet. / N'a pas encore répondu.

### **Question 4 of the GOQ / du QAG**

a)

In general the participation of youth is encouraged through a Youth Council installed by the government. The National Youth Council (NJR) is an umbrella organisation to which some 30 youth organisations are affiliated, and receives core funding from the Ministry of Health, Welfare and Sport to give young people a voice at national level and to ensure more youth participation at local level. All the Council's activities are conducted as far as possible by and for young people. NJR focuses mainly on young people aged 12 and over. Every spring and autumn the NJR holds talks with the government member responsible for youth policy. Civil servants also hold regular consultations with and seek the advice of the NJR. Other example of the NJR's activities are the organization of the annual National Youth Debate in the House of Representatives between young people and politicians and the awarding of a prize for the municipality that has achieved most success in promoting youth participation and has the most positive youth policy. Such a policy focuses on encouraging, improving and

strengthening opportunities in the local community that provide the optimum conditions for young people to develop, without regarding them as a problem.

**b)**

In the Netherlands we have a Youth Taskforce Child Abuse. The Youth Taskforce Child Abuse is a group of young people between 15 and 26 years old who have experience with child abuse in different kind of ways. They spoke with abused children who gave them advice on how to stop child abuse. They also did their own research about the best ways to prevent child abuse. With the outcomes of that study, the advices they got from abused children and their own experience they started their work. The Youth Taskforce Child Abuse concluded that professionals and others talk a lot about the children but in fact never really listened to what children themselves had to say. Abused children often have the feeling that nobody listens to them and that their opinion isn't important enough. Children also want the same social worker, more alone time with their social worker and want to talk with professionals and social worker in a place where they feel more comfortable and without presence of their parents. Another outcome of the research of the Youth Taskforce Child Abuse was that children feel the most safe talking about abuse in school to friends or teachers. The Youth Taskforce Child Abuse is now really busy trying to get more attention for child abuse on schools. They have spoken with government officials of the Ministry Of Security and Justice, the Ministry of Health, Welfare and Sport and the Ministry of Education, Culture and Science about how to get more attention for child abuse on schools. They also are going to have a meeting with the Minister of Security and Justice, the State Secretary for Health, Welfare and Sport and the Minister and the State Secretary of Education, Culture and Science about this subject. The Ministry of Security and Justice and the Ministry of Health, Welfare and Sport have promised the Youth Taskforce Child Abuse to involve them in their projects concerning child abuse.

#### **Question 11 of the GOQ / du QAG**

**a)**

On the basis of public-private partnership a taskforce is active in which internet service providers, the police and several departments cooperate. A paramount result of this cooperation is the development and implementation of a voluntary "notice and take down" procedure. Nowadays around 95 per cent of internet service providers make use of this procedure.

Furthermore internet service providers teamed up with NGOs to launch the Child Pornography Hotline. This service is subsidised by the Ministry of Security and Justice, the European Commission and internet service providers and plays an important role in preventing and combating child pornography. It offers the public a simple way of reporting sexual exploitation of children. The Child Pornography Hotline office has a good relationship both with the Dutch police and (via the INHOPE network) with similar hotline offices abroad.

On 13 January 2010 the Minister of Justice also signed a joint declaration with the Dutch Association of Travel Agents and Tour Operators (ANVR) in which they agreed to cooperate more closely on preventing child sex tourism. Thanks in part to this cooperation with the ANVR and ECPAT NL, the subject has now become a regular part of the training of tour



guides and travel agency employees. The recently launched Action Plan to tackle child sex tourism steps up the partnerships with private organizations, NGO's, IO's and other civil society.

b)

See answers to question 8.

c)

The Child Pornography Hotline service is subsidised by the Ministry of Security and Justice, the European Commission and internet service providers.

Government is subsidizing the start of the "Stop it now" project, which will later on have to become self-financing. Government also contributes financially to a longitudinal survey on victims of a large child sexual abuse case in Amsterdam in 2010.

#### Question 8a of the General Questionnaire

a)

1<sup>st</sup> indent :

In recent years a great deal of attention has been focused on media education and media awareness. The government wants to ensure children use media sensibly and with awareness by equipping them properly to use the opportunities the new media afford, and to avoid the risks. The government also wants to foster a safe media output. This led in 2008 to the launch of a media awareness centre of expertise known as "Mediawijzer.net". The centre receives financial support from the Ministry of Education, Culture and Science. Mediawijzer.net is a network organisation which aims to enhance people's media awareness. Children and their parents are a key target group.

To increase alertness to signs of child abuse among the public at large, especially those in a child's immediate surroundings, a publicity campaign was conducted in three consecutive years, entitled 'Child abuse, what can I do?'. The campaign sought in the first place to raise awareness and help people identify signs of abuse, and in the second place to encourage them to report their suspicions to an Advice and Reporting Centre for Child Abuse and Neglect (AMK). From 2012 onwards, child abuse is one of the themes in a wide-ranging publicity campaign on the theme of violence in relationships of dependency.

2<sup>nd</sup> indent:

For years efforts were made to encourage the use of the Child Abuse Protocol, in situations where persons who have professionally regular contact with children become aware of signs of possible abuse en refer these signs to the competent bodies, such as to an Advice and Reporting Centre for Child Abuse and Neglect (AMK). The use of protocols proves to be effective. Professionals who have a protocol report cases three times as often as those without one. 40% of professionals who come into contact with families and children in the course of their work are already using a protocol. To ensure that the rest do so, the Code has been "codified" in the Domestic Violence and Child Abuse Protocol Act in 2012, which is enacted since July 1, 2013. Organisations in the healthcare, youth care, education, childcare, social support (welfare) and justice sectors must work with a protocol and must publicise it and encourage its use. A protocol contains a step-by-step procedure that shows

professionals how to respond to signs of domestic violence and child abuse. With a detailed implementation road map in 2010 and 2011, central government encouraged organisations to start using a protocol, even before the Act enters into effect. This road map consisted of communication campaigns, the development of training courses (including e-learning modules) and a toolkit including a basic model for the protocol, an app with its diverse steps, and a checklist for managers responsible for introducing a protocol into their organisation. The Domestic Violence and Child Abuse Protocol Bill provides that Domestic Violence Advice and Support Centres (SHGs) are to become the formal reporting centres for domestic violence, and that AMKs and SHGs must collaborate in cases involving both domestic violence and child abuse. The Ministry of Youth, Safety and Sport will conduct a survey to the functioning of protocol in 2015 and in 2018 the Domestic Violence and Child Abuse Protocol Bill will be evaluated.

A cohesive package of measures has been developed jointly with the national volunteer centre NOV, Scouting Nederland and the Dutch national Olympic committee and sports federation (NOC\*NSF). The measures are designed to prevent young people falling victim to sexual abuse or harassment in voluntary organisations. The project entitled 'In Safe Hands' has developed a toolkit that includes a code of conduct, rules on how volunteers relate to children, risk analysis, a recruitment policy, the requirement of a certificate of good conduct and a reporting protocol. The toolkit is digitally available on the website [www.inveiligehandenv.nl](http://www.inveiligehandenv.nl)

3<sup>rd</sup> indent:

The ministry Health, Safety and Sports issued a set of criteria for the competence of persons.

**b)**

To increase alertness to signs of child abuse among the public at large, especially those in a child's immediate surroundings, a publicity campaign was conducted in three consecutive years, entitled 'Child abuse, what can I do?'. The campaign sought in the first place to raise awareness and help people identify signs of abuse, and in the second place to encourage them to report their suspicions to an Advice and Reporting Centre for Child Abuse and Neglect (AMK). From 2012 onwards, child abuse will be one of the themes in a wide-ranging publicity campaign on the theme of violence in relationships of dependency.

Young people are an important target group of Dutch policy on sexual health. Teaching packs and other interventions on sexuality/sexual health are developed specially for young people, for use both in and outside school. There is also a reliable website for young people containing lots of information on sexuality and sexual health.

The Child Pornography Hotline (NGO), which is financially subsidized by the government and by the EU ISEC fund organized a website with information packs, and even a possibility to have on line chats on sexual abuse and harassment. Reference is made to the website [www.helpwanted.nl](http://www.helpwanted.nl).

On line abuse report button. During Safer internet Day 2012 the minister of Security and Justice launched an on line abuse report button. This button is in fact an icon that can be downloaded within the computer user's (Internet Explorer, Mozilla, Safari en Chrome). The report button is connected to a website with all kinds of information about on line problems for youth, such as sexual abuse, bullying and harassment.

