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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

**Follow-up given by Parties to the Special Report on “Protecting children  
affected by the refugee crisis from sexual exploitation and sexual  
abuse”**

**Compliance report concerning Recommendation 12**

Adopted by the Lanzarote Committee on 2 December 2021

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## Executive Summary

In March 2016, the Council of Europe's Secretary General called for a series of [priority actions to protect children affected by the refugee crisis](#). In this context, the Lanzarote Committee mandated its Bureau to decide on the need to make urgent requests for information on the basis of [Rule 28 \(Special reports and urgent situations\)](#) of its Rules of Procedure.

On the 3<sup>rd</sup> of March 2017, the Lanzarote Committee adopted the [Special report Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse](#), as an outcome of the [urgent monitoring round](#) that had been launched for that purpose. The Special report focused on how Parties to the Lanzarote Convention were protecting children affected by the refugee crisis from sexual exploitation and sexual abuse.

To follow-up on the Special report and its recommendations, in 2018, the Committee requested Parties involved in the urgent monitoring round to provide information on the follow-up given to the 5 urge recommendations. The [evaluation of the follow-up given to the 5 urge recommendations](#) was adopted by the Lanzarote Committee on the 6<sup>th</sup> of June 2019.

Subsequently, the Committee asked the Parties involved in the urgent monitoring round to provide information on the follow-up to the 10 recommendations considering that Parties should act. This compiled information (hereafter Compilation information 2020) allowed for a first preliminary assessment of the Parties' practices and legislation with respect to the 10 "consider" recommendations, taking into account specific requirements. This first preliminary assessment was presented to the Parties at the 27<sup>th</sup> plenary meeting of the Lanzarote Committee in June 2020. The Parties were then given a second opportunity to provide information on the follow-up to the same 10 recommendations considering that Parties should act (hereafter additional information).

The present compliance report was prepared on the basis of the Compilation of information 2020, as well as the compiled additional information sent by the Parties.<sup>1</sup> It is important to note that the conclusions of compliance/partial compliance/non-compliance have been drawn without the possibility to verify the extent to which legislation and measures are being applied in practice, nor whether children affected by the refugee crisis are actually benefitting from existing services. It has also not been possible to assess the overall impact of the measures taken by Parties to prosecute offenders and providing for international co-operation with other Parties in instances where offences occurred prior to arrival on the territory for the purpose of investigation and prosecution.

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<sup>1</sup> The 41 Parties that are concerned by this report are: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey and Ukraine.

The report covers the situation in the 41 states, which were Parties to the Convention at the time the urgent monitoring round was launched. Parties, which have ratified the Lanzarote Committee at a later stage may take into consideration the recommendations, promising practices and other findings presented in this report for information and subsequent relevant action.

Recommendation 12 is a reminder of Parties' obligations, as per the requirements of the Lanzarote Convention, to prosecute alleged offenders who committed sexual offences against children who are in its territory. In cases where the offence took place prior to the child's arrival on the Party's territory, Recommendation 12 also calls upon Parties to seek co-operation for the purpose of communication and exchange of information with the Party where the offence was committed.

To fully comply with Recommendation 12, Parties were thus expected to provide legislative information which shows that alleged offenders who committed sexual exploitation or sexual abuse offences against a child affected by the refugee crisis who is in the Party's territory will be prosecuted. In addition, Parties had to provide examples of international cooperation mechanisms which have been fulfilled with other Parties for the purpose of communication and exchange of information in cases where the offence took place prior to the child's arrival on the Party's territory.

The majority of the Parties to the Convention have implemented one of the requirements of Recommendation 12. Specifically, 31 Parties are in full compliance and 8 Parties are in partial compliance of the requirements.

All Parties allow for the prosecution of alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on the Party's territory. Some promising practices were highlighted in cases where Parties specified how they identified when and where the sexual exploitation and abuse occurred.

Furthermore, a majority of Parties provided additional legislative information on how prosecution will be initiated in cases where the crime was committed by an offender and/or against a victim which is of the same nationality of the Party prior to the arrival of the victim. A promising practice to highlight is how some Parties, such as Belgium, France, the Slovak Republic and Slovenia allow for prosecutions to take place even if the offender is a foreigner or that the crime was committed abroad. All specified that the offender must be in their territory for prosecutions to be initiated.


Although a majority of Parties referred using or being a party to international cooperation mechanisms, a significant issue identified in several Parties is the exclusive mention of cooperation mechanisms within the European Union and/or the Council of Europe (hereinafter referred as EU and CoE). Thus, even if the information provided was in conformity with Recommendation 12, examples of international cooperation mechanisms with States outside of the EU or the CoE would have been relevant in cases of child victims affected by the refugee crisis.

Some promising practices, include rendering mutual legal assistance possible without having bilateral/multilateral agreements with the relevant State, providing international cooperation mechanisms between police forces, and not taking into account the principle of double criminality of the presumed offender in cases where the crime was committed abroad.

Two Parties have been considered non-compliant with Recommendation 12, due to insufficient evidence.

