



COUNCIL OF EUROPE



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LANZAROTE COMMITTEE

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

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Report

14th meeting

Strasbourg, 15-17 March 2016

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 14th meeting in Strasbourg on 15-17 March 2016. 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 GUDBRANDSSON (Iceland), Chairperson of the Lanzarote Committee, opened the meeting by welcoming the recent ratification of the Convention by the Slovak Republic (1 March 2016). He highlighted that with this additional ratification, the Lanzarote “family” counts 40 Parties.

3. The Committee then took note of progress in the ratification process¹ of the Lanzarote Convention in Estonia.

2. MONITORING OF THE IMPLEMENTATION OF THE LANZAROTE CONVENTION

2.1 Exchange of views and good practices on follow-up to the Lanzarote Committee’s 1st implementation report

4. During its previous meeting (1-4 December 2015, see [13th meeting report](#), § 6), the Committee agreed to reflect on how best to assess steps taken by Parties to implement its 1st monitoring recommendations. The Committee was thus asked to start reflection in this respect by sharing information on initiatives to take the monitoring findings forward. Parties were encouraged to also refer to small steps which may be interpreted as indicators that action is being taken.

5. In this framework the following initiatives were briefly presented to the Committee:

- Publication of the implementation report on a governmental web-page (Finland, Portugal);
- Dissemination of the report through social media (Finland);
- Translation of the report (in Swedish by Finland; in Italian by San Marino);
- Setting-up of an inter-ministerial working group up to examine the report’s recommendations and coordinate their implementation (Malta);
- Involvement of existing national child protection/human rights multiagency structures in the follow-up to the report’s recommendations (Finland);
- Roundtable awareness raising between authorities and relevant stakeholders on the impact of the report’s recommendations (Russian Federation);
- Legislative changes (draft law in Belgium to eliminate discriminatory provision identified; new law in San Marino to allow ex officio procedure in case of sexual violence against children).

6. Parties having translated the Committee’s 1st implementation report entirely or even only in part were asked to send such translations to the Secretariat (lanzarote.committee@coe.int).

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>).

7. The Committee exchanged views on possible means to, on the one hand systematise and visualise the follow-up given to its recommendations and, on the other hand to facilitate the assessment of progress in achieving the recommended results. In this context, it decided that the 26 monitored Parties should, in due time for the next meeting and, thereafter, fill in a table listing the Committee's recommendations and the initiatives taken by them to ensure follow-up to such recommendations. It was agreed that any new developments should regularly be communicated to the Secretariat (lanzarote.committee@coe.int). It was underlined that any stakeholder may also draw the Committee's attention to relevant initiatives taken to provide follow-up to the 1st implementation report's recommendations.

8. The Committee decided that a tour de table on the follow-up given to its 1st implementation report's recommendations should be held once a year, at its last meeting of the year

2.2 Preliminary assessment of replies to questions 2, 4, 6 and 7 of the Thematic Questionnaire with a view to include observations on such replies in the Lanzarote Committee's 2nd implementation report:

9. On the basis of working documents prepared by the Rapporteurs and the Secretariat, the Committee started its assessment of the replies to the questions of the Thematic Questionnaire which will feed into the 2nd part of its 1st monitoring round dedicated to "The protection of children against sexual abuse in the circle of trust: the Strategies".

10. Before exchanging views on the working documents, all Parties were reminded to verify if information concerning them was accurately reflected (including in the tables appended to the documents). Any rectification as well as any up-dated/complementary information, particularly if specifically related to the protection of children against sexual abuse in the circle of trust, should be sent to the Secretariat (lanzarote.committee@coe.int).

Question 2: "Education for children"

11. Due to lack of time, the examination of the observations on Question 2, prepared by Rapporteur Mr POPOVIĆ (Serbia), had to be postponed to the 15th meeting (14-17 June 2016).

Question 4: "Raising awareness on sexual abuse in the circle of trust"

12. Ms VERZIVOLLI (Albania), Rapporteur on Question 4, presented her observations on the situation emerging from the replies provided by Parties to this question. She highlighted in particular that awareness raising initiatives are conducted in most Parties but only several point out whether such initiatives target in particular sexual abuse in the circle of trust.

13. Some members of the Committee therefore described specific initiatives which had not been included in their replies (e.g. cartoon stories in Greece, Muppet shows in Iceland). Parties were encouraged to submit similar specific information to the Secretariat (see § 10 above).

14. Mr GUÐBRANDSSON (Iceland), drew the Committee's attention to the fact that the Lanzarote Convention does not single out parents' role in raising awareness on sexual violence. He suggested that this omission could be highlighted in the Committee's implementation report.

15. Pending the above possible additional information and bearing in mind the Chairperson's suggestion, the examination of Question 4 was considered finished and the Rapporteur's conclusions were endorsed by the Committee.

16. The Secretariat was asked to prepare the relevant parts of the implementation report on the basis of the discussions on the Rapporteur's findings as well as on any additional information it might receive from Parties and other stakeholders.

