



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

T-ES(2015)19_en

29 January 2016

LANZAROTE COMMITTEE

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

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Report

13th meeting

Strasbourg, 1-4 December 2015

Prepared by the Secretariat of the Lanzarote Committee

1. The Committee of the Parties (hereinafter referred to as “the Lanzarote Committee” or “the Committee”) to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (hereinafter referred to as “the Lanzarote Convention” or “the Convention”) held its 13th meeting in Strasbourg on 1-4 December 2015. The agenda of the meeting, as adopted, appears in Appendix I. The list of participants appears in Appendix II.

1. OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND UPDATE ON RATIFICATIONS OF THE LANZAROTE CONVENTION

2. Mr GUÐBRANDSSON (Iceland), Chairperson of the Lanzarote Committee, opened the meeting by welcoming the entry into force of the Convention in Hungary and the forthcoming entry into force of the Convention in Liechtenstein (January 2016) and Germany (March 2016). With these additional ratifications the Lanzarote Convention counts 39 State Parties.

3. The Committee took note of progress in the ratification process¹ of the Lanzarote Convention in the Czech Republic, Estonia and Ireland.

2. MONITORING OF THE IMPLEMENTATION OF THE LANZAROTE CONVENTION

2.1 Examination and adoption of the 1st implementation report on “The protection of children against sexual abuse in the circle of trust: the framework”

4. The Committee dedicated practically its entire meeting to an in-depth examination of the full text of the revised draft 1st implementation report. It assessed written amendments to the text, which had been submitted to the Secretariat in advance of the meeting, as well as other amendments and suggestions which emerged during the deliberations. Several members of the Committee also provided additional information which the Committee agreed to include in the report itself or in its Addendum.

5. Following the above deliberations, the Committee adopted its 1st implementation report with its Addendum by a vote of 22 in favour, one abstention and no votes against. Both are available [online](#). The executive summary of the implementation report as well as its main recommendations are reproduced in Appendix III to this meeting report.

6. The Committee decided to hold an exchange of views at its 14th meeting (15-17 March 2016) on the follow-up to be given by the Committee to its recommendations.

7. Mr ESPOSITO (Head of the Council of Europe Equality and Human Dignity Department) drew the Committee’s attention to cooperation projects on violence against children which may be developed to provide country specific follow-up to the Lanzarote Committee’s recommendations. He highlighted that these projects will be funded thanks to voluntary contributions and therefore welcomed any additional voluntary contribution to this effect.

¹ Information on new signatures/ratifications is regularly published in the news headlines of the Lanzarote Convention web page (www.coe.int/lanzarote). An up-to-date table of signatures/ratifications and list of declarations and reservations to the Lanzarote Convention is available on the Council of Europe’s Treaty Office web page (<http://conventions.coe.int>).

3. EXCHANGE OF INFORMATION, EXPERIENCE AND GOOD PRACTICE

3.1 *Presentation of the results of the 2nd meeting of the Working Group on Trends in Child Sexual Exploitation and Abuse*

8. Ms SCAPPUCCI (Executive Secretary to the Lanzarote Committee) informed that the Working Group had held a 2nd meeting (8 September 2015), during which it continued the examination of the trends identified. The Working Group had particular regard to whether the trends were somehow covered by the Lanzarote Convention and/or the EU Directive on combating the sexual abuse and sexual exploitation of children and child pornography. It also considered practices or actions that might be helpful in addressing the trends.

9. It was recalled that the Working Group wished to include in its reflection the results of the first reports by the European Commission on the transposition of the above mentioned EU Directive. Given the delay in the finalisation of these reports, the Lanzarote Committee decided that its Bureau would establish the date of the next meeting of the Working Group.

10. Ms DE CRAIM (Belgium, member of the Working Group) drew the Committee's attention to the fact that the Working Group would need more than just a day's meeting to accomplish its tasks. The Committee agreed and asked its Secretariat to verify whether the Group could meet more than just once.

3.2 *1st European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse (18 November 2015)*

11. Ms HOLDUP (Administrative Support Assistant) presented to the Committee the "Tell someone you trust" animation which was launched on 18 November 2015 to mark the [1st European Day](#). She recalled that the new animation video, which informs 9 to 13 year olds about sexual violence in the circle of trust and how to speak out against it, was produced with the participation of a group of children from Belfast. She then pointed at the numerous initiatives undertaken by many Council of Europe member states as well as national and international organisations to celebrate the European Day.

12. The Lanzarote Committee welcomed the success of the first edition of the European Day and applauded those countries that had already translated the voice over of the animation "Tell someone you trust" in their languages.