On a yearly basis the ministry of Security and Justice, together with police, Kmar, organizations from the tourist industry and ECPAT / PLAN organize an awareness campaign targeted at travellers from Amsterdam airport to acquaint them with the problem of child sex tourism and to advise them on the actions to be taken, such as reporting, when they gather information on concrete child sexual abuse.

c)

Up to now, the Netherlands has implemented this provision through administrative rules (e.g. agreements with the media to ban such advertisements). Under certain circumstances, prosecution of these acts is possible

## **PORTUGAL**

### **Question 6 of the TQ / du QT**

Please refer to the answer provided to questions 4 to 11 of the GOQ. No specific steps have been taken as far as abuse of children in the circle of trust is concerned.

### **Question 4 of the GOQ / du QAG**

a)

Some occasional initiatives should be mentioned, such as the launching of an Action Plan on crimes against children in the internet by the Attorney General's Office presented during a conference on "Children and the Internet – safe use, abuse and denunciation", in October 2013.

In this conference, where representatives of the civil society, children and entities linked with the defence of the children's rights have participated, it was launched a booklet "You and the Internet – (ab)use, crime and denunciation", addressed to the children and to the public in general, with short texts written in a straightforward language and including illustrations made by 6 to 17 years old students, in Lisbon. The children have participated in the elaboration of this booklet that intends to contribute, through information and awareness, towards the safe use of the internet, focusing in particular the criminal conducts, in particular those of a sexual nature.

The booklet is available, free of charge, in Portuguese and English, in <http://cibercrime.pgr.pt>

It should also be referred that, in the scope of this Action Plan, awareness actions to be carried out in schools and other institutions are foreseen.

b)

The child victim's needs and concerns have been taken into account in the legislative and other measures to assist victims in various aspects.

For instance, the legislation in force ensures the intervention of the child in the choice of protective measures, whenever he/she is in a situation of danger. That is, once it is identified that the child is in a situation of danger, including of sexual abuse, the protective measure to be taken by the competent entities in these matters must bear in mind the child's right to participate in the choice of the protective measure to be applied (Article 4 (i) of Law nr. 147/99).

This participation is regulated by Article 84 (1) of said Law, where it is specified that the child or the youngster over 12 years old, or younger, once his/her maturity to understand the intervention is taken into account, is heard by the Protection Commission or by the judge on (i) the situation that has originated the intervention and, (ii) on the application, review or termination of the promotion and protection measures.

Paragraph 2 of the same Article refers that the child or the youngster has the right to be heard separately or accompanied by the parents, by the legal representative, by a lawyer of their choice or a public defender or by a person of their confidence.

#### **Question 11 of the GOQ / du QAG**

##### **a) & b)**

The National Commission for the Protection of Children and Juveniles at Risk has been cooperating with the media on the implementation of standards as regards the treatment of child related issues by the media and most particularly those that involve the intimacy and privacy of the child such as sexual abuse.

A Guide on the Relationship with the media has been drafted (available at [http://www.cnpcjr.pt/Manual\\_Competicencias\\_Comunicacionais/default.html](http://www.cnpcjr.pt/Manual_Competicencias_Comunicacionais/default.html))

As regards the issue of child participation, all training sessions directed at media staff underline the importance of listening to the child in an active way and of encouraging child participation in all the proceedings where they are involved.

It was published a "*Guide on the Relationship with the Media*" which not only seeks to bring awareness to journalists and to the media on the ethical and deontological perspective whenever facts and events involving children and youngsters are reported but also includes, in the normative principles of this profession, issues that organizations representing the journalists, such as the International Federation of Journalists, debate since 1996.

It also tries to respond to the questions that were raised in a questionnaire addressed to all the commissions for the protection of children and young people.

In addition, the journalists' Deontological Code sets forth that "*the journalist must respect the citizens' privacy*" (item 9), which is applied *a fortiori* to the children. The exceptions relate to situations where "*the public interest is at stake*" or when "*the conduct of the person expressly goes against the values and principles that he/she, in public, defends*".

The Deontological Code is clear when it states that the journalist cannot identify, directly or indirectly, the minor offenders (item 7). The Deontological Council reaffirms this criterion and extends it to the exposure and identification of children in the news, in particular, when conflicts with the parents and/or guardians occur.

The journalist *“must use legal means* to obtain information, images or documents and cannot abuse of those that act in good-faith” (item 4) and also *“cannot humiliate people or disturb their grief”* (item 7). Non compliance with these duties usually leads to direct and indirect identifications.

## **ROMANIA / ROUMANIE**

### **Question 6 of the TQ / du QT**

We do not have anything to add further to the answers given to questions 4 and 11 of the General Questionnaire.

Also, see the answer given to question 6c) from the General Questionnaire referring to awareness campaigns.

### **Question 4 of the GOQ / du QAG**

**a)**

Participation of children takes place in the process of elaboration of legislation in the field of child rights, in decision making process towards children within child protection system and education and also in peer education in the field of violence prevention. Examples of good practices:

- During December 3-4, 2013, representatives of the National Council for Pupils participated in the consultation for the future national strategy in the field of child protection and promotion, having input for participation chapter;

- Children’s Councils are stipulated by Order of the state secretary of the NACPA no. 21/2004 for the approval of the MMS for residential services for children, implementation procedure no. 8.3: *“Children should be encouraged to organize themselves in a Children’s Council, which will be consulted periodically or at any time is needed when taking decisions regarding all children living in the residential service.”*

- 2002 Phare Programme *“Education campaign on child rights”*, special actions for children component, implemented by DPC-MMFPSPV, during the period 2005-2007, included the Initiative Children’s Council SPUNE! in partnership with Ministry of Education and Pupils’ Council in Romania. This was a debate forum for children from Romania to give them the opportunity to express their point of view and to be listened in the family, school, by authorities and media. Activities implemented in the first year of the project were finalized through the adoption of the Children’s Report on child rights in Romania, which was included in the state report submitted by Romanian Government in 2007 to Child Rights Committee.

- National Council of Pupils (NCP) is the representative structures of pupils at national level, promoting projects and programmes encouraging personal development, voluntaries’ activity and community involvement. The main aim of NCP is to protect and promote the rights and interests of pupils and to involve pupils in educational act, civic, social and

cultural life and to implement a viable and functional partnership within the Romanian education system.

NCP is a consultative structure of Ministry of Education, in both private and public pre-college education system, established in 207 by Order of minister of education no. 2782 and its regulation of organization and functioning was approved by **Order of minister of education no. 4247/2010**. NCP has 45 members: 41 presidents of County Pupils' Councils, president and 3 vice-presidents of the Municipal Pupils' Council. The members of the CNE are elected by democratic vote at the level of each county / city of Bucharest (in each institution of education there is a Pupils' Council).

- During 2004 – 2009, the National Steering Committee for the Prevention and Combat of Child Labour (NSC), established by GD no. 617/2004, had a group of children as an observer in its meetings, children who were voluntaries in Save the Children's projects in this field.

- Project Sigur.info (see point 8a1) includes a component on children's involvement in prevention activities regarding safety on internet. During 2008-2013, there were organized: 3 European summer schools with the participation of 120 children from 10 states and 650 volunteers were trained and further involved in other activities of the project.

Such provisions are also included in the *Regulation for the organization and functioning of pre-college institutions of education* approved by Minister's Order No. 4925/2005:

☐ According with art. 27, 33, 38, 44 – pupils have the possibility to express their opinion and to get involved into different administrative structures of the institution of education as follows:

- Pupils aged between 14 – 18/19 years can participate as members both in the Board of the school, and in the Commission for quality assessment and control;

☐ Pupils can participate as guests in the meetings of the Teachers' Council.

- By provisions included in the Law concerning national education No. 1/2011, with subsequent amendments and supplements:

☐ Art.3, para. u – the principle of the respect of the right to freedom of opinion of the pupil / student as direct beneficiary of the education system;

- Art. 80 para. (1) guarantees consultation with the representatives of the primary beneficiaries of education, namely the National Pupils' Council or other representative structures of the pupils in taking decisions concerning education.

- Since 2005 the Ministry of National Education has been implementing in partnership with the Association *Assistance and Programs for Sustainable Development - Agenda 21*, **the project „Pupil's lawyer”** which aims at creating in schools a context favourable for raising awareness of pupils concerning their responsibility in making use of their right to freedom of opinion and expression, as well as the establishment of some mechanisms and viable instruments for identification and solving of cases of violation of children's rights. Currently, within each County Pupils' Council there is the department „Pupil's lawyer” which manages the issues concerned with the identification and solving of cases which hinder school participation of children.

b)

The best interest of the child is a principle of the entire legislation.

