



T-ES(2018)ICT-MD-NGO

LANZAROTE CONVENTION

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

Comments on the replies to the thematic questionnaire

REPUBLIC OF MOLDOVA

LA STRADA

2nd thematic monitoring round

"The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)"

Replies registered by the Secretariat on 17 January 2018

Introduction

These Comments are the initiative of the International Center "La Strada" Moldova that is seeking to provide an alternative view to replies sent by the State authorities. The presented information is based on La Strada's researches and expertise in the field of fighting child sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs).

To note that the International Center "La Strada" Moldova submitted in October 2017 replies to the 2nd thematic monitoring questionnaire, that was published on the website of the Lanzarote Committee. Having acquainted with State's replies to the monitoring questionnaire, "La Strada" Moldova developed the following Comments that cover three questions related to Prevention and Protection cluster. As the State's Replies related to Prosecution questions are reflecting the legal provisions, without giving a suitable interpretation according to the formulated questions, the International Center „La Strada" Moldova is recommending to the Committee to take into account the answers provided to the thematic questionnaire that may be accessed on <https://rm.coe.int/ngo-la-strada-moldova-replies-to-the-thematic-questionnaire/1680767093>.

The International Center "La Strada" is an associate member of ECPAT International – Observer in Lanzarote Committee. Ensuring the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs) is one of our goals. Having expertise in the field of prevention, protection of victims through direct assistance, public policy, we aimed to share our knowledge and lessons learnt during the 2nd monitoring round of the implementation of the Lanzarote Convention.

Prevention

Question 1. Awareness-raising or education activities/tools/materials/measures

1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:

- self-generated sexually explicit images and/or videos?
- self-generated sexual content?

State's replies: *„The Ministry of Education, Culture and Research develops students' competencies on online safety and risk understanding. Yearly, in all pre-university education institutions, the methodical recommendations for the „Informatics" discipline provide guidance to the teachers, on the training of students, for a responsible and conscious use of a computer, especially as regards the content of the services offered by Internet. Police authorities organize jointly with schools teachers, educational, informative and awareness raising trainings. A video gallery is available for download and broadcast for children".*

Comments:

Moldova national educational system has not integrated any of the topics that are related to risks children face in producing and/or sharing self-generated sexually explicit images, videos or content in the school curricula. The methodological recommendation for the „Informatics” discipline is referring to the Cyber Security Month – celebrated in October and Safer Internet Day - celebrated in February, during which several informational and awareness – raising activities are held for children, parents and teachers upon free choice of schools. One of the subjects recommended for the agenda of such events is the risks of using the internet and of posting personal photos. Yet, there are no available tools, materials or other resources for teachers that would help them or enable organize lessons on the subject. Thus, traditionally, the schools that decide to organize such thematic seminars are inviting volunteers (peer-to-peer educators) and staff from NGOs are knowledgeable of the issue in order to deliver info events for youngsters about safety online. From previous experience, school management and staff are justifying such invitations by lack of thematic methodological materials and info resources in support of teachers but also because they consider the sexuality related subjects too sensitive to be discussed openly with youngsters as they are not correspondingly prepared.

State’s replies: „Similarly, education is provided through compulsory disciplines, like: „Civic Education” (studying the specific module „Like and Health – personal and social values”), which is taught in all classes at the gymnasiums and lyceums, „Biology” – studying the module „Reproductive system and human reproduction” and the subject „Hygiene of organ systems”. In the optional disciplines, such as „Health Education”, promotion of a healthy lifestyle and reproductive health is emphasized.”

Comments:

Within the „Civic Education” or „Biology” course, the subject linked to child safety online is missing while the subject related to sexual education is reduced to very general information usually delivered in few lessons per academic year. During the mentioned modules, the children are taught about some aspects of involvement in sexual relationships, the consequences of being engaged in a sexual intercourse at a very early age, the unwanted pregnancy. The optional course „Health Education” has a narrow approach to sexual education based on hygiene rules and prevention of several diseases caused by unhealthy lifestyle and does not respond to the challenges children face online, to risks related to sexting or sexual abuse.

Thus, there is a lack of a comprehensive approach to sexual education targeting children and youngsters, while the current (segmented and narrow approach) does not cover the risks children face online related to communication or sexualized behaviour on the Internet.

State’s replies: „In 2017, the Police organized and carried out the children Information Campaign „Adolescence without Deviance”, aiming to promote legal knowledge among children and to underline the importance of complying with online safety rules, reducing child victimization, where children dialled and watched the video „Be safe on the internet.”

Take into account our advice" through which they have been informed about the services to call/useful web pages for referral, assistance and support in risk situations".

Comments:

Although the effort is generally welcome, it cannot be referred to as a campaign on child safety online because it was focused on preventing criminal behaviour among minors by informing them about the provisions of the Criminal Code and of the Contravention Code, about their rights and obligations. The activities held during this campaign aimed to prevent and combat property crimes and street crime. The video „Be safe on the internet. Take into account our advice" was presented as an isolated action within the campaign. At the same time, the video addresses generally safety online and does not refer to /educate about online safety from the perspective of risks raised in this monitoring round (such as producing / sharing self-generated sexually explicit images and/or video or self-generated sexual content).

1.2. Are there awareness-raising or education activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

State's replies: *„In October each year – The Month of Internet Security is being marked with the aim of informing all students about the safe and responsible use of online technology and mobile phones, their education and awareness of hazards. A video gallery developed by the police authorities is available for download and broadcast to adults for information and awareness raising purpose. In 2014, on the occasion of the International Day of Internet Safety, police authorities, jointly with other public authorities and the non-profit sector, provided relevant information to 1350 institutions throughout the country."*

Comments:

None of the activities mentioned by national authorities refer to children as bystanders/observers of other children producing and/or sharing self-generated sexually explicit images and/or videos or self-generated sexual content. All the activities conducted during the month of Cyber Security or Safer Internet Day had the general aim of informing about the safe and responsible use of online technology and mobile phones and had never been focused particularly on children observers, as mentioned above.