3.3 *Council of Europe Strategy on the Rights of the Child*

13. Ms JENSDOTTIR (Council of Europe Children's Rights Coordinator) informed that the Committee of Experts on the Council of Europe Strategy for the Rights of the Child 2016-2019 (DECS-ENF) had finalised the next Council of Europe Strategy on the Rights of the Child, which shall have the following five key objectives (i) Equal opportunities for all children; (ii) Participation of all children; (iii) A life free from violence for all children; (iv) Child-friendly justice for all children; (v) Rights of the child in the digital environment.

14. The new Strategy should be adopted by the Committee of Ministers early 2016. The DECS-ENF should be replaced by an *ad hoc* committee on the rights of the child. The terms of reference of this *ad hoc* committee should be decided by the Committee of Ministers early 2016. Several members of the Lanzarote Committee expressed their satisfaction with the results achieved and looked forward to learn more about the new *ad hoc* committee on the rights of the child.

15. The Committee took note that the High level Conference to launch the Council of Europe Strategy for the Rights of the Child, will take place in Sofia, Bulgaria, on 5 and 6 April 2016.

3.4 Database for a Coordinated Response to Child Abuse and Neglect

16. Mr NIKOLAIDIS (Greece) offered the Lanzarote Committee a practical demonstration of the potential of the database for a "[Co-ordinated Response to Child Abuse and Neglect \(CAN\) via Minimum Data Set \(MDS\)](#)" developed by stakeholders from several countries within the context of DAPHNE III programme by DG Justice of the European Commission. Several Committee members expressed interest in testing the database.

4. PROCEDURAL MATTERS

4.1 Review of the Rules of procedure of the Lanzarote Committee

17. The Committee postponed this item to its next meeting for lack of time. It agreed that any amendments to document T-ES(2015)03rev2 should be submitted to lanzarote.committee@coe.int by 15 February 2016.

5. DATES OF THE NEXT MEETING

18. The Committee confirmed that its 14th and 15th meetings would respectively be held on 15-17 March 2016 and on 14-16 June 2016.

19. As to its 16th meeting (initially scheduled 15-17 November 2016), the Committee asked the Secretariat to change the dates to avoid holding the meeting during the week of the 2nd edition of the European Day on the protection of children against sexual exploitation and sexual abuse.

Appendix I

Agenda

- 1. Opening of the meeting, adoption of the agenda and up-date on ratifications of the Lanzarote Convention**
- 2. Monitoring of the implementation of the Lanzarote Convention**
 - 2.1 Examination and adoption of the draft 1st implementation report on: “The protection of children against sexual abuse in the circle of trust: the framework”
- 3. Exchange of information, experience and good practice**
 - 3.1 Presentation of the results of the 2nd meeting of the Working Group on Trends in Child Sexual Exploitation and Abuse
 - 3.2 1st European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse (18 November 2015)
 - 3.3 Council of Europe Strategy on the Rights of the Child
 - 3.4 Database for a Coordinated Response to Child Abuse and Neglect
- 4. Procedural matters**
 - 4.1 Review of the Rules of procedure of the Lanzarote Committee
- 5. Dates of the next meetings**

Appendix II

List of participants

1. MEMBERS / MEMBRES

STATE PARTIES TO THE CONVENTION / ETATS PARTIES À LA CONVENTION

ALBANIA / ALBANIE

Ms Ina VERZIVOLLI
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Ministry of Social Welfare and Youth

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Ms Petya DIMITROVA
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GREECE / GRÈCE

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2. PARTICIPANTS

**2.1 COUNCIL OF EUROPE MEMBER
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ADVISORY COUNCIL ON YOUTH / CONSEIL CONSULTATIF POUR LA JEUNESSE

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3. OBSERVERS / OBSERVATEURS

NON-GOVERNMENTAL ORGANISATIONS / INSTITUTIONS NON-GOUVERNEMENTALES

ECPAT INTERNATIONAL

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MISSING CHILDREN EUROPE

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Legal Counsel

4. COUNCIL OF EUROPE SECRETARIAT / SECRETARIAT DU CONSEIL DE L'EUROPE

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

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Current Affairs Committee – Governance Committee / Commission des Questions d’Actualité - Commission de la Gouvernance

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Directorate of Human Dignity and Equality / Direction de la Dignité humaine et de l’Egalité

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Mr Mikaël POUTIERS
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Mr Grégoire DEVICTOR (1-2/12)
Mr Michael HILL
Mr Nicolas GUITTONNEAU (3-4/12)
Ms Pascale MICHLIN (3-4/12)