The Romanian Constitution sets out in art. 49 that all children and young people shall benefit of special protection and assistance in the realization of their rights.

Exploitation of children, their use for activities which could damage their health, morality or which could endanger their life or normal development are forbidden by the same article in the Constitution.

The Civil Code, as well as Law No. 272/2004 concerning the protection and fostering of children's rights expressly enshrine the principle of the best interests of the child<sup>15</sup>. Art. 7<sup>1</sup>

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<sup>15</sup> The Civil Code:

ART. 263

**The principle of the best interests of the child**

(1) Every decision concerning a child, no matter its author, shall be taken in light of the child's interests.

(2) Competent authorities shall, in every application brought before them, affecting the interest of a child give any necessary guidance for the parties to make use of methods of amicable resolution of conflicts.

(3) Procedures concerning the relationships between parents and children shall ensure that the wishes and interests of the parents concerning the children can be brought to the knowledge of the authorities and that the authorities take them into consideration in the decisions they make.

(4) Procedures concerning children shall be carried out within a reasonable time so that the best interests of the child and the family relationships are not affected.

(5) In the sense of the legal provisions concerning child protection, a child shall be the person who has not reached the age of 18 and has not acquired full capacity to act, according to the legal provisions.

**Law No. 272/2004:**

ART. 2

(1) The present law, any other regulations adopted in the field of the respect and fostering of children's rights, as well as any legal act issued or, as case may be, drafted in this field shall be necessarily subject to the principle of the child's best interests.

(1<sup>1</sup>) The child's best interests is part of the child's right to a normal physical and mental development, to social and affective balance and to family life.

(2) The principle of the child's best interests is imposed including in relation to the rights and obligations of the parents, other legal representatives of the child, as well as to any other persons to which the child has been legally entrusted.

(3) The principle of the child's best interest shall prevail in all acts and decisions which concern children, undergone by public authorities and authorized private authorities, as well as in cases solved by courts.

(4) The persons set out under para. (3) shall be obliged to involve the family in all decisions, actions and measures concerning the child and to support the raising, upbringing and formation, development and education within the family.

(5) In determining the child's best interests at least the following shall be taken into consideration:

a) the needs for physical, psychological development, education and health, security and stability and affiliation to a family;

b) the child's opinion, depending on the age and level of maturity;

c) the child's history, having regard especially to situations of abuse, negligence, exploitation or any other form of violence against the child, as well as potential risk situations which can occur in the future;

d) the capacity of the parents or persons who shall raise and care for the child to react to the child's concrete needs;

e) the preservation of the personal relations with persons to which the child has developed affection.

(...)

ART. 6

The respect and safeguarding of the child's rights shall be ensured according to the following principles: a) respect and promotion of the child's best interest as a priority;

b) equality of chances and non-discrimination;

c) raising the awareness of parents about the making use of rights and fulfilling parental obligations;

d) fundamentality of parental responsibility concerning the respect and safeguarding of children's rights;

of Law No. 272/2004 sets out that „in any case which concerns children’s rights the court shall verify if agreements between the parents or between parents and other persons are in the best interest of the child”.

Law No. 211/2004 provides for psychological assistance for minor victims for 6 months (for adults it is 3 months), minors being exempted from the obligation to seize judicial authorities with a view to be granted legal aid free of charge.

Law No. 678/2001 provides for special protection and assistance, depending on their age, to minors who are victims of trafficking in human beings.

Regarding the drafting of GD (Government Decision) no. 49/2011, which details the modalities of assistance for children victims of any form of violence against children and domestic violence and specifically for the children victims of child labor, trafficking in human beings and Romanian migrant children victims of other forms of violence on the territory of other states (annex 2 of the Government Decision): the draft was based on previous consultation of children in related projects/ actions:

In 2008, DPC-MMFPSPV implemented a project with UNICEF support for drafting a National Action Plan for the prevention and combat of violence against children and a group of children was involved with Save the Children support.

The opinion of child laborers was included in the informative materials produced by The International Program for the Elimination of Child Labor implemented in Romania by International Labor Organization during 2000-2009. Also, the opinion of the children’s group in NSC meetings was noted.

### **Question 11 of the GOQ / du QAG**

The participation of the private sector, in particular, the business environment, is stipulated in Government Decision no. 49/2011, annex 2, Guidelines for multi-disciplinary and inter-institutional intervention concerning children who are exploited or in the jeopardy of labour exploitation, children who are victims of human trafficking, as well as migrant Romanian children victims of other forms of violence in the territory of other states, the chapter referring to the Community consultative structures in Section 21.

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- e) de-centralizing of the services for child protection, multi-sectorial intervention and the partnership between public bodies and authorized private organizations;
  - f) ensuring of an individual and tailored care for each child;
  - g) respect of the child’s dignity;
  - h) listening the child’s opinion and taking it into consideration, depending on the child’s age and its level of maturity;
  - i) ensuring the stability and continuity concerning the care, raising and education of the child, taking into consideration its ethnic, religious, cultural and linguistic background, when a protection measure is taken;
  - j) celerity in taking any decision concerning the child;
  - k) ensuring the protection against abuse, negligence, exploitation and any form of violence against the child;
  - l) interpretation of any legal provisions concerning child’s rights in correlation with all provisions in this field.



At the same time, an example of best practice is respect of the involvement of the private sector consists in the Project Sigur.info (*Safe.info*), in which the following partners are involved: UPC, Orange, Vodafone, Cosmote, Kaspersky Lab, ECDL Romania, Euroaptitudini, BitDefender, Microsoft and Petrom.

In 2005 the Code of Conduct for combat of trafficking and sexual exploitation of children in tourism was adopted by Save the Children Romania, Romanian Hotel Industry Federation, National Association of Travel Agency, Institute for Research and Prevention of Criminality, National Authority for Tourism and DPC-MMFPSPV, OSCE, Institut für Integrativen Tourismus und Entwicklung RESPECT, ECPAT, Federal Department of Foreign Affairs and Freedom from Fear.

The civil society participates both at the central, and at the local levels.

At the national level, this activity is coordinated by means of DPC-MMFPSPV (Child Protection Department of the Ministry of Labor, Family, Social Protection and Elderly). Furthermore, in the context of activity monitoring, mention should be made that the following diligences have been taken so far:

The National Directory Committee for the Prevention and Control of Labor Exploitation of Children (NDC), set up by Government Decision no. 617/2004, adopted the decision of extending its powers to cover all forms of violence against children and family violence in 2009.

By Government Decision no. 1156/2012 approving the National Strategy for the prevention and control of the phenomenon of family violence for the period comprised between 2013 and 2017 and the Operational Plan for the implementation thereof, the extended NDC was acknowledged.

A draft Government Decision for the organization and operation of the extended NDC was prepared and approved by the current NDC.

In December 2013, the first meeting of the extended NDC was held.

The extended NDC comprises members from the competent ministries, including institutions subordinated thereto (MMFPSPV, Ministry of Health, Ministry of National Education, Ministry of Internal Affairs and Ministry of Justice), the civil society (associations of county councils, DGASPC, NGO, universities) and international organisations (UNICEF).

At the local level, the Local Intersectorial Team for the Prevention and Control of Violence Against Children and Family Violence (LIT), provisioned by Government Decision no. 49/2011, annex 1, through the extension of the powers of LIT for the prevention and control of the labour exploitation against children, ensures the coordination of actions in this sector, including the prevention and fight against the sexual exploitation and abuse against children. Currently, extended LIT are operational in 19 counties and 2 districts of Bucharest Municipality. Mention should be made that sexual exploitation is one of the worst forms of

child labour, which explains the relevance of classic LIT, namely, they are operational in 25 counties and 3 districts of Bucharest.

Minimum composition of LIT for the prevention and control of the labour exploitation of children: DGASPC, territorial employment inspectorate, police inspectorate, school inspectorate, public health directorate and NGO. The minimum composition of the extended LIT shall have, in addition to item a), the gendarmerie inspectorate.

Moreover, for LIT, Government Decision no. 49/20011, annex 1, also recommends the involvement by the representatives of city halls, trade unions, owners' associations, churches, probation services, forensics medicine entities.

emergency reception centres and regional centres of the National Agency against Trafficking in Human Beings within the Ministry of Internal Affairs.

Other structures in charge with the prevention and control of the labour exploitation of children and child trafficking:

In consideration of the obligation of the local public administration authorities to guarantee and promote the observance of the child rights in the administrative and territorial units under their jurisdiction, Law no. 272/2004 stipulates the obligation to involve the local community in the process of identifying the needs of the community and to settle the social concerns referring to children at local level. For this purpose, the set up of the consultative community structure (CCS) is stipulated (Article 103 of Law no. 272/2004, with subsequent amendments).