Question 6: "Participation of children, the private sector, the media and civil society"

17. Ms DIMITROVA (Bulgaria), Rapporteur on Question 6 presented her observations on the situation emerging from the replies provided by Parties to this question. From the exchange of views which followed, it appeared it would be useful to have specific information on initiatives characterised by child participation in the prevention of sexual abuse in the circle of trust.

18. The Committee also considered it would be interesting to know if and how Parties have raised awareness on the possible misuse of social media in cases of sexual abuse of children.

19. The Committee thus agreed to pursue its examination of the observations on these specific issues at its next meeting (14-17 June 2016).

Question 7: "Preventive and intervention programmes"

20. Ms DE CRAIM (Belgium), Rapporteur on Question 7, started her presentation by pointing out that the scope of Question 7 was limited to intervention programmes or measures towards persons who fear that they might commit any of the offences established in accordance with the Convention. She explained that, for this reason, the replies received did not cover the situation with respect to intervention programmes or measures towards persons subject to criminal proceedings or persons convicted of any of the offences established in accordance with this Convention. She thus asked the Committee to decide whether it would not be more appropriate to collect and examine this information as well so as to have a comprehensive overview of the situation.

21. The Committee agreed the above mentioned additional information was necessary. It also decided that the situation with respect to child offenders should also be examined. As a consequence, the Committee entrusted its Rapporteur, in cooperation with the Secretariat, to prepare and address to Parties additional questions in this respect.

22. Conclusions on Question 7 were postponed to the next meeting (14-17 June 2016) pending the assessment of the above mentioned additional information.

3. EXCHANGE OF INFORMATION, EXPERIENCE AND GOOD PRACTICE

23. The Committee was informed by Mr ESPOSITO (Head of the Council of Europe Human Dignity and Equality Department), about the priority actions envisaged by the Council of Europe in the context of the refugee crisis in general. Reference was in particular made to:

- the Council of Europe's [Secretary General proposals](#)
- the 1st fact finding mission (7-11 March 2016) of his [Special Representative on Migration and Refugees](#) to Greece and "the former Yugoslav Republic of Macedonia";
- the decision taken by the Group of Experts on Action against Trafficking in Human Beings (GRETA) during its 25th meeting (7-11 March 2016) to mandate its Bureau to decide on GRETA's behalf on the need to make urgent requests for information before its next plenary.

24. In the light of the above and taking note with concern about the reported cases of prostitution of migrant children in Athens to pay smugglers to continue their route, the Committee exchanged views on its possible role. It agreed that the situation was not limited to Athens.

25. It thus decided, on the basis of Rule 28 of its Rules of Procedure (Special reports and urgent situations) and in the light of the outcome of the fact-finding mission of the Secretary General's Special Representative on Migration and Refugees, to mandate its Bureau to decide on its behalf on the need to make urgent requests for information before its 15th meeting (14-17 June 2016).

3.1 Participation of the Lanzarote Committee in outside events: Debriefings and upcoming events

Debriefings

26. The Committee heard a brief account of the events listed below from the following members of the Committee having attended them on its behalf:

- a. Mr JANIZZI, Vice-chair of the Lanzarote Committee:
 - Meeting on "The role of the health and education sectors in preventing violence against children", organised by the Oak Foundation as part of the Child Abuse Programme, regional partners for eastern Europe, 24-25 September, Sofia;
 - Workshop on "Child protection and the Internet" organised by the Ministry of Solidarity, Women and Families and Social Development, 19 November Rabat.
- b. Ms DIMITROVA, member of the Lanzarote Committee:
 - Event on "Young people, sexual violence, ethics and participation", organised by the Our Voices Network, University of Bedfordshire, 28-29 September, London
- c. Ms VERZIVOLLI, member of the Bureau of the Lanzarote Committee
 - 3rd meeting of the Committee of experts on the Council of Europe Strategy for the rights of the child for 2016-2019 (DECS-ENF), 20-21 October Strasbourg.

27. Mr JANIZZI (Luxembourg) also informed the Committee about the working lunch with the Secretary General of the Council of Europe and the Chairpersons of the Council of Europe monitoring and advisory bodies. He underlined that the discussions focused on the ways in which the Secretary General may help to improve the impact of monitoring activity in the Council of Europe member states.

28. He also highlighted that the monitoring mechanisms had been asked to inform about:
- a. The follow-up given to the invitation to respond faster and more efficiently to emergency situations and urgent requests from member states: in this regard, reference was made to our revised Rule 28 (see below § 46, 2nd indent);
 - b. The improvements made to the presentation of our decisions or reports: in this respect the structure of the recently adopted 1st implementation report was outlined, highlighting in particular the existence of a 2 page executive summary at the beginning of the report and the reproduction of the main recommendations at the end of the report. It was also pointed out that considering that the report concerns 26 Parties (not only one, as is generally the case for other monitoring bodies), its length (60 pages) was as short as possible.

