

# TAKING MONITORING RESULTS FORWARD

Follow-up to the Lanzarote Committee's  
1<sup>st</sup> implementation report on  
“The protection of children against  
sexual abuse in the circle of trust”

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# The Lanzarote Convention

- Based on the UN Convention on the rights of the child
- the first international instrument to treat sexual abuse of children as a crime, irrespective where and from whom it is committed - a unique reference text
- Open for signature in 2007
- Came into effect 2010
- Signed by all 47 member states
- Ratified by 40 member states
- Open to non-member states

# Objectives of the Convention

- Prevention of sexual exploitation and and sexual abuse of children
- Protection of child victims
- Promotion of child-friendly procedures of investigation and prosecution
- Promotion of national and international interdisciplinary cooperation against sexual exploitation and sexual abuse of children

# Scope of the Convention

- Sexual abuse of children
- Child prostitution
- Child pornography
- Participation of a child in pornographic performances
- Corruption of children
- Solicitation of children for sexual purposes (grooming)

# The monitoring mechanism

- Objective: verify the implementation of the provisions of the Convention
- The monitoring entity: the Lanzarote Committee
- composition:
  - Representatives of the parties to the Convention
  - Observer countries ( Canada, Holy See, Japan, Mexico, Morocco, USA)
  - International Institutions (European Union)
  - Representatives of other CoE committees
  - Representatives of the civil society (NGOs)

# The monitoring mechanism

- Most monitoring mechanisms ( i.e. UNCRC) verify the implementation of an international convention country by country, based on a national report on all provisions of the Convention
- The Lanzarote Committee opted for thematic rounds, considering that this method would emphasize also the second objective of the Committee, namely the capacity building and the exchange of good practice

# The working method

- The monitoring rounds
  - The Committee develops questionnaires that are sent to the national authorities
  - As an additional source of information NGO's can comment on the replies from the parties of the convention or provide additional information
  - First questionnaire: a general overview of the legislation and procedures existing in parties to the Convention (assessment of the criminal law framework)
  - Next questionnaires: monitoring by thematic rounds
    - Ex. Sexual abuse in the circle of trust
- Capacity building through collection, analysis and exchange of information, experience and good practice between states

# The 1<sup>st</sup> implementation round

- 2 reports covering 26 States
- Issues addressed by the 1<sup>st</sup> report
  - Criminalization of sexual abuse of children in the circle of trust
  - Collection of data on child sexual abuse in the circle of trust
  - Best interests of the child and child friendly criminal proceedings related to cases of child sexual abuse in the circle of trust
  - Corporate liability with respect to such cases



# Structure of the report's chapters

- Comparative overview of the situation in the monitored Parties
- Highlighting of promising practices identified
- Pinpointing of shortcomings identified
- Recommendations to Parties
  - “urge” when legislation is not compliant
  - “consider” when further improvements are necessary to fully comply to the Convention
  - “invite” when the Committee believes Parties are on the right track but should consider reinforcing the protection of children through the implementation of good practice

# Criminalization of sexual abuse in the circle of trust

- A majority of Parties protect children against sexual abuse within the context of certain specific relationships and settings ( family, schools ..)
- A majority of Parties does not cover all possible persons in the child's circle of trust (parent's friend, older sibling's friend, neighbor..)

# Collection of data

- In a majority of Parties there are no specific data collection mechanisms
- Data is collected within the broader context of all types of child abuse and neglect
- For a better understanding of the phenomenon and design of effective policies it is necessary to have data that is comprehensive, reliable and comparable internationally
- N.B. Mandatory reporting has an impact on data collection, as a larger number of cases is reported and consequently registered

# The best interest of the child and child friendly proceedings

- A number of promising practices in rules, procedures, measures and settings have been identified among Parties
- Coordinated and comprehensive multi-agency approaches such as the Children House Model can help to reduce considerably the child's trauma
- Child victims have to be helped and assisted before, during and after the judicial proceedings

# Corporate liability

- In almost all Parties legal persons (commercial companies, associations..) can be held liable for acts of child sexual exploitation and sexual abuse
- In most Parties individual liability is not excluded when corporate liability might be assumed in a particular case

# Follow-up of the report

- The report identifies shortcomings
  - How can the national authorities be helped to improve the protection of children in their country?
  - Who can help the national authorities do that?
    - What could be the role of NGOs?
  - How can the Committee be informed about the improvement of the situation?
- The report highlights promising practices
  - How can these be shared and adapted by other countries to their national situation

# Thanks for your attention

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