Table 1. Comparative information on fulfilment of Recommendation 12

Country	Alleged perpetrators are prosecuted if crime committed on territory	International cooperation mechanisms exist with other Parties
★ Albania	Yes	Yes
★ Andorra	Yes	Yes*
★ Austria	Yes	Yes
★ Belgium	Yes	Yes
Bosnia and Herzegovina	Yes	Yes
Bulgaria	Yes	Yes*
★ Croatia	Yes	Yes
Cyprus	Yes	Yes
★ Czech Republic	Yes	Yes
★ Denmark	Yes	Yes
Finland	Yes	Yes
★ France	Yes	Yes
Georgia	Yes	Yes
Germany	Yes	Yes
Greece	No	No
Hungary	Yes	Yes
Iceland	Yes	Yes
Italy	Yes	No
★ Latvia	Yes	Yes
★ Liechtenstein	Yes	Yes
Lithuania	Yes	No
Luxembourg	Yes	No
Malta	Yes	Yes
★ Republic of Moldova	Yes	Yes
★ Monaco	Yes	Yes
Montenegro	Yes	No
Netherlands	Yes	No
North Macedonia	Yes	Yes
Poland	Yes	Yes
Portugal	Yes	Yes
Romania	Yes	Yes
Russian Federation	Yes	Yes
San Marino	No	No
★ Serbia	Yes	Yes
★ Slovak Republic	Yes	Yes
★ Slovenia	Yes	Yes
★ Spain	Yes	Yes
★ Sweden	Yes	Yes
Switzerland	Yes	Yes
Turkey	Yes	Yes

 <b>Ukraine</b>	Yes	Yes
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\*Yes, to a limited extent.



### Recommendation R12

The Lanzarote Committee:

"Considers that Parties should fulfil obligations to prosecute the offenders and to provide international co-operation between the Parties in instances where the offence occurred prior to arrival on the territory for the purpose of investigation and prosecution." (R12)

Following the adoption of the Special Report and after the assessment of the 5 urgent recommendations, the Committee asked Parties involved in the urgent monitoring round to provide follow-up information on the 10 recommendations considering that Parties should act. In the first phase, Parties provided relevant information to assess their compliance with recommendations, which was compiled in the Compilation information 2020. An individual assessment was carried out of the replies of each Party, taking into account specific requirements.

The requirements identified to assess Parties' compliance with Recommendation 12 are as follows:

- 1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*
- 2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

Full compliance with Recommendation will be given if a) the Party provides legislative information and/or examples showing that prosecution of alleged offenders of child sexual exploitation or abuse will take place in cases where the victim is a child affected by the refugee crisis and that the offence took place after the child's arrival on the Party's territory; and b) the Party provides information on one or more international cooperation mechanisms which have been fulfilled with other Parties from which children affected by the refugee crisis have arrived or passed through for the purpose of communication and exchange of information.

Based on this assessment, an analytical document was prepared and sent to the Parties. Subsequently, Parties were given the opportunity to submit additional information concerning other measures in place, which showed compliance with the requirements identified for the assessment of Recommendation 12.

The present report takes into account both the Compilation information 2020 and related analytical document, as well as the additional information submitted by Parties. In addition, to align with the recommendation's first requirement, the findings of the [Lanzarote Committee's first monitoring report](#) and the [individual replies](#) given by the Parties to that report will also be used as reference. The aim is to assess compliance, whilst providing a comprehensive picture of what national practices and legislation are in place.

For ease of reference, a comparative table summarising the findings of this report has also been prepared.<sup>2</sup> The table colours have been determined as follows:

- Full compliance (green) – the Party is in conformity with all the requirements of the Recommendation, corresponding to fulfilment of obligations under the Convention;
- Partial compliance (yellow) - the Party is in partial conformity with the requirements of the Recommendation, corresponding to fulfilment of obligations under the Convention;
- Non-compliance (red) – the Party does not address any of the requirements of the Recommendation, corresponding to fulfilment of obligations under the Convention.
- Promising practice country (star) – the Party has provided additional legislative information on its prosecution practices in cases where the offence was committed prior to the child's arrival. In addition, the Party also provided examples of applied legislation which facilitates the setting-up of international cooperation for investigation/prosecuting purposes with other Parties.

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<sup>2</sup> This table can be found at the end of the Executive Summary.

## Country results

### **ALBANIA**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, Albania prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

Furthermore, in Compilation Information 2020, Albania referred to its Criminal Code, namely Articles 7 and 7a, to demonstrate that a foreign citizen who commits criminal offences either in Albania or outside Albania but which has specific laws or international agreements to which Albania is a party, is held responsible under the Albanian criminal law. In the information provided, the Party went further and explained that when a criminal proceeding does take place and that the victim reveals he or she has suffered sexual violence prior to his or her arrival in Albania, the recording of such proceeding and the follow-up to the victims' hearing will be transferred to the relevant state as appropriate.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In Compilation Information 2020, Albania provided examples of international cooperation, such as its adherence to Interpol and its Operational Agreements with Europol, to outline the exchange of information which exists between the Albanian State Police and international organisations. As a result, Albania can obtain and/or exchange information with counterpart law enforcement authorities on criminal offences, including cases of sexual exploitation and sexual abuse of children affected by the refugee crisis, which have taken place inside or outside of its territory.

Based on the information received, Albania is in full compliance with the requirements of Recommendation 12 and has in place a number of promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## ANDORRA

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the Party's replies to the Lanzarote Committee's first implementation report, Andorra prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In addition, according to the additional information provided to Compilation Information 2020, Andorra referred to legislation which allows for the Party's penal law to apply to crimes which have been committed on its territory against a foreign victim regardless of the alleged offender's nationality. In addition, the Party provided information on its legislation in cases where the offence was committed abroad by an Andorran national, against an Andorran victim or in a Party which has signed an international agreement granting for Andorran jurisdiction to apply.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

According to the additional information provided to Compilation Information 2020, Andorra explained that it exchanges information with other Parties for the purpose of investigations in cases of child sexual exploitation and or sexual abuse. Although Andorra referred to the Council of Europe Conventions, it is unclear what international cooperation mechanism has been fulfilled with another Party for the purpose of communication and exchange of information.

Based on the information received, Andorra is in partial compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined, as it is unclear what international cooperation mechanisms have been fulfilled with other Parties for the purpose of communication and exchange of information in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.

