



T-ES(2018)16\_en

22 June 2018

## **LANZAROTE COMMITTEE**

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

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**List of decisions**

**21st meeting**

Strasbourg, 20-22 June 2018

Adopted by the Lanzarote Committee on 22 June 2018

The Committee of the Parties (hereinafter referred to as “the Lanzarote Committee” or “the Committee”) to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter referred to as “the Lanzarote Convention” or “the Convention”) held its 21st meeting in Strasbourg on 20-22 June 2018.

**During this meeting, the Lanzarote Committee:**

**1. Opening of the meeting, adoption of the agenda and up-date on ratifications of the Lanzarote Convention**

1. Decided, at the suggestion of its Bureau and in the light of on-going events at the US/Mexican border, to add under item 6 (Any other business), an exchange of views on the possible adoption of a declaration on the protection of migrant and refugee children from sexual exploitation and sexual abuse.

2. Took note of the ratification of the Lanzarote Convention by Norway on 13 June 2018 and by the United Kingdom on 20 June 2018 and its entry into force with respect to both on 1st October 2018, becoming respectively the 43rd and 44th Parties to the Convention.

3. Was informed by a representative of Ireland on progress towards ratification.

**2. Monitoring of the implementation of the Lanzarote Convention**

**2.1. Urgent monitoring rounds**

**2.1.1. “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”: exchange of views on follow-up given in particular to the “urge” recommendations of the [Special Report](#)**

4. Noted that 14 Parties had failed to send any information on the follow-up which they gave to the 5 “urge” recommendations of the Special Report “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”, that some of the information submitted by other Parties seemed to be incomplete and that most information came after the deadline of 1 June 2018.

5. Acknowledging the lack of sufficient information and time to adequately analyse the information already submitted, decided:

- to defer the assessment of the follow-up provided by the Parties to the recommendations of the above mentioned Special Report to the 22nd meeting (7-9 November 2018);

- that the 14 States Parties which had not submitted any information had until 31 August 2018 to do so ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)), in particular focusing on their follow-up to the five “urge” recommendations. If no information is submitted by the deadline, it will be deemed that they have not given any follow-up and that the situation in respect of the recommendations concerned is not in conformity with the Convention;
- that the other States Parties for which the information seems to be incomplete could supplement their initial submissions by the same deadline (31 August 2018);
- that all States Parties could, if they so wish, supplement the information submitted by the same deadline;
- that all States Parties, if they so wish, could send the Secretariat information on follow-up to the other recommendations;
- that civil society had the possibility of submitting any relevant information by the same deadline;
- that the Secretariat would post the information received by 31 August 2018 online as soon as possible after that date;
- that the Secretariat would analyse the information received with a view to making a detailed assessment of follow-up, by each State concerned, which would be put forward for consideration by the Committee at its 22nd meeting (7-9 November 2018).

6. Was reminded of the possibility of asking for support through cooperation projects to be set up with the Council of Europe on specific follow-up to the Special Report findings, in particular in the context of the implementation of the [Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe \(2017-2019\)](#).

**2.1.2. “Protecting asylum-seeking children in the transit zones at the Serbian/Hungarian border”: information from the Serbian authorities on recommendation R3 within the context of the [Special Report](#) prepared by the members of the delegation of the Lanzarote Committee having carried out the visit in the transit zones**

7. Removed this item from the agenda further to a request by the Serbian member of the Committee.

**2.2. 2nd monitoring round: “The protection of children against sexual exploitation and sexual abuse facilitated by ICTs”**

**2.2.1. Mapping of research findings concerning the production and/or possession of self-generated sexually explicit images and/or videos by children**

8. Took note with interest of the initial findings of the academic research presented by Ms CHATZINIKOLAOU (Ghent University, Belgium) on some of the issues that the Lanzarote Committee is addressing in its 2nd monitoring round.

9. Called on its members to identify experts / researchers working in overlapping specialised topics as the Lanzarote Committee and to share their contact details with the Secretariat ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) to envisage other similar presentations.