The members of CCS shall be citizens of the community – official and unofficial leaders – wishing to become involved as voluntaries in the intervention process in view of settling the concerns of the community: local counsellors, priest (irrespective of religion) and/or religion teacher, proximity police officer, family doctor and/or paediatrician, school counsellor, school principal and/or head teachers, president of an owners' association, representative of any other (religious, youth, women, minority, etc.) association in the community, former beneficiaries of social services, local mass-media representative, business operators/business men, leaders of community ethnic groups.

CCS recommends SPAS in the locality to take measures in order to settle certain cases by the provision of services, as well as by actions to prevent the labour exploitation of children, sexual exploitation and children trafficking, such as:

- informing the members of the community in relation to this concern (during "parents' school" or support groups/ families);
- identification and proposing actual solutions for children in jeopardy of labour exploitation, sexual exploitation and children trafficking (day centres, counselling and support centers);
- facilitating the access of vulnerable families to the existing support services;
- notifying DGASPC in relation to cases of children victims

b)

The cooperation of the judicial authorities with the media is performed with the aim of providing information in order to inform the public about the offences which aim at the sexual abuse and about cases of sexual abuse, as soon as possible, that is immediately after they have found out about such acts (by press releases), but ensuring the respect of the protection of personal data according with Law No. 677/2001 concerning the protection of personal data and free circulation of these data;

In this context, however, we would like to mention that the editorial independence of the providers of audiovisual media services is guaranteed according with the provisions of art. 6, para. (1)-(3)<sup>16</sup> of the Law concerning the audiovisual media. In section 10 of the Audiovisual Code, the Council defined non-commercial messages which can be broadcast outside the time which is counted as advertising.

If there are social campaigns performed by associations or legally established foundations in the field of the prevention of sexual exploitation or sexual abuse on children, they can be broadcast in accordance with applicable legal provisions.

In addition, please see the information provided within the answer at question 8, regarding the awareness rising campaigns promoted by means of media

c)

Such programs/projects are financed from budgetary funds, by the institutions and ministries involved in the activities of protection of crime victims, and not directly from the proceeds of crimes.

The proceeds of crimes, however, go to the national budget, so they are used only in an indirect mode for the scope mentioned above.

The Ministry of Public Finances manages the „Swiss-Romanian Program for the Reduction of Social and Economic Disparities within the Extended European Union” which makes available a thematic fund for the civil society where, based on open calls, projects can be submitted.

The program mentioned is operational based on the „Framework Agreement between the Romanian Government and the Swiss Federal Council concerning the implementation of the Swiss-Romanian Program for the Reduction of Social and Economic Disparities within the Extended European Union” signed in Berne on the 7. September 2010 and approved by the Government’s Decision No. 1065/2010.

Within this program, the Thematic Fund for Reform concerning the participation of the civil society has as its objective the promotion of the civil society as an actor within the reforms which are focused on environmental issues, provision of social services, as well as for the development of the organizational capacity.

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<sup>16</sup> ARTICLE 6

(1) Censorship of any kind upon audio-visual communication is forbidden

(2) Editorial independence of audiovisual media services providers is acknowledged and guaranteed by this law.

Any kind of interference of public authorities or any Romanian or foreign natural or legal persons in the content, shape or illustration methods of elements comprised in the audiovisual media services is forbidden.

The first call for grants for NGOs was launched in 2012, whereas the next one is scheduled to be launched in the last quarter of 2014 or at the beginning of 2015.

Detailed information on the Swiss-Romanian Cooperation Program is available at [www.swiss-contribution.ro](http://www.swiss-contribution.ro).

We would also like to mention at this point the relevant provisions of the domestic legislation concerning the conditions for granting the statute of public utility to a non-governmental organization.

The associations and foundations operating in the field of child protection can be granted public utility status, with the condition of fulfilling certain conditions, provided by the Government Ordinance no. 26/2000 on associations and foundations.

According to art. 38 para. (1) of the Government Ordinance no. 26/2000 on associations and foundations , association, foundation or federation can be granted the statute of public utility by the government, if the following conditions are met:

- its work is conducted in the public interest or in the interest of communities, as appropriate;
- it has been functioning for at least three years, having achieved the targets established and it can prove a continuous activity by significant actions ;
- it submits a progress report showing prior significant activity, by carrying out specific programs or projects, together with the annual financial statements and revenue and expenditure budgets for the last three years preceding the date of application;
- it holds a patrimony, logistics, staff members and personnel corresponding to its purpose ;
- it proves the existence of cooperation agreements and partnerships with public institutions or associations or foundations in the country and abroad ;
- it makes the prove of obtaining significant results according to its purpose or it submits letters of recommendation from the competent authority in the country or abroad, which recommends further work .

The public utility statute gives the association or foundation the right to be granted free use of public property, the right to mention its public utility statute in any document issued.

The association or foundation will also have a series of obligations, among which being the obligation to maintain at least the level of activity and performance that have led to the recognition, the obligation to notify the competent administrative authority of any changes to the constitutive act and statute, and to also communicate the annual activity reports and financial statements.

## **SAN MARINO / SAINT-MARIN**

### **Question 6 of the TQ / du QT**

In addition to awareness raising campaigns conducted in Italy, which produce their effects also beyond the border, and activities promoting the rights of children organised by the Authority for Equal Opportunities, worth mentioning is the activity carried out by the Association "Pro Bimbi":

<http://www.associazionisanmarino.org/portfolio-items/associazione-pro-bimbi/>

### **Question 4 of the GOQ / du QAG**

**a)**

The Authority for Equal Opportunities promotes public activities on children's rights, and more generally, on the rights of all minorities.

**b)**

Also in the spirit of the International Convention on the Rights of the Child, children are taken into due account by the institutions responsible for their education, care and support. Indeed, the laws approved or the decisions taken to protect minor victims are based on the victims' needs and the measures deemed as necessary by the social institutions dealing with children's education.

### **Question 11 of the GOQ / du QAG**

**a) and b)**

Thanks to its territorial, linguistic and cultural proximity with Italy, San Marino population benefit from information broadcasted by the Italian mass media, in particular from programmes designed for the public opinion awareness raising on the phenomena of the abuse and exploitation of children. San Marino people, in fact, pick up Italian TV stations and, therefore, have access to any Italian awareness raising campaign, that have also an impact in San Marino.

Moreover San Marino has a national public television channel, San Marino RTV that joined the Italian "Fondazione Pubblicità Progresso", public service announcement foundation, which has been an international point of reference in social communication for more than thirty years.

This Foundation includes Italian private and public partners, such as the Italian federation of newspaper publishers and the main social advertising associations. Therefore San Marino RTV broadcasts social campaigns on issues such as women and children protection, development and cooperation in developing countries, and also social advertising spots.

**c)**

The San Marino associations' world in favour of childhood is wide and well-structured. There are several experiences of exchange between civil society and institutions on the topics relating to child protection and well-being.

"Pro bimbi" is a non-governmental association founded in 2009, which represents a qualified reference point for families and people willing to engage in the mental and physical well-being of children. Over the years, this association has successfully cooperated with the paediatrics public service, creating useful synergy in the fields of information and training.

Similarly, the San Marino Foster and Adoptive Families' Association organized some conferences and meetings in cooperation with the Social Security Institute on the topic "abuse and maltreatment on minors" patronized by the Ministries of Education and Health.

Recently, San Marino University promoted a round-table on "Education to a conscious use of social networks" with the participation of the Youth Observatory's representative and the Minors Office to the Police Department's supervisor

Another example of cooperation between public and private sector is the anti-violence Counselling Centre mentioned in reply n.6, which depends from the Social Security Institute but is also funded by the San Marino Saving Bank (Cassa di Risparmio).

Other projects of public-private partnership to raise awareness are under evaluation.

#### **Question 6 of the GOQ / du QAG**

b)

Delegated Decree n. 60/2012 established a Counselling Centre offering support and counselling to victims, including with the help of specialized professionals. Where necessary, victims can be offered residential care in competent shelter homes.

#### **SERBIA / SERBIE**

#### **Question 6 of the TQ / du QT**

See answers to questions 4 and 11 of the GOQ.