## AUSTRIA

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, Austria prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In Compilation information 2020, Austria also informed that based on mutual legal assistance with other Parties, the time and place where the offence took place is irrelevant.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In the additional information, Austria provided information that in situations where the alleged offence of sexual exploitation or sexual abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory the Austrian judicial authorities make use of the international cooperation mechanisms provided for in multilateral instruments of Mutual Legal Assistance also for the purpose of communication and exchange of information. Depending on the applicable international legal framework an exchange of information can be based on the European Investigation Order for participating EU-Member States, the CoE-Conventions for Parties to them and the channel of Mutual Legal Assistance based on the principle of reciprocity in absence of a treaty basis. With regard to countries where a high number of refugees emanate practical exchange of information, however, can be difficult given the situation in these countries.

Based on the information received, Austria is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **BELGIUM**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, Belgium prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In Compilation information 2020, Belgium also referred to legislation and measures which allow the Belgium authorities to prosecute alleged offenders of child sexual exploitation and/or sexual abuse. Although the nationality of both the alleged offender and the victim are irrelevant for the purpose of investigations and prosecutions, the Party specified that the offender must be on Belgium soil for these to take place. Finally, Belgium highlighted the fact that the victim does not have to file a complaint in order for the investigation to begin.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

Belgium referred to its legislation which allows for its jurisdiction to apply worldwide against offenders regardless of their nationality and where the offence took place as long as the offender is present in Belgium.

Based on the information received, Belgium is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **BOSNIA AND HERZEGOVINA**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, Bosnia and Herzegovina prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether “sending” or “transit” countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.*

According to Compilation Information 2020, Bosnia and Herzegovina referred to its operative police, domestic police and other relevant authorities collaborating at an international level on cases which involve a crime which has occurred prior to the arrival of the victim.

Based on the information received, Bosnia and Herzegovina is in full compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report.

## **BULGARIA**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee’s first implementation report, Bulgaria prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether “sending” or “transit” countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.*

In Compilation information 2020, Bulgaria provided examples of legislation and measures which protect and consequently grants the child his or her refugee status. In addition, the Party indicated that, to fulfil its priorities in the context of multilateral cooperation on migration and refugees, it cooperates with a number of international bodies/organisations in this field, among which are the UN High Commissioner for Refugees (UNHCR) and the International Organisation for Migration. However, it is unclear how Bulgaria acts to communicate/exchange information with other Parties in situations where the alleged offence of sexual exploitation or sexual abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.

Based on the information received, Bulgaria is in partial compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined, as it is unclear what international cooperation mechanisms have been fulfilled with other Parties for the purpose of communication and exchange of information in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.

## **CROATIA**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, Croatia prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In addition, Croatia provided information on how relevant professionals are immediately notified if a child victim of sexual violence, which occurred on the territory of the Republic of Croatia, during the journey or in the child's origin country, or any other form of exploitation of children has been identified.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In the Compilation information 2020, Croatia referred to the Act on Judicial Cooperation in Criminal Matters with Member States of the EU, which allows for judicial cooperation with Member States of the EU. Such cooperation enables faster and more efficient collection of evidence, leading to proceedings being conducted in a more effective manner due to the significant reduction of the time-limit for obtaining evidence from abroad. In addition, the Republic of Croatia referred to several relevant conventions of the CoE. For several other States which are neither EU members or Coe members, bilateral agreements are in force regulating the matter of mutual legal assistance.

Based on the information received, Croatia is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures as per the obligations of the Convention and the issues highlighted in the Special Report.



## **CYPRUS**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the Party's replies to the Lanzarote Committee's first implementation report, Cyprus prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

According to Compilation Information 2020, Cyprus explained that the police, where possible and depending on the specific circumstance of the case, will cooperate in order to facilitate investigation/prosecution with other Parties in instances where the offence occurred prior to the arrival on the territory. Cyprus added that the police's Specific Unit for Combatting Trafficking in Human Beings has a mandate to investigate and cooperate with other countries. However, the Party recognised that legal and procedural obstacles occur in cases where the offence took place in countries which have a completely different legal framework and/or have not ratified relevant conventions.

Based on the information received, Cyprus is in full compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report.

## **CZECH REPUBLIC**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, the Czech Republic prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In its replies to Compilation Information 2020, the Czech Republic also informed that in all cases of sexual abuse and/or sexual exploitation, the child is reported to law enforcement authorities and is investigated no matter of the origin of the crime.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether “sending” or “transit” countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.*

According to Compilation Information 2020, the Czech Republic has adopted bilateral and multilateral treaties within the UN, CoE, EU or on the basis of the principle of mutuality to provide legal assistance in order to facilitate investigations and prosecutions. In addition, the Czech Republic referred being a Party to conventions on extradition, which set the obligation to extradite persons who are criminally prosecuted by the respective authorities of the other party, or to extradite persons who are requested by these authorities to serve the sentence of imprisonment. Furthermore, additional bilateral international treaties on police cooperation are negotiated by the Ministry of Interior. The purpose of these is to enhance international cooperation in the area of prevention, identification, investigation, prosecution and punishment of specific criminal offences.

Based on the information received, the Czech Republic is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **DENMARK**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee’s first implementation report, Denmark prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.

In Compilation Information 2020, Denmark also provided information that all asylum seeking and migrant children who are under the provision of the Danish Immigration Service and who are victims or presumed victims of sexual exploitation/sexual abuse have access to protection and other relevant measures regardless of where the exploitation/abuse has taken place.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether “sending” or “transit” countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.*

In Compilation Information 2020, Denmark referred to a range of a possibilities to provide and receive international mutual legal assistance in criminal cases, including those involving exploitation or abuse of children. These include for example, Denmark being a party to conventions related to Mutual Legal assistance in criminal cases, extradition, and transfer of criminal proceedings. Such agreements enable the Danish Prosecution Service to cooperate with relevant international authorities for the purpose of identifying and prosecuting perpetrators across borders.