**2.2.2. Exchange of views on the observations prepared by the Rapporteurs on replies/contributions to questions 8-11 of the [Thematic Questionnaire](#)**

10. Started its discussion on the content of the 2nd monitoring round on “*The protection of children against sexual exploitation and sexual abuse facilitated by ICTs*” and, in this context, exchanged views on replies to Questions 8, 9, 10 and 11 of the Thematic Questionnaire, respectively on the basis of the observations on:

- Legislation, prepared by Rapporteur Ms MARKU (“Hope for Children” CRC Policy Centre);
- Criminalisation, prepared by Rapporteur Ms TROPACHER (Austria);
- Production and possession of self-generated sexually explicit images and/or videos by children for their own private use, prepared by Rapporteur Ms FISCHEROVÁ (Slovak Republic);
- Reference in law to ICT facilitated sexual coercion and/or extortion, prepared by Rapporteur Ms ATABEKOVA (Russian Federation).

11. Asked the Parties concerned to consider requests by Rapporteurs for clarification/more information concerning their legal framework and practice and to send the relevant information to the Secretariat ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) before 14 September 2018.

12. Agreed that all 42 Parties concerned by this 2nd monitoring round should submit additional information on the issues that require a more comprehensive understanding of the situation with regard to ICT facilitated sexual coercion and/or extortion (see Appendix I). This information should also be sent to the Secretariat ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) before 14 September 2018.

13. Asked the Secretariat, in cooperation with the Rapporteurs, to update the observations on Questions 8-11 on the basis of the additional information that Parties will have submitted.

14. Entrusted its Bureau and the Secretariat, in cooperation with the Rapporteurs, with the task of preparing a document reshuffling the information contained in the observations prepared by the Rapporteurs using as a structure the scenarios listed in para. 54 of document T-ES(2018)11.

15. Also asked its Bureau and the Secretariat, in cooperation with the Rapporteurs, to prepare a list of questions on key issues that have to be decided upon during the 22nd meeting of the Committee (7-9 November 2018).

### **2.2.3. Appointment of Rapporteurs to prepare observations on replies/contributions received with regard to questions 12-15 of the [Thematic Questionnaire](#)**

16. Appointed the following members of the Lanzarote Committee as Rapporteurs to prepare observations on replies to the following questions of the [2nd monitoring round questionnaire](#) on *“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”*:

- Question 12 – Jurisdiction rules: Ms LIČKOVÁ (Czech Republic);
- Question 13 – Specialised units/departments/sections: Mr DEGTEARIOV (Republic of Moldova);
- Question 14 – Challenges in the prosecution phase: Ms JUKIĆ (Croatia);
- Question 15 – Training of professionals: Ms SARTIN (United Kingdom).

17. Highlighted that the observations on the replies to the above questions should be finalised by 30 September 2018 to be presented to the Lanzarote Committee during its 22nd meeting (7-9 November 2018).

### **2.2.4 State of play concerning the use of the [Guidelines for Implementation of Child Participation in the 2nd thematic monitoring round](#)**

18. Was informed that Ms TAPANIDOU (Cyprus) facilitated a child consultation in Cyprus and took note of the way in which the process was conducted.

19. Was also reminded by the Secretariat that it was still possible for national authorities or representatives of civil society to facilitate similar child participation contributions. These should be submitted to the Secretariat ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) by 30 September 2018.

## **3. Exchange of information, experiences and good practices**

### **3.1. Discussion on the comments by the Lanzarote Committee Bureau to the mapping study on cyberviolence prepared by the Cybercrime Convention Committee Working Group on cyber-bullying and other forms of online violence, especially against women and children**

20. Took note of the draft of a “Mapping study on cyberviolence prepared by the T-CY Cyberbullying Group” and that the Lanzarote Committee Bureau submitted comments on a version of this draft dated 23 April 2018.

21. Also took note that a new version of the draft mapping study dated 15 June 2018 was now available and underlined it did not have the time to analyse this draft prior to the current meeting and could therefore not comment on it.

22. Acknowledged however, in the light of the previous version, that many subjects addressed by the draft mapping study were issues already covered by its on-going work and emphasised that any possible recommendations to be endorsed by the T-CY on the basis of the mapping study would not be considered binding for its on-going work, especially within the context of its second monitoring round.