#### **Question 4 of the GOQ / du QAG**

a)

NGO Atina:

Although the participation of children has been introduced through the regulatory framework as a principle, there are no mechanisms for true and ethical participation of children in practice. If it happens, it happens ad hoc, mostly through the activities of NGOs, and without any feedback to children. There is a group of children, who creates alternative report on the implementation of the Convention and its accompanying protocols (children's report) – this process is guided by the Coalition for Monitoring Child Rights in Serbia.

NGO Astra:

The Ombudsman has chosen 30 boys and girls from all of Serbia in 2010 to form a panel of young associates as a permanent form of children's participation in the work of the institution. Other state institutions do not have the practice of enabling children's participation in the development and the implementation of state policies, programmes or other initiatives.

NGO Centre for Child Rights:

There is no a comprehensive policy of involvement of children in the process of creation and implementation of public policies, programmes and other initiatives concerning fight against sexual exploitation and sexual abuse of children.

Law The report of the Centre for the Right of the Child concerning exercising the right of the child in the Republic of Serbia in 2012 from the point of view of children and young people is prepared on the basis of a research conducted in three groups of children and young persons, namely Child Information and Culture Service DH- group of children and young persons at the Centre for the Right of the Child (Belgrade), young activists of the programme of the Society for Development of Children and Young Persons – Open Club (Nis), and young members of the youth club at Centre for the Right of the Child in Uzice, which shows that share of involvement of children in policy - making is extremely low. Law According to the results of the research, only 3.1% of children and young persons in the Republic of Serbia participated in public debates on issues troubling children and young persons, whereas 2.8% of children and young persons attended meetings with representatives of municipality, and 67% has not been asked by anyone to voice their opinion of relevance for life in their cities and municipalities.

**b)**

NGO Astra

ASTRA develops its programmes of direct assistance to the victims of human trafficking with full participation of its clients and taking into account their needs and wishes. In our experience in working with the institutions in the system of social protection as well as those relevant for recovery and reintegration of children victims of human trafficking, they do not take into account the children's views, wishes and concerns i.e. they do it on the most basic level of participation and only declaratively.

### **Question 11 of the GOQ / du QAG**

**a)**

NGO Atina:

B92 Fund has a steering committee Center for safe Internet, which includes Internet providers, state institutions and NGOs.

NGO Astra:

In May 2012, the company Vip mobile (Vip mobile d.o.o.<sup>17</sup>) supported ASTRA in the process of introducing the European hotline for missing children through a 2 million RSD donation. The donation was partly used for the purchase of the modern phone switchboard needed for the

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<sup>17</sup> <http://www.vipmobile.rs/home.8.html>

parallel functioning of two telephone lines – European hotline for missing children and the SOS hotline for supporting the victims of human trafficking. Alpha bank<sup>18</sup> also supported the work of this hotline.

The company Telenor was involved in the project with the Unit for the prevention of violence of the Ministry of education, science and technological development (unit was founded in 2012.) and UNICEF called „Stop digital violence" with the aim of raising awareness on the new forms of violence, risks connected with the use of Internet and on adequate ways of protection and reaction to the cases of violence. Trainings for students, teachers and parents were organized and the campaign „Choose words prevent the hate" was conducted inviting the youth to promote positive messages, react and report physical violence. Trainings with children and teachers on the prevention of digital violence were also held and will be continued in 2014.

**b)**

The Ministry of Youth and Sport:

The Ministry of Youth and Sport is the national holder of the CoE campaign against hate speech in the Internet, which, in a broader sense, combats all negative appearances in the virtual space, including sexual exploitation and sexual abuse of children via the Internet.

NGO Atina:

When it comes to reports of local media on the trafficking of children, child pornography and exploitation of children in prostitution, media in Serbia generally respect certain ethical principles. However, the biggest problem remains the issue of the protection of identity of children, which is abused in this way. Media research relating specifically to these two issues has not been conducted in our country. However, at the end of 2012, a study was presented on media coverage of violence against children, which was conducted by the Association of Journalists of Serbia and UNICEF. This study included nearly 1,400 texts written between July 15 and November 10, 2012. The analyzed texts and images on violence against and among children were published in national newspapers: Politika, Danas, Blic, Press, Vecernje Novosti, Kurir and Alo, while TV viewings included in this analysis broadcasted on public service RTS, commercial national stations TV B92 and Prva TV, and on Belgrade city TV Studio B. The research showed that most of the leading mainstream media respect the fundamental ethical rules when reporting on children, especially on child victims and perpetrators of violence, but that a threat to children's right to privacy and identity protection is still present. Ethics violation is less present on TV, because the stations are usually not included in risk of reporting on specific cases where victims of violence are children. When it comes to newspapers, although the cases of disclosure of the child's identity are rare, the Code is violated by the publication of photographs and information that make a child – victim of violence – indirectly identifiable.

NGO Astra:

Regarding the question of reporting of domestic media on child trafficking, child pornography and child prostitution, some ethical principles are mostly respected. However, the biggest problem is still the question of protecting the child's identity. No research on the media reporting on these two topics has been conducted in Serbia still. However, in the end of 2012 the research on media reporting on violence on children was presented, conducted

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<sup>18</sup> <http://www.alphabankserbia.com/welcome.gereoo.html>



by the Journalists' Association of Serbia and UNICEF. This research was conducted on about 1400 articles written between 15th of July and 10th of November 2012. Analysis included articles and photographs about violence on and between the children published in national newspapers: Politika, Danas, Blic, Press, Vecernje novosti, Kurir and Alo, as well as the television reports on public service RTS, commercial TV stations TV B92, TV Prva and the Belgrade city television station Studio B. The research showed that most of the leading media followed the basic ethical norms when reporting on children, especially on children victims and perpetrators of violence, but noted the presence of violations of children's right to privacy and right to protection of identity. Ethics violations are to a lesser extent present on the television stations, as they usually do not risk reporting on specific cases where the victims of violence are children. When it comes to printed media, although the cases of direct exposure of child's identity are rare, the ethical codes are violated by printing of photographs and the information that make a child – victim of violence indirectly recognizable.

c)

The Ministry of Youth and Sport:

In accordance with the National Youth Strategy, the Ministry of Youth and Sport, since its founding in 2007, has financially supported nearly 20 projects (total amount: more than 20.000.000 RSD), implemented by different non-governmental organisations and promoting safety, methods of non-violent communication, combating gender-based violence and other similar issues.

NGO Atina:

Cooperation of state agencies and institutions with civil society organizations is still unsatisfactory, and leaves room for improvement. This cooperation is reflected primarily in the inclusion of CSO's in drafting of strategic documents. However, even then suggestions and criticism of CSO's are adopted with difficulty. In terms of support and protection in direct work with victims of human trafficking, the degree of cooperation is smaller. CSO's are still seen as a competitive organization, and not as collaborators working on the same task. CSO's receive close to no assistance for the help of victims from the budget of the Republic of Serbia, or the support is at the project and short-term level, so their work in most cases depends on donor funding of the international community. State institutions that work with the victims of human trafficking rarely refer users to the services offered by civil society organizations, which have years of experience in working with victims. Baring in mind that majority of victims are minors Atina have a concern regarding the fact there are no specific procedures, employees in Centre are not sensitized to work with children, they haven't passed any trainings, and they are not using the resources that already exist such as experience CSO has (for example Center for youth integration).

NGO Astra:

CSOs do not yet receive funding from the budget of Republic of Serbia for supporting the victims and their work is still exclusively dependent from donor funds. ASTRA programme for protection of children victims of human trafficking, as well as the European hotline for missing children 116000 are not supported by the state budget funds.

## **SPAIN / ESPAGNE**

### **Question 6 of the TQ / du QT**

See answers to questions 4 and 11 of the GOQ.

### **Question 4 of the GOQ / du QAG**

**a)**

Did not provide an answer

**b)**

Save the Children conducted a survey to children during the process of evaluation and follow-up of the Third Plan of Action against the Sexual Exploitation of Children and Adolescents. Most important conclusions were as follows:

- 50% neither knew nor understood concepts such as “human rights, children’s rights, dignity, freedom, forced labour”.
- 70% had heard little or nothing about sexual abuse and sexual exploitation of children.
- They thought that there was a need to inform about sexual abuse and its prevention through the media and conferences at high schools.
- They felt that society should know about available care resources and filing of complaints.
- They thought that the victim’s opinion should be taken into account throughout the whole process.

On another point, “Vicky Bernadet” Foundation has shown considerable commitment to combat sexual abuse. The information below is a summary of the Foundation activities developed with the financial support of the Ministry of Health, Social Services and Equality.

1. Project: What happens to my mate?

This is a prevention/protection programme on sexual abuse of children, aimed at adolescents that are excluded or at risk of social exclusion, or in protection centers.