Moreover, the Party highlighted the fact that the Danish authorities apply national legislation by analogy in all cases where assistance from Denmark is requested. Therefore, *“Danish authorities can comply with such requests for mutual legal assistance regardless of the existence of bilateral or multilateral agreement between Denmark and the requesting country. Danish authorities will thus be able to comply with a request if the investigative measure(s) covered by the request from the relevant national authority could be carried out in a similar national case in Denmark.”*

Based on the information received, Denmark is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **FINLAND**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee’s first implementation report, Finland prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether “sending” or “transit” countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.*

In compilation 2020, Finland informed that in investigative matters, the Finnish police co-operates with other Parties as well as Europol and Interpol when needed and that all offences that fall under the Lanzarote Convention are being prosecuted by the National Prosecution Authority according to the existing legislation.

Based on the information received, Finland is in full compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report.

## **FRANCE**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, France prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In the additional information submitted to Compilation Information 2020, France also provided information both in law and in practice that guarantee strictly identical protection to all victims of sexual abuse, regardless of the place where the acts were committed. Finally, France mentioned legislative measures, which allow authorities to prosecute offenders if the crime was committed on French territory or by French citizens abroad.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In compilation 2020, France referred being a party to bilateral conventions for both international mutual legal assistance in criminal matters and extradition purposes. In the absence of an agreement, France can initiate cooperation based on reciprocity.

Based on the information received, France is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **GEORGIA**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the Party's replies to the Lanzarote Committee's first implementation report, Georgia prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In Compilation Information 2020, the State informed of a bilateral agreement between Georgia and EUROJUST which was finalised in 2019. Cooperation with EUROJUST is expected to further develop existing legal and institutional mechanisms to provide for convergence with EU standards and policies within the framework of judicial cooperation in criminal matters.

Based on the information received, Georgia is in full compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report.

## **GERMANY**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the Party's replies to the Lanzarote Committee's first implementation report, Germany prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In Compilation Information 2020, Germany indicated that, in order to ensure investigation and prosecution in cross-border matters, it has signed and uses the Council of Europe's Conventions on Extradition, Enforcement of Decisions, and Mutual Assistance along with all the Additional Protocols.

Based on the information received, Germany is in full compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report.

## **GREECE**

Greece provided no information on either round of assessment. As there is insufficient information to determine compliance, Greece is considered non-compliant with the requirements of Recommendation 12.

## **HUNGARY**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the Party's replies to the Lanzarote Committee's first implementation report, Hungary prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In addition, in Compilation Information 2020, Hungary provided information that in the course of the personal asylum interview, the asylum case officer is obliged to ask further questions to identify the circumstances of any serious harm suffered, including the time and place of the incident.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In the additional information to Compilation Information 2020, Hungary referred to section 73 of the Act XXXVIII of 1996 on international criminal assistance. The Act allows the Hungarian judicial authorities to directly forward information regarding an on-going or closed criminal case to a foreign judicial or investigating authority. Also, the Party specified that the Hungarian judicial and investigating authorities are entitled to receive information directly from foreign authorities during an on-going criminal procedure.

Based on the information received, Hungary is in full compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report.

## ICELAND

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, Iceland prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In Compilation Information 2020, Iceland also explained that all investigations of alleged child sexual exploitation and sexual abuse include a focus on when and where the alleged crime was committed.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In its replies to Compilation Information 2020, Iceland stated that it was committed to prosecuting offenders and to provide international co-operation. Iceland is a party to many international instruments on mutual legal assistance and extradition, including the United Nations, CoE, EU and the Nordic countries in order to facilitate international co-operation that covers cases of sexual crimes against children. According to Iceland's Act on Extradition of Criminals and Other Assistance in Criminal Proceedings no. 13/1984, an agreement or reciprocity does not have to be in place for Iceland to assist other countries in their investigations. The legislation is applicable also for such cases. Recent amendments to the Act aimed at simplifying the process in order to ensure efficiency and speed in judicial procedures. Icelandic authorities put special emphasis on cases of sexual crimes against children and such cases are prioritised.

Based on the information received, Iceland is in full compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report.

## ITALY

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, Italy prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In Compilation Information 2020, Italy reported that that the protection of minors present in the Italian territory is ensured in all cases of sexual abuse and sexual exploitation regardless of where the crime took place. The Party also referred to Art. 604 of the Criminal Code, which punishes sexual offences cases against children which, have been committed also abroad by an Italian citizen, or against an Italian citizen, or by a foreigner currently with an Italian citizenship.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

The Party informed that a number of projects specifically aimed at the prevention and fight against sexual exploitation/sexual abuse of children have been organised, however it is unclear whether Italy holds any international cooperation mechanism for communication/exchange of information with other Parties in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.

Based on the information received, Italy is in partial compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined, as the Party did not provide sufficient information on whether international cooperation mechanisms exist for communication/exchange of information with other Parties in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.