23. Finally, invited its members to check whether the information concerning their country was correctly reflected in the above-mentioned document and to raise any point of clarification either with their Cybercrime Committee member colleagues or directly with the Secretariat ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) before 29 June 2018.

### **3.2. Participation of the Lanzarote Committee in outside events**

24. Held de-briefings on the:

- Round Table on the implementation of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse in the Republic of Moldova: challenges and good practices (Chisinau, 19-21 February 2018);
- Presentation and discussion of the ECPAT International - INTERPOL report: "[Towards a Global Indicator on Unidentified Victims in Child Sexual Exploitation Material](#)" (Brussels, 6 March, 2018);
- Conference on data protection and children on the Internet organised by the Centre for Democratic Control of Armed Forces (DCAF) (Rabat, 14 March 2018);
- Launch of the [Start to Talk](#) call for action (Madrid, 5 April 2018);
- Round Table discussion and organisational meeting for a proposed global study and mobilisation on the sexual exploitation of boys convened by ECPAT (Geneva, 15 May 2018). In this context, called on ECPAT to expand the scope of the research to also include the sexual *abuse* of boys, and decided that its Gender Equality Rapporteur, Ms CASTELLO-BRANCO (Portugal), would participate in the steering committee responsible for working on this theme and called on any other members of the Lanzarote Committee to express their interest in joining this steering committee on behalf of their authorities;
- 1st Interagency Working Group meeting convened by ECPAT to prepare Draft Guidelines on the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) to be submitted to the UN Committee on the Rights of the Child (Geneva, 16 May 2018);
- International Summit on Child Protection in Travel and Tourism (Bogota, 6-7 June 2018);
- 4th meeting of the Ad Hoc Committee on the Rights of the Child (CAHENF, Strasbourg, 21-23 March 2018);
- 1st meeting of the Group of Experts on responses to violence against children (CAHENF-VAC) (Strasbourg, 17-18 May 2018).

### **3.3. Presentation of relevant activities by international governmental and non-governmental organisations, experts, as well as services of the Council of Europe**

25. Took note of the presentation by Ms STACIWA and Mr KLANČNIK (Strategic analysts, EUROPOL) on the new trend of “Childlike sex dolls” and its worrying consequences, in particular the legal difficulties to counter it.

26. Accepted the call made by Europol’s representatives to share information on the topic (in particular whether a legislative response is available in their country) and therefore agreed that EUROPOL sends a short questionnaire on the issue.

27. Took note of the presentation by Ms CZARNECKI (Anti-Child Trafficking and Child Protection Officer, ECPAT Germany) of the ECPAT International - INTERPOL report: [“Towards a Global Indicator on Unidentified Victims in Child Sexual Exploitation Material”](#).

28. Took note of the presentation by Mr PICAL (Association of Youth and Family Judges and Magistrates) of the main conclusions of the [World Congress on Justice for Children – Strengthening Justice Systems for Children: Challenges, including disengagement from violent extremism](#) (Paris, 28-30 May 2018).

29. Due to lack of time had to postpone the presentation by Mr NIKOLAIDIS (Lanzarote Committee Chairperson, Greece) of the project “Support to Adult Survivors of Child Abuse in institutional settings ([SASCA](#))” to its next meeting (7-9 November 2018).

30. Took note of the up-coming Council of Europe Cybercrime Convention [Octopus Conference](#) (Strasbourg, 11-13 July 2018), including a Workshop on cyberviolence (13 July 2018) and noted that Ms DE CRAIM (Belgium) and Ms CASTELLO-BRANCO (Portugal) would attend these events on its behalf.

31. Took note of the up-coming Nordic Congress on Child Welfare: [Safety for Children: New thinking – New approaches](#) (Reykjavik, 5-7 September 2018) and that the Committee will be represented at this event by its Chairperson.

32. Took note of the forthcoming 4th Edition of the European Day on the Protection of Children against Sexual exploitation and Sexual abuse of children, 18 November 2018, dedicated more specifically to “The protection of children against sexual exploitation and sexual abuse in sport” and called on its members, participants and observers to organise activities in this context in order to raise awareness on the issue.