2. Documentary film: “What happens to my mate?”

Awareness-raising material prepared by young participants in the prevention workshop by the same title.

3. Workshops at High Schools: “BY TALKING WE CAN PREVENT SEXUAL ABUSE OF CHILDREN”

Group activity addressed to adolescents so that they lose the fear of talking about risk situations and know what to do against sexual abuse.

4. “Poisonous words”

A novel about sexual abuse is read and analysed with the author and a psychologist of the Foundation.

5. Story-telling

“Air curtains” is a tale for children aged 5 to 10 about children’s rights and self-protection against situations of risk.

The following table shows 2010-2012 data on the implementation of the aforementioned activities regarding children and adolescents:

ACTIVITIES	2010	2011	2012
Project: What happens to my mate?	66 adolescents	126 adolescents	47 adolescents (first quarter)
Documentary film: "What happens to my mate?"		100 copies distributed	
Workshops "By talking..."		275 students	125 students (first quarter)
"Poisonous words"		180 students	23 students (first quarter)
Story-telling		294	42

### Question 11 of the GOQ / du QAG

a)

General State Administration and NGO have set up working groups aimed at preventing, detecting and reporting internet offences. Here are some links:

[http://www.inteco.es/pressRoom/Prensa/Actualidad INTECO/SID 2014](http://www.inteco.es/pressRoom/Prensa/Actualidad_INTECO/SID_2014)

[http://menores.osi.es/sites/default/files/Guia\\_lucha\\_ciberacoso menores osi.pdf](http://menores.osi.es/sites/default/files/Guia_lucha_ciberacoso_menores_osi.pdf)

<http://www.protegeles.com/>

Furthermore, 12 companies and organisations of the tourism industry have already signed the Code of Conduct against the commercial sexual exploitation of minors.

b)

The media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (Article 9, para. 3, Explanatory Report, para. 74);

The "Vicky Bernadet" Foundation has appeared in 30 mass media per year on average with a viewer share around 733.000 people. The communication strategy has proved to be fundamental: 44% of the demands have heard about the Foundation through the media. The number of appearances over the last three years is the following:

- 2010: 20 appearances
- 2011: 23 appearances
- 2012: 4 appearances

c)

See answer to Q3.

### Question 3 of the General Questionnaire:

a)

1. Legal framework

The draft Law on the Standing of Victims, the draft reform of the Criminal Code and the Criminal Procedure Act are the three pillars of the criminal reform announced a year ago.

Previously, Organic Act 5/2010, of 22 June, amending the Spanish Criminal Code introduced greater protection in the exercise of children's rights, in compliance with the international obligations assumed by Spain.

The draft reform of the Criminal Code raises the age of sexual consent and improves criminal treatment of offences against sexual exploitation. Moreover, the conduct of causing a child under the age of sixteen to witness acts of sexual nature or sexual abuses on third persons is defined as a new separate offence. Special attention is drawn to the punishment of acts related to child pornography too.

The draft Law on the Standing of Victims has been designed to achieve a double aim: to be a general list of procedural and extra-procedural rights for all victims of crime in line with European regulations, and to provide a global response to victims of crime from a legal and social perspective. It is intended to redress the damage within the framework of the process and to avoid or mitigate the traumatic effects caused and those that may arise during the course of criminal proceedings.

The draft Law on the Standing of Victims establishes a general list of the victims of any form of offence that has been committed or that may be subject to legal proceedings in any Member State of the European Union. Not only does this affect directly victims but also victims' families.

In contrast to the present situation, victims' rights will not cease upon testifying against the person who has broken the law. As from the entry into force of this new legislation, the victim will be entitled to be informed throughout the whole time that criminal sanctions on the part of the State are in force against the offender.

Finally, the Ministry of Justice and the Ministry of Health, Social Services and Equality are updating legislation on child protection, which means amending the Spanish Civil Code and Organic Act 1/1996 on the Legal Protection of Minors at the same time.

The most important aspect of the reform is the development of the concept "the best interests of the child" (general principle, substantive law and procedural rules) and the reinforcement of two general principles: the supremacy of the child's interest and the protection of children from all forms of violence.

## 2. Action plans

The Council of Ministers adopted the National Strategic Plan for Childhood and Adolescence 2013-2016 in April 2013. It includes some measures to prevent child sexual abuse and exploitation:

- Developing research lines for the investigation of child sexual abuse and any form of violence against children in the circle of trust.
- Using data on child mistreatment and its different types obtained from RUMI (unified register of child abuse).
- Establishing homogenous criteria to determine situations of risk through common intervention protocols for minors and families.

### 3. Other measures to prevent and combat sexual exploitation of children

The General Directorate of Services for Family and Children (Ministry of Health, Social Services and Equality) has provided on-line courses for social workers for the last two years. Their objective is to improve detection and assistance to victims of child trafficking for the purpose of sexual exploitation in the protection services of the Autonomous Regions.

Moreover, the Ministry of Health, Social Services and Equality funds care programmes developed by NGOs. The funding of programmes aimed at the prevention and care of sexual abuse of children amounted to 1,093,017.38 € in 2013. The Ministry also cooperates with the European Union project "Development of common guidelines and procedures on identification of victims of trafficking": ISEC "Euro Traf Guid".

ECPAT (FAPMI) and Save the Children have carried out many awareness-raising campaigns to prevent sexual exploitation. Save the Children has recently published a report entitled "Sexual violence against boys and girls. Abuse and sexual exploitation of children", a guide for professionals involved in the protection, assistance and care of child victims.

ECPAT (FAPMI) is responsible for the development of the "One in five" campaign in Spain with the financial support of the Ministry of Health, Social Services and Equality.

On another point, Spanish State Secretary for Security (Ministry for Home Affairs) takes part, through the law enforcement authorities, in several institutional (Spanish Observatory on Children) and/or private initiatives against sexual exploitation of children, such as an agreement between the General Directorate of Guardia Civil and "Protégeles" organisation on the fight against sexual exploitation in communication technologies.

#### b)

The Third Plan of Action against the Sexual Exploitation of Children and Adolescents (2010-2013) was approved by the Spanish Observatory on Children in December 2010. The Ministry of Health, Social Services and Equality has coordinated its implementation and the Observatory is currently assessing it.

<http://www.observatoriodelainfancia.msssi.gob.es/productos/pdf/IIIPlanContraExplotacion.pdf>

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This Plan remains faithful to the objectives of previous Plans: the prevention and care of sexual abuse and the restoration of victims' rights. It was based on the Recommendations and Observations of the United Nations' Committee on the Rights of the Child and the conclusions of the three World Congresses against the Sexual Exploitation of Children.

The most important aspects of the Plan are the following:

- Public awareness campaigns through educational programmes aimed at parents.
- Inclusion of education on sexual exploitation of children in the curricula of university degrees and training cycles.
- Promotion of treatment programmes for adolescent sexual abusers.
- Dissemination of helplines and web sites for children and adolescents.
- Control over leisure offers and advertising showing sexual exploitation of children.

In addition, the Comprehensive Plan to Combat Trafficking in Human Beings for the Purpose of Sexual Exploitation, agreed by the Council of Ministers on 12 December 2008, incorporated recommendations and concrete actions for child victims. The Social Forum against Trafficking and the Working Group on Childhood monitored the Plan that is being assessed at present. The adoption of the Framework Protocol for the Protection of Victims of Trafficking in October 2011 was an important step.

Finally, the Ministry for Home Affairs created a Police Anti-trafficking Brigade last year and launched an awareness-raising campaign, which provides a free telephone number and e-mail.

c)

The Ministry of Justice has started setting up child-friendly courtrooms in Murcia within the framework of Council of Europe Guidelines on Child-Friendly Justice. The experiences of NGO such as “ADIMA” and “Márgenes y Vínculos” have also been taken as inspiration. Moreover, Spain ratified in June 2013 the Optional Protocol to the Convention on the Rights of the Child. Every child shall be able to file a complaint against any violation of his/her rights and the case shall be examined by a Committee of Experts once it comes into force (as from 14 April 2014).

As regards helplines for children, “ANAR” Foundation has been managing a 24-hour free domestic helpline since 1994 with the support of the Ministry of Health, Social Services and Equality. The Foundation manages now the Harmonized European Number 116111, which received 1.871 calls in 2013.