## LATVIA

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the Party's replies to the Lanzarote Committee's first implementation report, Latvia prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

According to Compilation Information 2020, Latvia explained that upon identification of a child affected by the refugee crisis that may have been sexually abused or suffered from sexual violence abroad, the Latvian State Police would request the required information from the countries concerned. In cases when the child affected by the refugee crisis would have been sexually abused or suffered from sexual violence in any Member State of the EU, the State Police would use the legal framework related to the European Investigation Order. If it would be found that a child affected by the refugee crisis has been sexually abused outside the EU territory, the State Police would use the legal framework related to the request for legal assistance, if possible. If such a need would arise at the prosecution stage, the Prosecutor General's Office would also use all available means of international cooperation, including submitting requests for legal assistance, request for the extradition of a person or a request regarding the transfer of criminal proceedings. International cooperation in the investigation of these crimes will be organized according to the same principles and procedures as cooperation in the investigation of any other crime.

Furthermore, Latvia referred to Paragraph 4 of Section 4 of the Criminal Law, which states that foreigners, who do not have a permanent residence permit in the Republic of Latvia and who have committed a criminal offence in the territory of another state or outside the territory of any state, in the cases provided for in international agreements binding upon the Republic of Latvia, irrespective of the laws of the state in which the offence has been committed, shall be held liable in accordance with this Law, if they have not been held criminally liable for such offence or brought to stand trial in the territory of another state.

Based on the information received, Latvia is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## LIECHTENSTEIN

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the Party's replies to the Lanzarote Committee's first implementation report, Liechtenstein prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In Compilation Information 2020, Liechtenstein provided information on how its authorities distinguish between sexual exploitation and sexual abuse occurring prior to the entry and after the entry. In addition, the Party went further and informed that, pursuant to the Criminal Code, domestic jurisdiction over offences committed abroad may be established if the victim is a Liechtenstein citizen or has his/her domicile or habitual residence in Liechtenstein. The Party explained that this would also cover cases in which refugee children have become victims of sexual abuse or exploitation prior to their arrival in Liechtenstein.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In Compilation information 2020, Liechtenstein provided information on how international cooperation in the field of criminal law is guaranteed both by various multilateral treaties, of which Liechtenstein is a State Party, and by the Liechtenstein Mutual Legal Assistance Act. In cases in which there is no mutual legal assistance agreement with a State requesting mutual legal assistance, Liechtenstein can provide mutual legal assistance pursuant to Art. 3 para. 1 of the Liechtenstein Law on Mutual Legal Assistance.

Based on the information received, Liechtenstein is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## LITHUANIA

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, Lithuania prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In Compilation Information 2020, Lithuania provided information on the Support Centre for Child Victims of Sexual Abuse, which collects all information about children who were sexually abused in Lithuania. In this data, information is included about where the child suffered the abuse, in which place and country.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In Compilation 2020, Lithuania informed that it has full obligation to start international cooperation with the agencies to prosecute or inform the other Party about the crime, even if the crime occurred prior to the arrival of the child in Lithuania. The Party however did not provide specific examples of international cooperation mechanisms that exist for communication/exchange of information with other Parties in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.

Based on the information received, Lithuania is in partial compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined, as the Party did not provide sufficient information on whether international cooperation mechanisms exist for communication/exchange of information with other Parties in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.

## **LUXEMBOURG**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, Luxembourg prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

According to the additional replies sent to Compilation Information 2020, Luxembourg informed that in cases of trafficking in human beings committed abroad, the complaint would be sent to the relevant authorities. Luxembourg further explained that although cooperation mechanisms do exist amongst European authorities, difficulties remain in enabling such mechanisms with third countries. From the information received, it is unclear whether the European mechanisms referred by Luxembourg concern cases of sexual exploitation and sexual abuse.

Based on the information received, Luxembourg is in partial compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined, as it is unclear whether international cooperation mechanisms are also applicable in cases of child sexual exploitation and child sexual abuse.

## **MALTA**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, Malta prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether “sending” or “transit” countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.*

Malta referred to the International Relations Unit (IRU), which is a specialised unit within the Police force that coordinates activities with EUROPOL, INTERPOL (since 1971) and the Schengen Information System and is tasked with exchange of information. Finally, Malta mentioned that it had several extradition treaties in force.

Based on the information received, Malta is in full compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report.

## **REPUBLIC OF MOLDOVA**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee’s first implementation report, the Republic of Moldova prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.

In addition, the Republic of Moldova also informed that child victims on the territory of the Republic of Moldova are granted protection regardless of the place of abuse. Finally, the Republic of Moldova specified that in case of abuse occurring prior to arrival on the territory of the country, investigations are carried out and parties involved agree on the question where the offender shall be prosecuted and judged.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether “sending” or “transit” countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.*

In Compilation information 2020, the Republic of Moldova indicated that international law enforcement cooperation on cases of sexual abuse against children (including those which have occurred prior to arrival on the territory) is conducted via the International Police Cooperation Centre. All law enforcement agencies, as well as the migration

authority, are connected to the International Police Cooperation Centre's communication system for facilitation of fast and productive exchange of information.

Based on the information received, the Republic of Moldova is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **MONACO**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the Party's replies to the Lanzarote Committee's first implementation report, Monaco prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In addition, Monaco referred to legislation, which allows for any individual to file a complaint for a crime which has been committed abroad and provided information on the means and legislative measures used in cases where the crime was committed abroad, and that investigation cooperation is needed between the two relevant states.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

According to Compilation Information 2020, Monaco has put in place several international cooperation mechanisms related to mutual legal assistance, for communication/exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or sexual abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.

Based on the information received, Monaco is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **MONTENEGRO**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, Montenegro prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In the additional information to Compilation Information 2020, Montenegro mentioned that international legal assistance procedures are available, and that communication would take place through the Ministry of Justice as the central institution, or, if provided for in a bilateral or multilateral agreement, directly between the judicial authorities of the two countries. The party however did not provide specific examples of international cooperation mechanisms, which exist for communication/exchange of information with other Parties in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.