29. Ms JENSDÓTTIR (Council of Europe Children's Rights Coordinator) briefed about her recent participation in the 31st Human Rights Council in Geneva (7-9 March 2016), highlighting in particular:

- a. the side event organised by Ms de BOER BUQUICCHIO, [UN Special Rapporteur on the sale of children, child prostitution and child pornography](#), on “[Tackling the demand for the sexual exploitation of children](#)” (see Appendix III for more);
- b. the annual full-day meeting on the rights of the child: “[Information and communication technologies and child sexual exploitation](#)” (see Appendix III for more);
- c. the [High Time Movement](#) promoted by Ms SATOS PAIS, [UN Special Representative of the Secretary-General on Violence against Children](#) and other partners to end violence against children thanks to the transformative power of governments’ commitment and action, organizations and communities’ engagement, and people’s time and talent.

30. Ms JENSDOTTIR also referred to two forthcoming Conferences where representatives of the Lanzarote Committee were highly welcomed:

- a. High-Level Conference “[Reaching the heights for the rights of the child](#)” (Sofia, Bulgaria, 5-6 April 2016) to identify how all actors in the Council of Europe member States can work together to realise the objectives of the Strategy over the years to come.
- b. Wilton Park Conference “Protecting children from violence: next steps for effective strategies” (London, United Kingdom, 9 – 11 November 2016).

31. Ms SCAPPUCCI (Executive Secretary to the Lanzarote Committee) informed about her participation on 26-27 January 2016, in the last meeting of the Interagency Working Group, which finalised and adopted the Terminology and Semantics Guidelines on sexual exploitation and abuse. She recalled that the Committee heard a [presentation](#) of this initiative during its meeting in The Hague in March 2015 (see §§20-21, [list of decisions](#)) and highlighted that the Guidelines would be a valuable tool to use (expected publication online, June 2016).

32. She then also informed that ECPAT International was completing a Global and a European Study on Sexual Exploitation of Children in Travel and Tourism. The Committee welcomed this work and decided to invite Ms M’JID (Chair of the high-level global taskforce to end sexual exploitation of children in travel and tourism) to present the main findings of these reports at its 15th meeting (14-17 June 2016).

33. The Committee exchanged views on other initiatives it wished to learn more about and decided to invite at a forthcoming meeting a representative of the #WePROTECT initiative.

3.2 *Activities by international governmental and non-governmental organisations, experts, as well as services of the Council of Europe*

3.2.1 *“The impact of the DarkNet on the implementation of the Lanzarote Convention by State Parties”*

34. The Committee thanked Mr SCHWEITZER (Focal Point Twins - EC3, EUROPOL) for having shed some light on the DarkNet and took, in particular, due note that law enforcement techniques have evolved to operate in this context. It also acknowledged the potential of covert operations which are called for, where appropriate, by the Lanzarote Convention (see Article 30§5). In this regard, study visits such as the one organised at Europol in March 2015 and the forthcoming one at Interpol in November 2016, were praised as very useful in terms of capacity building.

35. The Committee also took note that victim identification and prosecution of offenders cross borders and jurisdictions require cooperation and a multi stakeholder approach. Initiatives such as the European Financial Coalition were referred to in this regard as promising practices.

36. Following the exchange which also touched upon issues concerning increased money laundering because of the enhanced anonymity guaranteed by the DarkNet, the Committee agreed it should explore further any potential link between its work and that of Moneyval.

3.2.2 Missing Children Europe, ECPAT and eNASCO “[Survey on the transposition of Directive 2011/93/EU](#)”

37. The Committee thanked Mr HERBERT (Missing Children Europe) for his detailed and interesting “[Together against Sexual Exploitation of Children](#)” presentation of the Survey’s findings. The Committee agreed that such findings should be borne in mind during its own discussions on overlapping topics (in particular concerning screening and reporting).

3.2.3 Council of Europe “[Child Participation Assessment Tool](#)”

38. Ms VON MARAVIĆ (Children’s Rights Division Administrator), informed the Committee that a revised version of the Council of Europe’s Child Assessment tool was going to be presented at the Sofia Strategy Conference (April 2016). She invited the Committee to get acquainted with this tool and to encourage its use at the local, regional and national levels.

39. The Committee welcomed its use by relevant stakeholders and evoked the possibility of making a reference to it within the context of its monitoring of the implementation of Article 9§1 of the Lanzarote Convention.

3.2.4 Oak Foundation pilot project “[Involving children in initiatives to guarantee effective follow up to the monitoring findings of the Lanzarote Committee: ideas for a pilot project](#)”

40. In the same context, Ms VEITCH, Oak Fellow on Children’s Participation in Preventing Sexual Violence, informed that the Oak Foundation could finance a pilot project involving children in the monitoring of their rights. She thus exposed the possibility of developing a child participation project specifically focusing on the Lanzarote Committee’s monitoring findings. One or several findings/recommendations of the Lanzarote Committee’s implementation report could prove particularly appropriate for such project (e.g. those that will emerge from the assessment of the implementation of Article 9§1 of the Lanzarote Convention or those on child friendly justice already included in chapter III of the Lanzarote Committee’s 1st implementation report).