With respect to the dissemination of children’s rights, a large number of awareness-raising campaigns about the Convention on the Rights of the Child are launched in the media, internet and social networks. They target the general population and children at schools, hospitals and health centers. Additionally, the Universal Children’s Day is celebrated with many events promoted by public administrations and NGO

Lastly, the Second National Strategic Plan for Childhood and Adolescence has a child-friendly version called “The adventure of PENIA”. This is the link:

<http://plataformadeinfancia.org/publicaciones/documento/penia-plan-estrategico-nacional-de-infancia-adolescencia-version-amigable>

<http://plataformadeinfancia.org/publicaciones/documento/reinventando-penia>

<http://plataformadeinfancia.org/node/3678>

Here are some links to web pages of law enforcement authorities related to children’s rights and sexual abuse:

<http://www.pjuegosolicia.es//index.php>

<http://www.guardiacivil.es/es/servicios/violenciadegeneroyabusosamenores/abusosexualmenores/index.ht>

## "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-REPUBLIQUE YUGOSLAVE DE MACEDOINE"

### Question 6 of the TQ / du QT

Ministry of Labour and Social Policy:

The *Law on Prevention, Combating and Protection against Domestic Violence* ("Official Gazette of the Republic of Macedonia" No. 138/14) especially focuses on the prevention of domestic violence, and it stipulates that the Local Self-Government Units and the associations undertake preventive measures for combating and alleviating of domestic violence, in compliance with their competences provided by law.

Preventive measures are taken by:

- promoting social and cultural values of behaviour based on equality of women and men;
- introducing programmes for non-violent behaviour from an early age in preschool institutions;
- introducing programmes for non-violent behaviour and understanding of gender equality in primary schools;
- introducing programmes for developing skills for peaceful resolution of conflicts, understanding and appreciation of the principle of equal opportunities for women and men in secondary schools;
- introducing programmes for developing skills for peaceful resolution of conflicts, respecting the dignity of the person, non-discrimination and equality between women and men in higher education institutions;
- providing expert advice and counselling within the counselling services for marriage and family, the Centres for Social Work, and other institutions;
- conducting campaigns or programmes for raising the awareness and understanding of the general public about the recognition and consequences of domestic violence;
- introducing continuous training for professionals to carry out activities within their competencies and gender-based violence;
- raising the level of responsibility of the printed and electronic media for objective reporting about cases of domestic violence, in which cases the circumstances that may be deemed as violation of human rights and dignity of the person should not be provided and any discrimination of women and men should be avoided.

### Question 4 of the GOQ / du QAG

#### a) and b)

Ministry of Labour and Social Policy:

The non-governmental organizations "First Children's Embassy in the World – Megjashi" and "For Happy Childhood" were actively involved in the preparation of the *Action Plan for Prevention and Combating Sexual Abuse of Children and Paedophilia 2009-2012* as well as in preparation of the *National Action Plan for Protection of Children against Abuse*

*and Neglect 2013-2015*, as representatives and advocates of children in the Republic of Macedonia.

Ministry of Justice:

The provisions of the Law for Rights of Children corresponds with this article of the Convention. Namely, in article 6 is regulated that:

"(1) Children victims of acts which with the law are provided as crimes have the same rights as the adults and victims before, during and after the criminal proceedings, as well as special rights recognized in the Convention of the Rights of the Children and other ratified international agreements.

(2) Children victims of acts that by law are considered as crime and child witnesses enjoys enhanced protection and support of all institutions, organizations and individuals in the justice system for children, in order to reduce the negative effects on them by the crime and to prevent the negative influence of the activities of the institutions on the correct development of the child and encourage them to ask for protection before a competent court. "

In article 19 is contained definition of a child victim, which is every child under the age of 18 years who has suffered damage, including physical or mental injury, emotional suffering, material loss or other injury or violation of the rights and interests as a result of an act done by law is planned as a crime.

Also in articles 145-153 of this law are contained provisions for protection of child victims of crime and witnesses in criminal proceedings. With these provisions is guaranteed the right of child victim for psychological and other professional assistance and support from the authorities. Also, these provisions oblige the police, the prosecutor and the court to proceed with special care the child-victim of a crime by giving them lessons in accordance with the provisions of this law and care on his interests when is taking the decision to prosecute the accused for which is compile an official note or process verbal. Also, contains provisions for special rights of procedural protection and special measures procedural protection of child victims and child witnesses.

With this law is guaranteed the right of compensation of a minor who is a victim or damaged with crimes of violence and other acts of individual or group violence. These legal provisions regulate that the Minister of Justice after obtaining an opinion from the National Council for the Prevention of Juvenile Delinquency, adopted Program with funds within the budget of the Ministry of Justice. Considering the mentioned provision in 2013 and 2014 the Minister of Justice of the Republic of Macedonia adopt Program to redress the minor who is the victim or damaged with crimes of violence and other acts of individual or group violence in 2013. For the realization of this program from the Budget of the Ministry of Justice are approved 500.000,00 denars. Also it is important to state that in these provisions is regulate and the procedure for exercising the right to compensation.



## **Question 11 of the GOQ / du QAG**

**a), b) and c)**

Ministry of Justice:

Macedonian legislation contains a legal basis which provides an opportunity to use the benefits from the crime of the Convention to be used for financing of the indicated projects and programs.

Namely, with the Law on Management of Seized Property, property benefits and confiscated items in criminal procedures is regulated the management, use and disposal of temporarily confiscated property, property benefits and temporarily seized items, as well as confiscated property with absolute decision in the criminal and legal proceedings, as well as the establishment, competence, management, governance and other matters related to the Agency for management of Confiscated Property.

According to article 50 of this Law, the Agency sold the real estate and the items seized by a final decision immediately after the efficacy of decision, and received money shall be paid to the Budget of the Republic of Macedonia.

Article 51 regulates the deviation of the temporary seized assets of state authorities, civil associations and foundations, which stipulates that the Agency can certain items such as food, clothing and soft drinks to give free of charge to state authorities, civil associations and foundations, in accordance with the law that informs the Government of the Republic of Macedonia.

Also in article 52 of this Law is established that the agency may waive seized items by a final judgment of other state authorities, funds, agencies, departments, public institutions, independent regulatory body established by the Republic of Macedonia, Trade companies established by the Republic of Macedonia and other grounds of the Republic of Macedonia, as well as local government units, with the prior consent of the Government of the Republic of Macedonia.

The Agency may waive seized items for which is received consent under this law to other state authorities, funds, agencies, departments, public institutions, independent regulatory body established by the Republic of Macedonia, Trade companies established by the Republic of Macedonia and other grounds of the Republic of Macedonia, as well as local government units, with the prior consent of the Government of the Republic of Macedonia.

## **TURKEY / TURQUIE**

### **Question 6 of the TQ / du QT**

Within the framework of the works of the “National Action Plan on Combating Violence Against Children,” the Regional Meeting on Children’s Rights was held in Erzurum on 20 September 2013 in order to incorporate children’s perspective in the Action Plan.

Directive on the Works, Principles and Procedures of Central, Provincial and Sub-Provincial Coordination Initiatives Adopted in Order to Execute the Protective and Supportive Measures under the Child Protection Law, mentioned in the answer to Question 4/a of the General Overview Questionnaire, puts special emphasis on the participation of non-governmental organisations in the activities.

### **Question 4 of the GOQ / du QAG**

a)

In order to ensure the participation of children in state policies to be developed and conducted regarding child protection issues, the Directorate-General for Child Services of the Ministry of Family and Social Policies have established Provincial Child Rights Committees in 81 provinces. In this context, the Directive on the Procedure and Substance of the Works by Child Rights Committees was issued through the Ministerial Approval no. 1291, dated 29/11/2013.

Turkey celebrates the Universal Children’s Day every year on 20 November and organises children’s fora as part of the celebrations. The 14th National Children’s Forum took place between 18 and 20 November 2013 in Ankara. In the forum, child representatives of the Child Rights Committee, 81 boys and 81 girls from 81 provinces, participated in workshops on the following topics: children’s rights education, early marriages-child brides, right to education and educational problems, child labour-economic abuse. Upon the views expressed by the children, the main theme of the forum was identified to be the right of “child participation.”

Additionally, in parallel with the United Nations Convention on the Rights of the Child, the Ministry of Family and Social Policies held a workshop entitled “Children’s Perspective in the New Constitution” in cooperation with UNICEF. Child representatives of the Child Rights Committee, being one boy and one girl from 81 provinces, took part in the workshop. At the end of the workshop, a “Conclusions Report” was drafted, reflecting the opinions of children with regard to the issues that they would like to see included in the new constitution. Furthermore, as part of the workshop, child representatives presented their handwritten letters and drawings to the President of the Turkish Grand National Assembly.