33. Took note of the forthcoming mid-term evaluation of the Council of Europe Strategy for the Rights of the Child (2016-2021) to be undertaken during a High Level Conference (Paris, June 2019).

### **3.4. Presentation of relevant initiatives of the Parliamentary Assembly and Congress of Regional and Local Authorities of the Council of Europe**

34. Took note of the recent activities of the Council of Europe's Parliamentary Assembly presented by Mr GRIN (Switzerland, member of the Sub-Committee on Children, Committee on Social Affairs, Health and Sustainable Development).

35. Took note of the recent activities of the Council of Europe's Congress of Regional and Local Authorities by Mr van den HOUT (The Netherlands, Thematic Spokesperson on Children).

## **4. Council of Europe cooperation projects on the protection of children against sexual exploitation and sexual abuse**

### **4.1. Up-date concerning on-going projects development**

36. Took note of the following projects:

- Joint EU-Council of Europe project to set up a Barnahús/Children's House in Slovenia (2018);
- Responding to child sexual exploitation and abuse in Georgia, Phase I (2017-2018);
- Protecting children from sexual exploitation and sexual abuse in the Republic of Moldova (2018-2019).

### **4.2. Information concerning projects in the pipeline**

37. Was informed on the project "End online child sexual exploitation and abuse@Europe" which is expected to be launched during the summer and will run until December 2020.

## **5. Procedural matters**

### **5.1. Adoption of the Lanzarote Committee's 4th activity report**

38. Adopted its 4th activity report covering the period 13 May 2017 – 22 June 2018 and entrusted the Secretariat to transmit it to the European Committee on Crime Problems (CDPC) and the Committee of Ministers for information.

### **5.2. Exchange of views on possible ways and means to maintain the monitoring process effective**

39. Due to lack of time decided to postpone this item to a future meeting.



### **5.3. Exchange of views on possible ways and means to ensure that operational follow-up is given to its findings**

40. Due to lack of time decided to postpone this item to a future meeting.

### **5.4. Appointment of representatives and substitutes of the Lanzarote Committee**

41. Appointed Ms WACHENHEIM (France) as its representative to the [CAHENF](#) (Ad hoc Committee for the Rights of the Child) and Ms DE CRAIM (Belgium) as a substitute.

42. Appointed Ms BOROVIČANIN-MARIĆ (Bosnia and Herzegovina) as its representative to the [CAHENF-VAC](#) (Group of Experts on responses to violence against children) and Ms CZARNECKI (ECPAT International) as a substitute.

43. Appointed Mr JANIZZI (Luxembourg) as its representative to the [T-CY](#) (Cybercrime Convention Committee) and Ms CASTELLO-BRANCO (Portugal) as a substitute, in particular if legal questions prevail on the agenda of the meeting concerned.

## **6. Any other business**

### **6.1. Protecting migrant and refugee children from sexual exploitation and sexual abuse**

44. Prompted by the situation of migrant and refugee children separated from their parents and held in custody at the US/Mexican border (both being observer States to the Council of Europe), discussed the possibility of adopting a declaration on protecting migrant and refugee children from sexual exploitation and sexual abuse.

45. Settled on the text of the declaration that appears in Appendix II. Noted that a majority of Parties present during the discussion was in favour of this text. Agreed that the Parties which had not expressed their position on the text during the meeting had until noon on 28 June 2018 to indicate whether they were in favour or against.

46. Also agreed that the declaration as appended would be considered adopted after this deadline unless a large number of Parties were not in favour.<sup>1</sup>

47. Took note that the Russian Federation required 5 working days to express its position.

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<sup>1</sup> Since no Party objected to it and a majority officially agreed to the text within the deadline, the declaration is deemed adopted (Declaration published on 28 June 2018).

**7. Dates of the next meetings**

48. Took note that the dates for its next meetings are:
- 22nd meeting: 7-9 November 2018 (place and exact dates tbc);
  - 23rd meeting: 5-7 March 2019 (place and exact dates tbc);
  - 24th meeting: 4-6 June 2019;
  - 25th meeting: 3-5 December 2019.