3.3 Relevant initiatives of the Parliamentary Assembly of the Council of Europe

41. Ms FATALIYEVA (Azerbaijan, PACE General Rapporteur on children), informed the Committee in particular of the following:

a. Transmission of the Lanzarote Committee 1st implementation report to the parliamentarians of the Network to stop sexual violence against children

It was highlighted that in December 2015, Mr GHILETCHI, former Chairperson of the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly (PACE), had transmitted the Lanzarote Committee’s 1st implementation report to the parliamentarians of the PACE Network to stop sexual violence against children. They were asked to take a close look at both the

general recommendations and the specific recommendations included in the report, in respect of their country, and urged to make proposals to support the implementation of this report in their country and improve national criminal legislation and judicial procedures.

b. Meetings of the PACE Network to stop sexual violence against children

The Committee was informed that in October 2015, the Network of contact parliamentarians held a meeting on “Protecting children against sexual violence online” and that the next Network meeting in April 2016 would focus on “The outcomes of the pilot project in Cyprus”. It is recalled that reports of these meetings are available online at:

http://www.coe.int/t/dg3/children/1in5/PACE/Meetings_en.asp

c. Pilot project in Cyprus (co-funded by the Leventis Foundation and coordinated by the PACE)

It was anticipated that this project has raised awareness on sexual violence against children and has contributed considerably to the ratification by the Republic of Cyprus of the Lanzarote Convention. It was also highlighted that an Ad Hoc Ministerial Committee was set up to draft a National Policy against the sexual exploitation, sexual abuse of children and child pornography and that it was decided to establish a Children’s House modelled on the Icelandic *Barnahus*. A training programme was thus launched in 2015 to help design the Children’s House and reinforce child-friendly justice for victims of sexual violence. In this regard, both Mr GUDBRANDSSON (Iceland) and Mr NIKOLAIDIS (Greece) were thanked for having agreed to train the Cypriot stakeholders on the Lanzarote Convention’s requirements in case-management, and on the Icelandic children’s house model.

4. PROCEDURAL MATTERS

4.1 *Review of the Rules of procedure of the Lanzarote Committee with a view to their adoption*

42. The Committee examined the amendments to its revised [Rules of Procedure](#) which were put forward in particular during the past year and adopted them as they appear on its [website](#).

43. The main changes to the Rules consist in having foreseen:

- a greater involvement of civil society representatives in the Convention’s monitoring (see Rules 26.4 and 27.1);
- a specific procedure to address urgent situations (see Rule 28 and § 28 above);
- the possibility for the Party holding the Chairmanship of the Lanzarote Committee to appoint (during the time of the Chairmanship) a second representative who shall be reimbursed for travel and subsistence expenses (see Rule 2.1.3)

4.2 *Examination and adoption of the Lanzarote Committee’s 2nd Activity Report*

44. The Committee reviewed the activities it carried out from September 2014 to March 2016 as summarised in its 2nd activity report. It then adopted the report without any change and entrusted the Secretariat to transmit it to the European Committee on Crimes Problems (CDPC) and the Committee of Ministers for information.

4.3 Elections: Chairperson and Bureau

45. The Committee thanked its outgoing Chairperson for having guided it during the crucial phase of the adoption of its 1st monitoring outcomes. It then elected by acclamation its former Vice-Chairperson, Mr JANIZZI (Luxembourg), as new Chairperson of the Committee and Ms VERZIVOLLI (Albania), as new Vice-Chairperson.

46. The Committee then elected the following as members of its Bureau:

- Ms KLEIN (Austria), with 27 votes out of 30;
- Ms DE CRAIM (Belgium), with 25 votes out of 30;
- Ms BOLLINI (San Marino), with 24 votes out of 30.

4.4 Appointment of Rapporteurs for questions 3 (Recruitment and screening), 5 (Specialised training), 8 (Reporting suspicion of sexual abuse) and 9.b (denial of exercise of professional or voluntary activity) of the Thematic Questionnaire

47. The Chairperson recalled that any person participating in the Committee's meetings (i.e. members, participants and observers) may play the role of Rapporteur. He recalled that Rapporteurs are tasked to examine the information submitted by Parties and other stakeholders to specific questions and are expected to prepare preliminary observations on them. These observations are then discussed by the Committee and once endorsed by it, the Secretariat is asked to prepare the relevant part of the draft implementation report based on them.

48. In the light of the above, Mr FORNER ROVIRA (CDDH) manifested his willingness to act as Rapporteur for the up-coming work on the replies to the Thematic Questionnaire's Question 8 (Reporting suspicion of sexual abuse).

49. Mr AZZOPARDI (Malta) also informed the Committee that he was available to act again as a Rapporteur on any of the remaining questions to be examined.²

50. The Committee thanked them both for their availability and called on other members, participants and observers to also consider acting as Rapporteurs on any of the following questions to inform the Secretariat (lanzarote.committee@coe.int) by 25 March 2016:³

- Question 5 (Specialised training);
- Question 3 (Recruitment and screening);
- Question 9.b (Denial of exercise of the professional or voluntary activity).

4.5 Organisation of the run-up to the Lanzarote Committee's 2nd monitoring round

51. The Secretariat reminded the Committee that it should select a theme for its 2nd monitoring round soon as the questionnaire for such a round has to be prepared and sent to Parties before the current round is completed so that the replies to it may be examined by the Committee once the current round is closed.

² Following the meeting, when other members of the Committee manifested their willingness to act as Rapporteurs as well, it was agreed that Mr Azzopardi (Malta) would act as Rapporteur on question 9b (Denial of exercise of the professional or voluntary activity).