1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

State's replies: *„Teachers training seminars are held regularly, to inform students and parents about online data protection. The trainings are focused on the steps to be taken in*

the process of educating students and parents. Among the topics discussed there are: the risks of using the Internet by posting personal photos, identifying data, home address, family relationships, need for money, children threatening or harassment by unknown people. Parents and people who have constant contact with children receive examples of explicit sexually suggestive images and/or videos and with sexual tones in order enable them to recognize the material easily."

Comments:

The information provided here by the State is general and it is not clear what does "...held regularly.." mean (who provide such trainings, what is the agenda of such, what information/resources are used, periodicity/duration, etc.). The 2017 Study conducted by La Strada Moldova on the status quo of implementation of Lanzarote Convention by the Republic of Moldova, teachers, school psychologists and health care professionals are not accessing training and awareness-raising activities related to protecting children online including from risks of producing/sharing/posting sexually explicit images/photos/video/content simply because such trainings are not available. Respectively, schools have no capacity to deliver such information to parents. Even if general information related to parenting education is provided to parents in schools, it does not cover issues related to child safety online. Several seminars addressed to parents were delivered by specialized NGO upon invitation of schools' management.

Thus, we consider that the state authorities did not undertake any activities addressed to persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the concerned issues. The topics referred to in the state satisfy the scope of "personal data protection" and do not uncover the risks of (sexual) abuse online associated with producing share self-generated sexually explicit content or self-generated sexual content.

Question 2. Civil society involvement

2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

State's replies: *„The State authorities encourage and support the cooperation with civil society organizations. In this sense, a National Participation Council (NPC) has been created. The Council promotes strategic partnerships between in line institutions and relevant civil society organizations. The cooperation with civil society is also ensured on the basis of agreements and memorandums of cooperation signed between law enforcement bodies and NGOs”.*

Comments:

The State response refers to a general framework of cooperation between public authorities and NGOs primarily aiming at securing transparency in decision-making process (consulting NGO opinion on policy documents) and does not relate to means of encouraging NGOs to implement prevention projects and programmes. There are no state funds or state supported programs that NGOs can access or collaborate with in related areas. Although the state has developed (with support of NGOs) and approved (in 2017) a national action plan to promote child safety online and invited NGOs to participate in its implementation, the plan has not financial or other type of backup and thus NGOs are invited to participate with resources. All the activities carried out by NGOs are financially covered by donors or international organizations. NGOs also have MEMO of understanding with state authorities covering child safety online issue as well yet, these MEMOS are general and are outside of any specific state-supported programs or projects.

Question 3. National curriculum

Does national curriculum (primary and secondary schools and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

State's replies: *„The issue is taken into account by the Republic of Moldova. Schools, lyceums and other educational institutions in the Republic of Moldova include in their curricula topics such as „Respecting the security, ergonomic and ethical rules in the information and communication technology based activities”, within the optional disciplines and „Informatics” II-IV); „Informatics” (Class V-VI) and „Information and Communication Technology” (Class VII-XII).*

Comments:

The national curricula (primary and secondary schools and vocational education) does not include awareness raising about sexting and the risks of child sexual abuse online. There is still a lack of systemic approach to sexual education, child safety online or relationships education, that may teach the knowledge and life skills children need to stay safe and develop healthy and supportive relationships, particularly dealing with the challenges of growing up in an online world. The „Informatics” curricula, as well as the „Information and Communication Technology” curricula are focused on developing general skills to use ICTs Technology, but not on developing healthy relationships among minors online.

Protection

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

State's replies: „*In the Republic of Moldova are applicable:*

- *Law no.140/2013 on the special protection of children at risk and of children separated from their parents.*
- *Governmental Decision no. 7/2016 on the approval of the Framework Regulation on the organization and functioning of the Committee on the Protection of the Children in Difficulty.*”

Comments:

As mentioned in the question, the protection of child victims of online exposure to self-generated sexually explicit images and/or videos and self-generated sexual content should be ensured through various support, assistance and psychological help services.

The legal act mentioned by the State refers to procedures of identification, evaluation, assistance, referral, monitoring and evidence of children at risk or separated from their parents. The art. 8 of the Law no. 140/2013 which enumerate the categories of children that may be considered at risk, does not regulate any of the categories covered by the 2nd thematic questionnaire of the Lanzarote Committee.

The normative act - Governmental Decision no.7/2016 that regulates the procedural framework of organization and functioning of the Committee on the Protection of the Children in Difficulty, is focused more on preventing child separation from the family. It does not ensure the protection of child victims of sexual abuses online.

A relevant legal act that should be referred to is the Law. no 137/2016 on the rehabilitation of victims of crime that outlines several support services that children victims may benefit of in case of being a victim of sexual abuse: informational counselling, psychological counselling, legal assistance and financial support. Even if the law was adopted in 2016, the national authorities have not yet established a normative framework that would regulate the way of implementing the law's provisions.

The main challenges for the child protection system are the lack of specialized services (addressed to children victims of sexual crimes) as revealed in the Study on the status quo of implementation of the Lanzarote Convention by the Republic of Moldova (Study conducted by “La Strada” Moldova, 2017). There are no complex state-supported rehabilitation services. Psychological help, support of children during criminal proceedings are primarily provided by the NGOs and are missing in rural areas.