In accordance with Rule 10, paragraph 5 of the Rules of Procedure and as the Lanzarote Committee has not decided otherwise, this list of decisions shall be made public.

In accordance with Rule 10, paragraph 6 of the Rules of Procedure, a full meeting report shall be submitted to the members, participants and observers of the Lanzarote Committee at a later stage.

## Appendix I

### Additional clarifications concerning Question 11 of the Thematic Questionnaire to understand the situation in a more comprehensive way

#### Preliminary remarks

It is recalled that in the context of the 2nd monitoring round thematic questionnaire, “ICT facilitated sexual coercion and/or extortion” is defined as “using self-generated sexually explicit images and/or videos and/or self-generated sexual content to procure a sexual gain (mainly new images or videos or sexual favours), financial gain or other personal gain from the child or any other person under a particular threat (mainly posting previously acquired images and/or videos online).”

In order to better understand how national legislation and jurisdictions deal with the criminal behaviour defined above, please provide the following additional clarifications:

**1. How does national law qualify when a person, possessing child self-generated sexually explicit images and/or videos, threatens the child depicted in the images/videos in order to procure for himself/herself, successfully or not:**

<p><b>a) Sexual gain</b> – new images or videos, offences concerning child pornography, participation of a child in pornographic performances through ICTs, corruption of children through ICTs) (Art. 20, 21, 22 of the Lanzarote Convention)?</p>	
<p><b>b) Sexual gain</b> – sexual favours, sexual abuse of a child, offences concerning child prostitution, participation of a child in pornographic performances, corruption of children (Art. 18, 19, 21, 22 of the Lanzarote Convention)?</p>	
<p><b>c) Financial gain</b> – money or other pecuniary benefit?</p>	
<p><b>d) Other personal gain</b> - e.g. popularity, malicious satisfaction?</p>	

**2. Under national legislation, is the use of ICTs considered an aggravating circumstance in any of the crimes described above?**

**3. Is there any case-law in your jurisdiction concerning the prosecution of “ICT facilitated sexual coercion and/or extortion of children” as defined above?**

## Appendix II

### Declaration on protecting migrant and refugee children from sexual exploitation and sexual abuse

1. *Recalling that in accordance with Article 1 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), the purposes of the Convention are to*
  - a) prevent and combat sexual exploitation and sexual abuse of children;*
  - b) protect the rights of child victims of sexual exploitation and sexual abuse;*
  - c) promote national and international cooperation against sexual exploitation and sexual abuse”;*
2. *Emphasising that human rights standards require states to protect and respect the rights and best interests of the child at all times, regardless of their migration status;*
3. *Drawing attention to the findings of its urgent monitoring round report on “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse” as adopted on 3 March 2017;*
4. *Acknowledging that migrant and refugee children, in particular unaccompanied and separated children, are extremely vulnerable, and are thus in need of additional protection and care to safeguard their rights and best interests;*
5. *Conscious of the need to put in place comprehensive measures to ensure their protection against sexual exploitation and sexual abuse and to provide appropriate support and assistance to child victims in their physical and psychosocial recovery ;*
6. *Concerned by recent events related to the management of the arrival of migrant and refugee children in Council of Europe member and observer states,*

The Lanzarote Committee calls upon the States Parties to the Convention to:

1. uphold the rights and best interests of the child at all times, regardless of their migration status;
2. ensure follow-up is given to the recommendations contained in its urgent monitoring round report on “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”;
3. take measures to address the specific risk of exposure to sexual exploitation and sexual abuse of migrant and refugee children, taking into account the increased vulnerability caused by factors such as, deprivation of liberty, family separation, inadequacy of reception and care and lack of effective guardianship systems;
4. cooperate with relevant stakeholders in Europe and beyond to:
  - prevent the exposure of migrant and refugee children to the risks of sexual exploitation and sexual abuse;
  - provide appropriate support and assistance to child victims of sexual exploitation and sexual abuse in their physical and psychosocial recovery;
  - fight against the impunity of sexual offenders.