³ After this date, the following it was agreed that Ms Ilchuk (Ukraine) would act as Rapporteur on Question 3 (Recruitment and screening) and Ms Castello-Branco (Portugal) would act as Rapporteur on Question 5 (Specialised training).

52. In the light of the above, the Committee decided that possible themes for the next monitoring round should be sent to the Secretariat (lanzarote.committee@coe.int) by 13 May 2016.

4.6 Possible new participants in the meetings of the Lanzarote Committee

53. The Chairperson informed that two international organisations, the World Health Organisation and the International Organisation of the Francophonie, had manifested their interest in following more closely the Lanzarote Committee's work. He then highlighted that both organisations have programmes/activities aimed at raising children's awareness on sexual violence against them as well as on their right to protection.

54. In accordance with see Rule 2.2.2, the Committee agreed to invite both the World Health Organisation and the International Organisation of the *Francophonie* as participants to its forthcoming meetings.

5. DATES OF THE NEXT MEETING

55. The Committee took note that its 15th meeting will be held in Strasbourg on 14-17 June 2016.

56. It then welcomed INTERPOL's offer to host its 16th meeting (at its premises in Lyon, France) and to hold a capacity building activity on INTERPOL's work against child sexual exploitation and abuse just before the meeting. It took note that the exact dates of this meeting (to be held by the end of 2016) are yet to be determined.

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 Exchange of views and good practices on follow-up to the Lanzarote Committee's 1st implementation report
 - 2.2 Preliminary assessment of replies to the following questions of the Thematic Questionnaire with a view to include observations on such replies in the Lanzarote Committee's 2nd implementation report:
 - Question 2 (Education for children);
 - Question 4 (Raising awareness on sexual abuse in the circle of trust);
 - Question 6 (Participation of children, the private sector, the media and civil society);
 - Question 7 (Preventive intervention programmes or measures).
- 3. Exchange of information, experiences and good practices**
 - 3.1 Participation of the Lanzarote Committee in outside events: Debriefings and upcoming events
 - 3.2 Activities by international governmental and non-governmental organisations, experts, as well as services of the Council of Europe
 - 3.3 Relevant initiatives of the Parliamentary Assembly and Congress of Regional and Local Authorities of the Council of Europe
- 4. Procedural matters**
 - 4.1 Review of the Rules of procedure of the Lanzarote Committee with a view to their adoption
 - 4.2 Examination and adoption of the Lanzarote Committee's 2nd Activity Report
 - 4.3 Elections: Chairperson and Bureau
 - 4.4 Appointment of Rapporteurs for questions 3 (Recruitment and screening), 5 (Specialised training), 8 (Reporting suspicion of sexual abuse) and 9.b (denial of exercise of professional or voluntary activity) of the Thematic Questionnaire
 - 4.5 Organisation of the run-up to the Lanzarote Committee's 2nd monitoring round
- 5. Dates of the next meeting**

Appendix II

List of participants

1. MEMBERS / MEMBRES

STATE PARTIES TO THE CONVENTION / ETATS PARTIES A LA CONVENTION

ALBANIA / ALBANIE

Ms Ina VERZIVOLLI
Chairperson
State Agency on protection of Children's
Rights
Ministry of Social Welfare and Youth

ANDORRA / ANDORRE

Mme Rebeca ARMENGOL ASENJO
Apologised / Excusée
Psychologue
Département responsable de l'aide sociale à
l'enfance et à la famille
Ministère de la Santé et du Bien-être social

Mme Cristina CANALES CERVERA
Travailleur social
Département responsable de l'aide sociale à
l'enfance et à la famille
Ministère de la Santé et du Bien-être social

AUSTRIA / AUTRICHE

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

BELGIUM / BELGIQUE

Ms Christel DE CRAIM
Head of Service ad interim
Service for Criminal Policy
Ministry of Justice

BOSNIA AND HERZEGOVINA / BOSNIE- HERZEGOVINE

Ms Tijana BOROVIČANIN-MARIĆ
Ministry for Human Rights and Refugees

BULGARIA / BULGARIE

Ms Petya DIMITROVA
State Expert
State Policy for Children Directorate
State Agency for Child Protection

CROATIA / CROATIE

Ms Marlena JUKIĆ
Higher Senior Adviser
Sector for Criminal Law
Directorate for Criminal Law and Probation
Ministry of Justice

CYPRUS / CHYPRE

Ms Hara TAPANIDOU
Head of Section for Families and Children
Social Welfare Services
Ministry of Labour, Welfare & Social
Insurance

DENMARK / DANEMARK

Ms Malene DALGAARD
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Criminal Law Division
Ministry of Justice

FINLAND / FINLANDE

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Ministry for Foreign Affairs

Ms Krista OINONEN
Legal Counsellor, Deputy Director
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M. Francis STOLIAROFF
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Direction des affaires criminelles et des
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Ministère de la justice

GEORGIA / GÉORGIE

Ms Maka PERADZE
Head of Project Management Division
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GERMANY / ALLEMAGNE