Based on the information received, Montenegro is in partial compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined, as the Party did not provide examples of international cooperation mechanisms, which exist for communication/exchange of information with other Parties in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.

## **NETHERLANDS**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, the Netherlands prosecutes

alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In Compilation Information 2020, the Netherlands also explained that when the crime occurred after the arrival of the victim in the country, the offenders will be prosecuted in the Netherlands. If the crime happened abroad, legal co-operation will, if possible, be taken upon with the country where the crime occurred.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

The party did not provide specific examples of international cooperation mechanisms, which exist for communication/exchange of information with other Parties in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.

Based on the information received, the Netherlands are in partial compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined, as the Party did not provide specific examples of international cooperation mechanisms, which exist for communication/exchange of information with other Parties where the crime occurred.

## **NORTH MACEDONIA**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, North Macedonia prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*



In Compilation Information 2020, North Macedonia informed that it had ratified international conventions on legal aid in criminal matters and the Law on International Legal Assistance in Criminal Matters. In addition, North Macedonia referred using INTERPOL, EUROPOL or SELEC channels when communication/exchange of information with other states for investigation/prosecution purposes in cases where the crime was perpetrated before the victim arrived on the territory of the Party.

Based on the information received, North Macedonia is in full compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report.

## **POLAND**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the Party's replies to the Lanzarote Committee's first implementation report, Poland prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

Additionally, in Compilation Information 2020, Poland referred to Chapter XIII of the Penal Code related to liability for crimes committed abroad to inform on the possibility to prosecute perpetrators regardless of both their nationality and where the crime was committed.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In the additional information submitted, Poland provided information that as a law enforcement agency, the Border Guard has a statutory authority to prosecute perpetrators of human trafficking, including in the area of sexual exploitation of minors. In turn, criminal offences not related to the scope of competence of the Border Guard are subject to criminal prosecution only by the Police and the Public Prosecution Service. The Border Guard does not have the authority to investigate and prosecute cases of sexual offences unrelated to trafficking in human beings, or other acts in respect of which it has subject-matter jurisdiction.

International cooperation between the Border Guard and competent law enforcement authorities of other jurisdictions in identifying, preventing and detecting offences, as well as prosecuting their perpetrators, is pursued on the basis of bilateral and

multilateral international agreements concerning cooperation in combating organised crime and agreements signed between the heads of services of particular jurisdictions, which concern operational cooperation. In the area of combating and preventing serious transnational crime, criminal information is exchanged with other jurisdictions using the following information exchange channels:

- liaison officers of foreign law enforcement agencies accredited in the Republic of Poland;
- liaison officers of the Border Guard and the Police accredited to Polish representations abroad;
- with EUROPOL –direct information exchange takes place via SIENA and with Member States and third countries which have an operational agreement with Europol and Eurojust;
- with INTERPOL.

Although the day-to-day exchange of information mainly takes place via Europol, at the local level, it also takes place bilaterally and through the liaison officers. However, at the stage of pre-trial proceedings, the Public Prosecutor supervising the proceedings may apply to another jurisdiction for international legal assistance. Additionally, as the competent authority for conducting cross-border proceedings, the Border Guard may participate in so-called Joint Investigation Teams (JITs), which are coordinated by EUROJUST. A JIT is established by agreement between two or more Member States or other parties for specific purposes and for a limited time. The team is established by way of an agreement between Public Prosecutor General and a competent authority of the cooperating state.

The Police cooperate with various law enforcement agencies and institutions in combating sexual exploitation of minors and child pornography, at both the national and international level.

Based on the information received, Poland is in full compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report.

## **PORTUGAL**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, Portugal prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether “sending” or “transit” countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.*

In Compilation information 2020, Portugal provided information on how its Criminal Investigation Police and Immigration and Border Service cooperate not only through the Interpol and Europol cooperation channels, but also through a network of liaison officers with all parties involved, to communicate/exchange information with other Parties in which the crime occurred.

Based on the information received, Portugal is in full compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report

## **ROMANIA**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee’s first implementation report, Romania prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether “sending” or “transit” countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.*

In Compilation Information 2020, Romania provided information on how, in cases where the crime occurred outside of its territory, the rules of international judicial cooperation in criminal matters will apply, on the basis of international treaties in the respective field of regulation, according to the European Union rules or, if in the absence of a treaty, on the basis of international courtesy, with an assurance of reciprocity. Such co-operation mechanism will allow Romania to communicate/exchange information with States in which the crime has occurred.

Furthermore, Romania referred to Law 302/2004 on international judicial cooperation in criminal matters, which regulates in detail the procedures of: extradition; surrender; transfer of procedures in criminal matters; recognition and enforcement of judgments;

transfer of convicted persons; judicial assistance in criminal matters; other forms of international judicial cooperation in criminal matters. The Romanian judicial authorities may thus, based on such law, request the competent authorities of another State to initiate a criminal procedure or to continue it, when the exercise by the requested foreign State serves the interests of a good administration of justice or favours, in the case of conviction, social reintegration subject to certain specific conditions.

Based on the information received, Romania is in full compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report.

## **RUSSIAN FEDERATION**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the Party's replies to the Lanzarote Committee's first implementation report, the Russian Federation prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

According to the additional information provided to Compilation Information 2020, the Party informed that cooperation tools are available with Interpol and Europol to transmit and receive any requests for information with regards to crimes committed against children, particularly sexual violence. In addition, the Russian Federation informed that it has cross-border cooperation agreements with Estonia, Latvia, Finland, and the countries of the Caspian region, without however specifying what these agreements entailed.

Based on the information received, the Russian Federation is in full compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report.

## **SAN MARINO**

Due to insufficient information, San Marino is considered non-compliant with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report.