Appendix III

Lanzarote Committee 1st implementation report: “The protection of children against sexual abuse in the circle of trust: the framework”

Executive Summary

1. The 1st monitoring round of the implementation of the Lanzarote Convention focuses on the protection of children against sexual abuse in the circle of trust. Two reports will cover this theme in the 26 States which were Parties to the Convention at the time the monitoring round was launched.²
2. This 1st report³ provides the general framework to sexual abuse of children in the circle of trust, addressing four sets of issues: i) criminalisation of sexual abuse of children in the circle of trust; ii) collection of data on child sexual abuse in the circle of trust; iii) best interests of the child and child friendly criminal proceedings related to cases of child sexual abuse in the circle of trust; and iv) corporate liability with respect to such cases.
3. With regard to criminalisation of sexual abuse of children in the circle of trust, the Lanzarote Committee found that a majority of Parties protects children against sexual abuse within the context of certain specific relationships and settings (e.g. within the family, at school, in institutions). A few Parties more generally criminalise sexual abuse of children resulting from “abuse of a position, status or relationship”. None but one uses, in the definition of the offence, the broader Lanzarote Convention wording of “abuse of a recognised position of trust, authority or influence” by the perpetrator over the victim. The Lanzarote Committee regrets that the vast majority of Parties does not cover all possible persons in the child’s circle of trust who might abuse their position of trust, authority or influence (e.g. a parent’s friend or colleague, an older sibling’s friend, a neighbour, etc.).
4. As to data collection, the Lanzarote Committee found that in the majority of Parties, there are no specific data collection mechanisms or focal points tasked with collecting data on child sexual abuse generally, including with regard to sexual abuse committed in the circle of trust. Data is collected in a piecemeal manner within the broader context of all types of child abuse and neglect. Specific data on sexual abuse, including in the circle of trust, is however essential to develop, adjust and assess policies to protect children in this field. When the data collected is comprehensive, reliable and comparable internationally, it facilitates a better understanding and effective design of policies to tackle the phenomenon of sexual abuse in the circle of trust. The designation/setting-up of a coordinating agency/mechanism or focal point at the national or local level tasked with collecting and assessing such data and making the data available is thus urgent. Where a comprehensive system of reporting of cases of child sexual abuse committed in the circle of trust is in place, the data collected is more complete. In this respect the Committee notes that mandatory reporting has an impact on data collection as a larger number of cases are reported and consequently registered.
5. As regards the best interests of the child and child friendly criminal proceedings in the context of an offence where the presumed perpetrator is someone in the child’s circle of trust, the Committee found that Parties should pay more attention to the rules, procedures, measures and settings that have proven to be effective in reducing the child’s trauma. The report thus identifies a series of promising practices in different specific areas. Such practices have been highlighted in the report as they have proven to contribute to minimising rupture in the child’s life. In particular, the Lanzarote

² An additional 13 States have since become Parties to the Convention. They will be part of the 2nd monitoring round.

³ The structures, measures and processes in place to prevent and protect children from sexual abuse in the circle of trust (“The Strategies”) will be the subject of the second report due in 2017.

Committee stressed the positive impact on the child of a coordinated and comprehensive approach to cases of sexual abuse of children such as those delivered by Children Houses or similar set-ups. It observed that even though all Parties acknowledge that child victims of sexual abuse should be helped and assisted in a non-traumatising environment, adequate premises to achieve this aim do not exist in all Parties and over their whole territory.

6. The Committee found that all Parties except one have implemented legislation on the basis of which legal persons, such as commercial companies, associations and legal entities, can be held liable for acts of child sexual exploitation and sexual abuse. Most Parties do not exclude individual liability when corporate liability might be assumed in a particular case.
7. The main recommendations by the Lanzarote Committee on steps to improve or reinforce the protection of children against sexual abuse in the circle of trust in the areas covered by this report are reiterated at the end of the document. Specific recommendations are at the end of each chapter. All chapters also highlight a number of promising practices. Cooperation between all relevant stakeholders, including civil society, is essential to ensure that effective measures against child sexual abuse are enacted.

Main Recommendations

AS TO THE CRIMINALISATION OF SEXUAL ABUSE OF CHILDREN IN THE CIRCLE OF TRUST

The Lanzarote Committee:

- A. Urges Parties to review their legislation to ensure effective protection of children from situations where abuse is made of a recognised position of influence;
- B. Urges Parties, where appropriate, to review their legislation to clearly set forth that within the context of the criminal offence of sexual abuse in the circle of trust, the age limit for engaging in sexual activities is irrelevant and the use of force, coercion or threat is not a constituent element of the crime.