Ms Garonne BEZJAK
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Judge
Division II A 7
Criminal Law (Criminology, Prevention and Offences against sexual self-determination)
Federal Ministry of Justice and Consumer Protection

GREECE / GRÈCE

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

HUNGARY / HONGRIE

Ms Dóra KECSKÉS
Apologised / Excusée
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State Secretary for Family and Youth Affairs
Ministry of Human Capacities

Ms Anna SZELECZKI
Legal Advisor
Deputy State Secretariat for Criminal Law Codification
Ministry of Justice

ICELAND / ISLANDE

Mr Bragi GUÐBRANDSSON
Chairperson / Président
General Director
Government Agency for Child Protection

ITALY / ITALIE

Ms Tiziana ZANNIN
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Department for Equal Opportunities
Presidency of the Council of Ministers

LATVIA / LETTONIE

Ms Indra GRATKOVSKA
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LIECHTENSTEIN

Mr Martin HASLER
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Ms Monika BÜCHEL
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Judge
Princely Court of Liechtenstein

Mme Lukrezia GASSNER
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Ministry of Social Security and Labour

LUXEMBOURG

M. Claude JANIZZI
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Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse

MALTA / MALTE

Mr Charlie AZZOPARDI
Systemic Psychotherapist, Couple & Family Therapist
Institute of Family Therapy

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Mr Alexandr FITI
Chief of information security Section
Centre for combating cybercrime
General Inspectorate of Police
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Ms Alina ION
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Appendix III

31st session of the Human Rights Council Geneva, 7-9 March 2016

I) Side event on “Tackling the demand for the sexual exploitation of children

Statement by Ms Maud de Boer-Buquicchio, Special Rapporteur on the sale of children, child prostitution and child pornography

Mr President, Excellencies, Ladies and Gentlemen,

It is an honour for me to address the Human Rights Council upon completion of the second year of my tenure as the fifth Special Rapporteur on the sale of children, child prostitution and child pornography. While last year marked the 25th anniversary of the creation of the mandate and its continued relevance in the era of the new technologies, this year we commemorate the 20th anniversary of the First World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996. This anniversary is a further cause for reflection and a pressing call to pass to action to deliver the commitments that were undertaken by multiple stakeholders with the aim of eradicating sexual exploitation of children.

This year we also celebrate the 10th anniversary of the UN Global Study on Violence against Children, which emphasized that no form of violence against children is justifiable and all forms of violence are preventable. The recommendations of the UN Study are as relevant today as they were in 2006. The progress achieved since then carries hope but also urges to do much better and more. I commend the Special Representative of the United Nations Secretary-General on Violence against Children for her tireless and effective mobilisation efforts and I am glad to join her tomorrow in the launch of her “High Time to End Violence against Children” campaign to consolidate the gains that have been made, grasp the lessons learned, redouble efforts to trigger a dynamic process of change, and build a world where all children can grow up free from violence, abuse and exploitation.

As laid out in my initial report, the link between Information and Communication Technologies (ICTs) and sexual exploitation of children is one of the issues in focus during my tenure. I therefore thank Member States who chose to dedicate this year’s annual full-day meeting on the rights of the child to this timely issue. The annual full-day meeting that was held yesterday proved very useful in bringing attention to new forms of child sexual exploitation which are facilitated by ICTs, and the need for urgent and adapted responses from various stakeholders, including the ICT industry. Ongoing initiatives and alliances at the international level, such as the Virtual Global Taskforce, the Global Alliance against child sexual abuse online and the WePROTECT initiative need to be more inclusive and ensure further coordination and cooperation amongst themselves. I therefore welcome the consensus gathered yesterday around the need to establish a permanent global task force to harmonize practices and procedures, share expertise and scale-up good practices, and provide States with assistance in developing national laws, policies and strategies to effectively combat online child sexual exploitation.

In my previous thematic report, which I presented at the General Assembly last October, I focused on child victims and their right to care, recovery and reintegration. I analysed the impact and consequences that the crimes of sale and sexual exploitation have on child victims, and proposed comprehensive and child-rights compliant care and recovery programmes to facilitate their rehabilitation and reintegration.

In my third thematic study I have chosen to address the opposite end of the issue, namely the perpetrators and the demand for sexual exploitation of children, the outcome of which I will develop in detail in a moment.

My next thematic studies will focus on the sale of children for the purpose of forced labour and for the purpose of illegal adoptions respectively.

Mr President and distinguished delegates,

Apart from thematic studies, communications and awareness raising activities, an essential tool to fulfil my mandate are country visits. Since my appointment in 2014 I have sent requests to visit thirteen countries, which were selected based on criteria related to issues under the scope of my mandate. However, so far I have only received five positive responses. I therefore urge Member States that have not done so yet to respond favourably to my visit requests.

I take this opportunity to thank the Government of Nigeria for its support during the visit to this country that I conducted in January jointly with my colleagues the Special Rapporteur on contemporary forms of slavery and the Special Rapporteur on the right to the highest attainable standard of health. During our five day visit we examined measures taken by the Government to assist in the rehabilitation and reintegration of women and children who escaped or were liberated from Boko Haram captivity. We will present a full report on the visit during the 32nd session of this Council.