Besides children’s opinions and recommendations on education, health, justice, protection, housing, civic facilities, disability, children’s place in the family and children’s participation, the Report also included significant recommendations on the combat against sexual abuse of children.

**b)**

In general terms, under Article 4, entitled “Fundamental Principles,” of the Child Protection Law, guaranteeing the child’s right to life, of development, protection and participation and ensuring the child’s participation in the decision-making process, on condition that both the child and his/her family are made aware, are set out as fundamental principles. Article 13 of the Child Protection Law rules that “before rendering a decision for measure, the opinion of the child having adequate perception capacity shall be taken.” Additionally, the Court of Cassation considers that failure to obtain the child’s opinion on proceedings on family law or on other child-related cases is considered to be a reason for reversion of the decision.

It is of utmost importance that children from all social backgrounds are represented in the above-mentioned Provincial Child Rights Committees. In this respect, children, rich or poor, living with their parents, children who reside in children’s education homes, disabled children and child victims of sexual exploitation and abuse who are under the care and protection of the Care and Social Rehabilitation Centres in accordance with protective and preventive measures are also represented.

#### **Question 11 of the GOQ / du QAG**

**a)&b)&c)**

No information has been received from the relevant governmental bodies on this question yet.

### **UKRAINE**

#### **Question 6 of the TQ / du QT**

See answers to questions 4 and 11 of the GOQ.

#### **Question 4 of the GOQ / du QAG**

**a)**

Youth and children are constantly reached out to, amongst other things regarding the topics of prevention of juvenile sexual abuse. These awareness-raising activities with a wider and individualized focus are conducted at schools. Practice of cooperation agreements between school administrations and police officers, as well as a nurturing of children’s organizations and unions are in place. The “Explorers” initiative is implemented in cooperation with the Juvenile Justice Reform in Ukraine Project supported by the Government of Canada. The Ministry of Internal Affairs has kicked off monitoring to determine emergence of all forms of violence amongst children and adolescents, and understand the reasons for such offences. Results feed into development of tailored programmes for psychological and pedagogical support to children.

**b)**

1 All measures for social protection of child victims are based exclusively on the needs and are taken in best interest of those children

### **Question 11 of the GOQ / du QAG**

Did not reply to this question / N'a pas répondu à cette question.

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## **II – Other stakeholders / Autres parties prenantes**

### **UNICEF (ICELAND / ISLANDE)**

#### **Question 6 of the TQ**

c. There have not been any official steps taken by the Icelandic government to encourage or ensure child participation in the development or the implementation of state policies, programmes or other initiatives concerning the fight against sexual abuse or exploitation of children.

d. UNICEF Iceland published a report on violence against children and prevention measures. A special expert group of child victims of sexual abuse was founded and the group assisted UNICEF staff with the report and the 16 recommendations for better prevention measures and to enhance the response system. The expert group has met with two cabinets and several expert committees working for various ministries on matters relating to violence against children, the judicial system, the police etc. A list of those the expert group has met with can be found in Appendix II.

#### **Question 4 of the GOQ / du QAG**

a. There have not been any official steps taken by the Icelandic government to encourage or ensure child participation in the development or the implementation of state policies, programmes or other initiatives concerning the fights against sexual abuse or exploitation of children.

b. UNICEF Iceland published a report in early 2013, *Child Rights in Iceland: Violence and Prevention*, on violence against children and prevention measures. A special expert group of child victims of sexual abuse was founded and the group assisted UNICEF staff with the report and the 16 recommendations for better prevention measures and to enhance the response system. Further information on the report and the expert group can be found in Appendix I which includes an English summary of the report, updated in January 2014.

## **EUROCEF (FRANCE)**

### **Question 4 of the GOQ / du QAG**

Non, à par les auditions des enfants qui se font dans des conditions spécifiques, le plus souvent dans les unités médico-judiciaires. Cependant ils sont peu à garantir l'équipement suffisant sur le territoire national.

### **Question 11 of the GOQ / du QAG**

Le fond pour la protection de l'enfance englobe toutes les interventions en direction des enfants en risque de danger.

## **ECPAT:**

### **Question 11 of the GOQ / du QAG**

ECPAT International in partnership with The Body Shop carried out a three year (2009-2012) global campaign against the sex trafficking of children and adolescents. The campaign, implemented in 20 EU Member States, substantially contributed to the development of research on child trafficking for sexual purposes at the regional level. Research conducted by ECPAT member organisations within the framework of the campaign led to greater understanding of the issue of child trafficking for sexual purposes within the context of Europe and emerging trends and challenges. ECPAT member organisations also developed country score-cards which show progress made by concerned EU Member States between 2009 and 2012 with regard to the prevention and repression of trafficking as well as the provision of adequate referral mechanisms and support services for child victims.

In addition to the production of research on the issue, ECPAT and The Body Shop have conducted high level advocacy events to hold EU governments accountable for protecting children from trafficking. Signed petitions on the issue of child sex trafficking were handed over to representatives of governments in the following Council of Europe Member States: Austria, Belgium, Denmark, France, Germany, Italy, Luxembourg, Netherlands, Romania, Russia, Spain, Sweden, Ukraine and the UK. In June 2011, ECPAT International and The Body Shop presented the largest human rights petition in EU history to the European Commissioner for Home Affairs, Cecilia Malmström. During the press conference Commissioner Cecilia Malmström stated that "in response to the 2.3 million people who have signed this petition, I commit that we will do our utmost to ensure that Member States give priority to the implementation of the Directive". This campaign helped put the issue of child

Several countries have also established systems to block access to child abuse materials (UK, Denmark, Finland, France, Italy, Malta, Norway, Sweden and Switzerland), most of which are coordinated under the CIRCAMP network (see above) though they were mainly set up on the basis of a voluntary opt-in approach by individual ISPs (rather than a legislative mandate

on all ISPs).<sup>19</sup> Mobile operators that are part of the GSMA (a global association representing the interests of the worldwide mobile communications industry), together with the European Commission, have created a European Framework for Safer Mobile Use by Younger Teenagers and Children. Within the Framework, operators have offered to provide mechanisms for parents to control access to content by children on their mobiles; provide advice and raise awareness regarding the safe use of mobile communications by children; support the classification of commercial content according to national standards; and support national authorities in the fight against illegal content on mobiles. As part of the agreement, the mobile operators and content providers also agreed to develop self-regulatory codes of conduct to roll out the Framework at national level. In its implementation report to the European Commission dated June 2010, three years after the signature of the Framework, GSMA Europe explained that operators in all the 27 EU Member States, covering 96% of all EU mobile customers, had developed codes of conduct to deliver the Framework.

Mobile phone companies have also joined the “Mobile Alliance Against Child Sexual Abuse Content” launched in 2008 by the GSMA to obstruct the use of the mobile environment by individuals or organisations wishing to consume or profit from child sexual abuse content. Members of the Alliance are working to prevent access to websites identified as hosting child sexual abuse content, while also implementing “Notice and Take Down” processes that enable the removal of any child sexual abuse content posted on their own services. They are also supporting and promoting ‘hotlines’ for customers to report child sexual abuse content discovered on the Internet or on mobile content.<sup>20</sup> Another initiative worth noting is the “Better Internet for kids” Coalition between tech CEOs and the European Commission established in 2011 which brings together all type of industry players, including device manufacturers, and has achieved a number of results (e.g. it has facilitated exchange of good practices; all 31 Coalition members now provide parental control tools and/or age appropriate settings; etc<sup>21</sup>

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<sup>19</sup> McIntyre, T.J. Child Abuse images and Cleanfeeds: Assessing Internet Blocking Systems. 2011. In RESEARCH HANDBOOK ON GOVERNANCE OF THE INTERNET, Ian Brown, ed., Edward Elgar, 2012. Accessed on 27 August 2013 from:

[http://www.academia.edu/771272/Child\\_Abuse\\_Images\\_and\\_Cleanfeeds\\_Assessing\\_Internet\\_Blocking\\_Systems](http://www.academia.edu/771272/Child_Abuse_Images_and_Cleanfeeds_Assessing_Internet_Blocking_Systems)

<sup>20</sup> GSMA. European Mobile Industry Observatory 2011. Accessed on 28 August 2013 from: [www.gsma.com](http://www.gsma.com)

<sup>21</sup> European Commission. Press release “Europe's top tech executives and Commission affirm commitment to collaborate, not compete to improve the internet for kids”. 4 June 2013. Accessed on 27 August 2013 from: [http://europa.eu/rapid/press-release\\_MEMO-13-504\\_en.htm?locale=en](http://europa.eu/rapid/press-release_MEMO-13-504_en.htm?locale=en)