## **SERBIA**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, Serbia prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In Compilation Information 2020, Serbia also referred to relevant national legislation, to inform that proceedings will be initiated regardless of the child's nationality and whether he or she has filed a complaint.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In Compilation Information 2020, Serbia informed that in cases where the crime was committed outside of its territory, international cooperation is established based on the ratified bilateral and multilateral agreements, Memorandums of Understanding signed between its Public Prosecution's Office and public prosecutions of other countries and based on the Law on International Legal Assistance in Criminal Matters Act. Thus, the Public Prosecution's Offices may cooperate with competent authorities to communicate/exchange information with States from which a child affected by the refugee crisis has arrived (or through which such children have passed) in order to facilitate investigation/prosecution of alleged offenders of child sexual exploitation/sexual abuse.

Based on the information received, Serbia is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **SLOVAK REPUBLIC**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, the Slovak Republic prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In addition, the Slovak Republic referred to specific legislation, which allows for prosecutions to take place even if the offender is a foreigner or that the crime was committed abroad. The Party specified that the offender must be in its territory in order for prosecutions to be initiated.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In Compilation Information 2020, the Slovak Republic provided information on the collaborative and joint investigation teams which operate between the Slovak Police and other relevant police forces. Such collaborations are based on bilateral police cooperation who, in addition, actively use the Europol National Bureau and the Interpol National Bureau channels to communicate/exchange information.

Based on the information received, the Slovak Republic is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **SLOVENIA**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the Party's replies to the Lanzarote Committee's first implementation report, Slovenia prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In addition, Slovenia referred to its Criminal Code, which allows for prosecutions to take place even if the offender is a foreigner or that the crime was committed abroad. The Party specified that the offender must be in its territory in order for prosecutions to take place.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether “sending” or “transit” countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.*

In compilation Information 2020, Slovenia provided information on the possibility for international cooperation with the Parties to the convention based on the bilateral agreements, based on the ETS 30 (European Convention on Mutual Assistance in Criminal Matters) and also on the basis of the Lanzarote Convention. In the context of criminal investigations (regardless of the status of the victim), the Party informed that the Slovenian police cooperate with foreign security authorities where the nature of the case requires international police cooperation. In such cases, Slovenia specified that the police may also propose to the relevant judicial authorities the application of the international legal aid mechanism.

Based on the information received, Slovenia is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **SPAIN**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee’s first implementation report, Spain prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.

In addition, Spain referred to Article 23 of the Organic Law 6/1985 of 1 July, which allows for prosecutions to take place even if the crime was committed abroad. Spain specified that the offender has to either be Spanish or a foreigner who has acquired Spanish nationality in order to be held criminally responsible.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether “sending” or “transit” countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.*

In compilation Information 2020, Spain indicated that international legal cooperation is provided in accordance with treaties or agreements, either bilateral or multilateral, or the principle of reciprocity. In addition, Spain is bound by the instruments adopted at EU level, has signed bilateral agreements on mutual judicial assistance in criminal matters with many countries and it is also a party to United Nations and Council of Europe multilateral agreements.

Based on the information received, Spain is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **SWEDEN**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.*

Based on the information received for Compilation Information 2020 and the Party’s replies to the Lanzarote Committee’s first implementation report, Sweden prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.

According to Compilation Information 2020, Sweden has jurisdiction for crimes which have been committed abroad regardless of the law in place in the state where the crime was committed. Sweden specified that the crime has to have been committed by Swedish citizens and aliens who are habitually resident in Sweden.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether “sending” or “transit” countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.*

In Compilation Information 2020 and the additional replies provided to the Compilation, Sweden indicated that it is a party to many international instruments on mutual legal assistance and extradition, including the United Nations, CoE, EU and the Nordic countries in order to facilitate international co-operation that covers cases of sexual



crimes against children. Moreover, Sweden specified that it does not require an agreement or reciprocity to co-operate in an individual case. The Swedish law on mutual legal assistance and extradition is applicable also for such cases.

Finally, in Compilation Information 2020, Sweden informed that the Police decided in 2018 on a national plan against human trafficking in order to develop its work in this field. The following actions reinforce the communication/exchange of information between local authorities in order to facilitate investigation/prosecution of alleged offenders at an international level:

- (1) increase the number of cross borders cases;
- (2) incorporate international contacts as a natural part of the work;
- (3) to a greater extent benefit from participation in the European Multidisciplinary Platform Against Criminal Threats (EMPACT) and actively participate in the joint action days; and
- (4) initiate more operational meetings at Europol in human trafficking cases with the aim of initiating parallel or joint investigations.

Based on the information received, Sweden is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## **SWITZERLAND**

*1 The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information and the Party's replies to the Lanzarote Committee's first implementation report, Switzerland prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In addition, according to Compilation Information 2020, Switzerland informed that prosecution may be initiated regardless of the victim's and the offender's nationality and where the offence took place, as long as the offender is located in Switzerland. Finally, in its replies, Switzerland specified that its law does not take account of the principle of double criminality or the fact that the country where the act was committed may apply more lenient penalties for sexual crimes against children.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether “sending” or “transit” countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.*

In Compilation Information 2020, Switzerland informed that international cooperation based on mutual assistance is available. It is however unclear what international cooperation mechanism are being used for communication/exchange of information with States where the crime occurred.

Based on the information received, Switzerland is in partial compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report. Partial compliance has been determined, as it is unclear what international cooperation mechanisms exist in Switzerland for communication/exchange of information with States where the crime occurred.

## **TURKEY**

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee’s first implementation report, Turkey prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child’s arrival on its territory.