I also appreciate the invitation extended by the Government of Canada to undertake an official visit to this country, and the acceptance of the Government of India to conduct a visit in 2017. I also look forward to a fruitful cooperation with the Government of Georgia in preparation of my visit from 11 to 18 April 2016.

Mr President and distinguished delegates,

Engagement and partnership with civil society and child protection NGOs is crucial for my mandate. In this context, I would like to thank the strong support provided to my mandate by three leading international child protection NGOs, namely ECPAT, Plan International and Terre des Hommes. Thanks to their assistance I will be able to increase access of children to my mandate through child-friendly outreach material which I will soon launch.

I would also like to commend the excellent work that has been carried out by the Interagency Working Group on Sexual Exploitation of Children, established in September 2014 at the initiative of ECPAT to develop Terminology Guidelines on the Sexual Exploitation and Sexual Abuse of Children. I am convinced that the terminology guidelines will bring greater clarity on how sexual exploitation and sexual abuse of children are conceptualised, defined and translated.

Mr President and distinguished delegates,

Let me now turn to my new thematic study on tackling the demand for the sexual exploitation of children, which is contained in my report to this Council. A constant throughout different thematic reports has been the identification of those who are at the source of these crimes against children.

According to international human rights norms and standards, States have the obligation to prosecute perpetrators and address the underlying causes that facilitate the sexual exploitation of children. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography sets specific obligations on States to prohibit and criminalize these crimes, and emphasizes that efforts are needed to raise public awareness to reduce demand for these crimes. It further calls States to adopt extraterritorial jurisdiction over these crimes in order to deal adequately with the often international nature of demand for sexual exploitation of children.

Through this report, I have been able to delve into the different types and levels of demand for the sexual exploitation of children with the aim of providing a broad strategy for the eradication of these crimes. Demand encompasses (i) the individual offenders who pay, financially or in kind, for sexual services involving children, sexually abusing them in the process, (ii) every part of the supply chain which facilitates the access to children, and (iii) the social, cultural, gender and institutional constructs that create an environment in which the sexual exploitation of children is either ignored, tolerated or even accepted.

Once we have agreed on this understanding of demand and incorporated all those who fall in the different categories of demand, it is possible to elaborate a comprehensive strategy. This is, nonetheless, not straightforward and it has been a common misconception to focus only on those who directly abuse and

exploit children. Yet, those who ensure that the demand is satisfied or worse who foster it are at the heart of the sexual exploitation of children and must be held accountable. Furthermore, there are certain enabling factors which facilitate sexual exploitation of children and require long term efforts in order to be reversed. It is the responsibility of States to adopt and implement effective strategies based on a three-pronged approach. Firstly, prevention is necessary to address the majority of underlying factors of the demand as well as to dissuade individuals from committing such heinous crimes. Secondly, it is essential to deal with existing offenders by ensuring accountability, which also addresses the underlying factor of impunity. Lastly, to be able to prevent reoffending, there should be evidence and results-based rehabilitation programmes.

I wish to emphasise the second pillar of an all-encompassing strategy which is accountability. There are still significant gaps in national legislations which are further compounded by a lack of cooperation at the international level and inadequate penalties. Every State should ensure that its legislative framework is in line with international and regional standards which provide clear guidance on sanctions, which must be proportionate to the grave nature of these crimes. Moreover, criteria such as the double criminality requirement should not stand in the way of a prosecution.

Impunity must be fought at every level not only to provide justice to the victims but also to eradicate it as an enabling factor. Indeed, impunity comforts perpetrators and potential offenders in their actions and creates a general social tolerance for the sexual exploitation of children. This is particularly true in the case of intermediaries who are too often overlooked. Every single facilitator must be held accountable through a variety of sanctions.

Mr President and distinguished delegates,

The inclusion in the new development agenda of a distinct target (16.2) to “end abuse, exploitation, trafficking and all forms of violence against and torture of children” is an historic achievement and provides a unique opportunity to galvanize political will and mobilize wide social support for children’s protection. Indicators for target 16.2 will measure, among others, the number of victims of human trafficking by sex, age and form of exploitation, and the proportion of young men and women who experienced sexual violence by age 18. Today, on international women’s day, these indicators are more relevant than ever as most of the victims of gendered and sexual crimes, and sexual violence, abuse and exploitation are women and girls.

Thank you for your attention and I look forward to a fruitful dialogue with you.

II) Annual full-day meeting on the rights of the child: “Information and communication technologies and child sexual exploitation”

Statement by Ms Regína Jensdóttir, Council of Europe Coordinator on the Rights of the Child

New information and communication technologies affect children’s enjoyment of their fundamental rights guaranteed by international treaties. While the digital world offers children boundless learning, participation and communication opportunities it is the responsibility of our states to ensure that their rights are upheld efficiently in this environment. For this reason the Council of Europe welcomes the dedicated attention of the full-day discussion on “Information and communication technologies and child sexual exploitation”.

The Council of Europe has amongst its arsenal core conventions and awareness raising initiatives which specifically address the threats that children face through the rapid development of ICTs and which raise their awareness in being able to face new threats in the digital world.