AS TO COLLECTION OF DATA ON CHILD SEXUAL ABUSE COMMITTED IN THE CIRCLE OF TRUST

The Lanzarote Committee:

- C. Urges Parties to take the necessary legislative or other measures, to set up or designate mechanisms for data collection or focal points at national or local level and in collaboration with civil society, for the purpose of observing and evaluating in terms of quantitative data collection the phenomenon of the sexual exploitation and sexual abuse of children in general and child sexual abuse committed in the circle of trust, in particular.

AS TO THE BEST INTEREST OF THE CHILD AND CHILD FRIENDLY CRIMINAL PROCEEDINGS

The Lanzarote Committee:

- D. Considers that Parties should establish or reinforce a coordinated and comprehensive approach of all the relevant bodies and professionals involved in criminal proceedings to ensure the child's best interest in cases of sexual abuse;
- E. Invites, in this respect, Parties to support exchanges of good practices developed by relevant stakeholders, including civil society, to ensure that the best interest of the child principle is respected

while determining the most appropriate assistance to children who have been sexually abused within the circle of trust;

- F. Invites Parties to take account of the specificities of sexual abuse committed in the child's circle of trust in the measures and procedures applied during criminal investigations and proceedings in order not to aggravate the trauma experienced by the child;
- G. Considers that, in the context of sexual abuse in the circle of trust, the removal of the victim from his or her family environment should be foreseen as a procedure of last resort and that the requirements for this procedure should be clearly defined, setting out the conditions for and duration of the removal;
- H. Invites Parties to make every effort to avoid the need for child victims to be physically present during the proceedings, including when they are giving evidence, by deploying appropriate communication technologies to enable them to be heard in the courtroom without being present;
- I. Urges Parties that have not yet done so to take the necessary legislative or other measures to ensure that persons who are close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care;
- J. Invites Parties, when determining the support required to the victim and the persons close to him or her, to take into account the fact that a child's disclosure should not worsen his or her situation and that of the other non-offending members of the family.

AS TO CORPORATE LIABILITY

The Lanzarote Committee:

- K. Invites Parties to take the necessary measures to ensure that the liability of legal persons can be acted upon in practice.

Appendix IV

1st Monitoring Round - Indicative Time-Table

Committee meeting	Replies to questions on the agenda of the meeting
8-10 April 2014	Overview of the replies to the General Overview Questionnaire (GOQ) - at a minimum of questions: 1, 3, 5 and 6
1st sub-theme / 1st part of the implementation report	
9-11 September 2014	Preliminary assessment of replies to the following questions of the Thematic Questionnaire (TQ), including of the replies to the GOQ to contextualise such replies <ul style="list-style-type: none"> – 10 (criminal law offence of sexual abuse) – 11 (corporate liability)
2-4 December 2014	Preliminary assessment of replies to the following questions of the TQ, including of the replies to the GOQ to contextualise such replies <ul style="list-style-type: none"> – 1 (data collection) – 9.a (legal safeguards to assist and protect the victim) – 12 (aggravating circumstances) – 13 (best interest of the child in investigation and criminal proceedings) – 14 (child friendly investigations and proceedings)
17-19 March 2015	Continuation of the preliminary assessment of replies to the following questions of the TQ <ul style="list-style-type: none"> – 1 (data collection) – 14 (child friendly investigations and proceedings) Assessment of the draft implementation report on the 1 st sub-theme
15-17 June 2015	Continuation of the preliminary assessment of replies to question 14 (child friendly investigations and proceedings) of the TQ Assessment of the draft implementation report on the 1 st sub-theme
1-4 December 2015	Finalisation and adoption of the report on the 1st sub-theme
2nd sub-theme / 2nd part of the implementation report	
15-17 March 2016	Preliminary assessment of replies to the following questions of the TQ, including of the replies to the GOQ to contextualise such replies <ul style="list-style-type: none"> – 2 (children's education) – 4 (awareness raising strategies) – 6 (participation by children in the development and implementation of policies, programmes) – 7 (preventive and intervention programmes)
14-16 June 2016	Preliminary assessment of replies to the following questions of the TQ, including of the replies to the GOQ to contextualise such replies <ul style="list-style-type: none"> – 3 (recruitment and screening) – 5 (specialised training) – 8 (reporting) – 9.b (denial of exercise of the professional or voluntary activity)
November 2016	Assessment of the draft report on the 2 nd sub-theme
March 2017	Finalisation and adoption of the report on the 2nd sub-theme