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether “sending” or “transit” countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party’s territory.*

In Compilation Information 2020, Turkey informed that if a crime was committed abroad, or that the necessary information with regard to a crime has to be obtained from another country, international cooperation mechanism exists, such as through Interpol and within the framework of mutual and multilateral legal assistance agreements, in order to facilitate communication and the exchange of information.

Based on the information received, Turkey is in full compliance with the requirements of Recommendation 12 as per the obligations of the Convention and the issues highlighted in the Special Report.

## UKRAINE

*1. The recipient Party prosecutes alleged perpetrators of sexual exploitation or abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.*

Based on the information received for Compilation Information 2020 and the findings of the Lanzarote Committee's first implementation report, Ukraine prosecutes alleged perpetrators of sexual exploitation or sexual abuse of a child affected by the refugee crisis when the alleged offence took place after the child's arrival on its territory.

In addition, Ukraine informed that the Criminal Code of Ukraine determines the obligation to prosecute the offenders in instances where the offence occurred prior to arrival on the territory for the purpose of investigation and prosecution. With reference to Article 8, the Party specified that *"Foreign nationals or stateless persons not residing permanently in Ukraine, who have committed criminal offenses outside Ukraine, shall be criminally liable in Ukraine under this Code in such cases as provided for by the international treaties, or if they have committed grave or especially grave offenses against rights and freedoms of Ukrainian citizens or the interests of Ukraine."*

*2. The Party provides one or more examples of international cooperation mechanisms for the purpose of communication and exchange of information with other Parties (whether "sending" or "transit" countries) in situations where the alleged offence of sexual exploitation or abuse of a child affected by the refugee crisis was committed on the territory of another Party prior to the arrival of the child victim on the Party's territory.*

In the additional information provided to Compilation Information 2020, Ukraine referred to the Criminal Procedure Code which, based on reciprocity or upon the request of another Party, makes it possible to render mutual legal assistance even in cases where no bilateral or multilateral agreement applies in respect of the requesting State.

Based on the information received, Ukraine is in full compliance with the requirements of Recommendation 12 and has in place promising practices contributing to prosecution measures, as per the obligations of the Convention and the issues highlighted in the Special Report.

## Concluding remarks

This report covered the situation of 41 Parties, which were concerned by the Special Report Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse. Out of the 41 Parties, 31 are in full compliance and 8 are in partial compliance with the requirements of Recommendation 12 on the obligation to prosecute the offenders if the crime occurred on their territory and to provide international co-operation between the Parties in instances where the offence occurred prior to arrival of the child victim on the Party's territory. Two Parties have been considered non-compliant with the requirements of Recommendation 12 due to insufficient evidence to determine otherwise.

As previously mentioned, Recommendation 12 is a reminder of the Party's obligation under Article 25 and Article 38 (1) of the Lanzarote Convention, to prosecute perpetrators of sexual offences against children who are on its territory and to seek co-operation with other Parties in situations where the offence took place outside of the Party's territory.

All Parties referred to their national legislation, which allows for the prosecution of an offender when the offence occurred after the child's arrival on the territory of the Party. Many Parties (France, Belgium, Italy, Spain, Slovenia, Slovak Republic) provided additional promising measures such as allowing for prosecution if the foreign offender is located in their territory and/or if the offender is found abroad but is of the nationality of the Party. Finally, a significant amount of Parties<sup>3</sup> mentioned the possibility for proceedings to be initiated without the victim having to file a complaint, which is of particular relevance in cases involving child refugees/migrants. In cases of prosecution, some Parties (Switzerland, France) also mentioned not taking into account of the fact that the country where the act was committed may apply more lenient penalties for sexual crimes against children.

Most Parties mentioned having international co-operation mechanisms for the purpose of communication and exchange of information with other Parties in order to facilitate for example the investigation and potential prosecution of alleged offenders of child sexual exploitation and/or abuse.

Some promising practices include for example in Austria, Ukraine and Denmark, that, based on the principle of reciprocity, it is possible under national law to render mutual legal assistance even in cases where no bilateral or multilateral agreement applies in respect of the requesting State. In addition, the Czech Republic mentioned the possibility of initiating international treaties for police cooperation in the area of prevention, identification, investigation, prosecution and punishment of criminal offences. Similarly, Sweden provided as an example, the police's National Plan against Human Trafficking, which develops international channels for cross border cases and

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<sup>3</sup> For more information on the child-friendly handling of proceedings involving children victim of sexual abuse? please refer to the replies given by the Parties to Recommendation 31 and the Lanzarote Committee's first implementation Report.

initiates operational meetings at Europol for the purpose of organising joint investigations.

However, a significant gap is that many Parties restricted international co-operation within the EU and/or the CoE treaties and conventions, and thus did not explain whether they communicate/exchange information with third Parties, which are outside of the EU or the CoE, but from which children affected by the refugee crisis have arrived, or through which such children may have passed.

Improvements to be implemented by Parties include:

- √ Enhancing international cooperation for the purpose of communication/exchange information, without the need for bilateral/multilateral agreements, in order to facilitate investigation/prosecution of alleged offenders of child sexual exploitation/sexual abuse;
- √ Supporting with technical, financial and other means, relevant investigations and prosecution crimes which occurred outside of the Party's territory;
- √ Guaranteeing for the proceedings to be initiated without the victim having to file a complaint and to continue the proceeding even if the child victim has withdrawn his or her complaint and/or statement;
- √ Initiating proceedings of foreign offenders of child sexual exploitation and abuse without taking into account of the principle of double criminality or the fact that the country where the act was committed may apply more lenient penalties for sexual crimes against children;
- √ Setting up mechanisms or protocols to identify when/where the sexual exploitation or abuse occurred, in line with Recommendation 11.