The Cybercrime Convention is a global treaty criminalising acts committed on, through or against computer systems and criminalizes child pornography on the Internet. This is the only “content-related” offense contained in the Convention, thus witnessing the consensus of a large number of States in Europe and around the world about the need to act against such crimes. A total of 48 countries – in Europe and beyond - have ratified this Convention so far.

The Lanzarote Convention, a treaty with a global potential, outreach and solutions protects and prevents sexual abuse and exploitation of children, both in the offline and online environment. This was the first treaty to criminalise the solicitation of children for sexual purposes, - otherwise known as online grooming. Article 23 of the Lanzarote Convention specifically deals with children being harmed in face to face meetings with adults first encountered in the cyberspace. In June 2015, the Lanzarote Committee adopted an opinion which provided parties with a framework to enable them to also protect children from abuse committed exclusively online where no physical meeting with the abuser has taken place. The Lanzarote Committee is currently working with states and non-states representatives to identify and further reflect on online trends in child sexual exploitation and abuse such as for example sexting or the use of the darknet. In addition, the group shares good practices on the best ways to tackle online dangers and most importantly on how to protect children from further harm. The Lanzarote Convention has to date been ratified by 40 States.

Both of these Conventions have a dedicated monitoring body which evaluates and supports states in making sure that their legislation and practice is sufficiently strong to protect children from harm on the internet.

Additionally on the 2nd of March 2016, the Committee of Ministers adopted its new Strategy for the Rights of the Child (2016-2021). This strategy will step up even further the focus of the Council of Europe in strengthening participation of children, in protecting children and in making provision for children through education in the digital environment.

On 18 November, the Council of Europe will celebrate on an annual basis the European Day for the protection of Children from sexual exploitation and sexual abuse. This day is an opportunity for all to continue working together and sharing good practices for creating a safer and more accessible online experience for our children.

III) Launching of the High Time Movement to Stop Violence against Children

Statement by Mr Thorbjørn Jagland, Secretary General of the Council of Europe

Across the world children continue to be victims of different forms of violence. They are sexually exploited, mutilated, physically punished at home or at school, bullied, groomed, trafficked, radicalized, or married at an early age. Some of these abuses are tolerated and lawful. Often they are committed by people of trust and those in a position of power.

Whatever our origin, culture or religion, nothing can justify violence against children. I am fully supporting Target 16.2 and ending all forms of violence against children.

The Council of Europe takes this goal extremely seriously. Our “Lanzarote Convention” criminalises all forms of sexual violence against children and has been signed by our 47 member states and ratified by 39. We champion a child rights approach, meaning that children are full bearers of human rights too.

As important as it is to have good laws and common standards among states, however, ending violence against children depends on the personal commitment of individuals. This is what the High Time movement entails. As Secretary General of the Council of Europe, it has my support.

Member states' capacity to implement integrated strategies to prevent violence and protect children from harm, as well as to support them in attaining the violence-related Sustainable Development Goals, is one of our core future actions. In this respect I would like to reiterate that our key legal standards - the Lanzarote Convention, the Cybercrime Convention and the Trafficking Convention – and the findings of our monitoring bodies, can serve as a “yardstick” for our member States to evaluate progress and address the challenges our societies face, including in the area of children’s rights.

A high number of children in Europe are still deprived of their liberty and therefore more vulnerable to violence and harm. We look forward to follow and contribute to the development of the Global Study on Children Deprived of Liberty with the mechanisms available in the Council of Europe.

IV) Presentation of the Annual Report of the UN Special Representative of the Secretary General on Violence against children

Statement by Ms Regína Jensdóttir, Council of Europe Coordinator on the Rights of the Child

The strategic guidance, legal framework, monitoring mechanisms and awareness raising initiatives of the Council of Europe, and its 47 member States, are all firmly grounded in the UN Convention for the Rights of the Child, in its protocols, General Comments, as well as in the European Convention on Human Rights.

“Children’s human rights” is the title of the new Strategy for the Rights of the Child adopted last week by the Committee of Ministers for the period 2016-2021. Through this Strategy the Council of Europe will continue to set the pace in making children’s rights a reality in Europe.

Despite important progress, the human rights of children in Europe are still systematically threatened. Violence, sexual violence, on line and offline, corporal punishment, the effects of the economic and refugee crisis, ill-adapted justice systems are just a few of the obstacles we still need to overcome. To tackle these challenges, the Strategy sets out five priority areas: equal opportunities, child participation, a life free from violence, child-friendly justice, and the rights of the child in the digital environment.

The decision to establish a new, dedicated intergovernmental committee in the Council of Europe to accompany the Strategy and ensure its effectiveness at international and national level illustrates the commitment of our organisation to the rights of the child. The Committee is a true opportunity to strengthen and seal cooperation at European level and beyond. It is an ideal platform for exchange between member states and with relevant bodies and institutions, on progress and challenges in the implementation of international and European standards. This Committee is also entrusted with the task of developing comprehensive Guidelines for member states to empower, protect and support children’s safe access to their rights on the internet. This is indeed particularly relevant and forms one response to the challenges identified so precisely and well in the Annual Report of the Special Representative.