

**THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE
FACILITATED BY INFORMATION AND COMMUNICATION TECHNOLOGIES (ICTs):
THE LANZAROTE COMMITTEE'S 2ND MONITORING ROUND**

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The Lanzarote Convention is a living instrument that may be relied upon to address new and evolving challenges. My aim is to illustrate this by:

1. explaining the focus of the Lanzarote Convention's 2nd thematic monitoring round;
2. outlining the novelties in the process of the 2nd thematic monitoring round.

1. THE THEME: PROTECTING CHILDREN AGAINST THE CRIMINAL EXPLOITATION OF SELF-GENERATED SEXUAL IMAGES AND VIDEOS FACILITATED BY ICTs

The choice of the topic of the 2nd monitoring round demonstrates that the Lanzarote Committee's intention to dynamically interpret the Lanzarote Convention should be taken seriously.

For those in the room who are not members of the Lanzarote Committee, it should be highlighted that in the run up to the launching of the 2nd monitoring round, the Committee decided to adopt an [Interpretative Opinion](#) on the applicability of the Lanzarote Convention to sexual offences against children facilitated by information and communication technologies (ICTs).

This opinion (adopted on 12 May 2017) states that, as the Lanzarote Convention establishes that Parties shall protect children from all forms of sexual exploitation and abuse *Parties shall ensure that children's well-being and best interests are protected notwithstanding the way in which they have been victimised, or the means used to enable or facilitate their sexual exploitation or abuse.*

The opinion thus sets out that *in implementing the Convention, Parties should ensure appropriate responses to technological developments and use all relevant tools, measures and strategies to effectively prevent and combat sexual offences against children which are facilitated through the use of ICTs.*

In this context the opinion also clearly indicates that *"in addition, to the actual damage caused to the victim, due attention should be paid to the specific long-term impact that sexual offences against children, facilitated through the use of ICTs, can have on the victims given the continued existence of child sexual abuse and exploitation material online long after the act has been committed".*

Against this backdrop, the Lanzarote Committee decided to focus its 2nd monitoring round on ["The protection of children against sexual exploitation and sexual abuse which are facilitated by ICTs"](#). As was explained yesterday, since the Convention already counts 42 Parties and its monitoring work compares the situation in all Parties at the same time, to deliver an outcome of its work within a reasonable lapse of time, the Committee decided that the questionnaire, launching and delimiting the scope of the round, would focus on the specific challenge of protecting children against the criminal exploitation of self-generated sexual images and videos facilitated by ICTs.

As previous questionnaires, this one asks about measures to tackle the specific theme as to:

- ✓ Prevention (education, awareness raising, involvement of civil society),
- ✓ Protection (assistance to victims),

- ✓ Prosecution (legislation in place, investigation techniques),
- ✓ International Cooperation (bearing in mind special issues raised by the ICTs dimension in terms of jurisdiction).

2. **THE PROCESS: NOVELTIES INTRODUCED IN THE 2ND MONITORING ROUND**

The [questionnaire](#), prepared by the Committee's Working Group on Trends in Child Sexual Exploitation and Abuse, was finalised and adopted by the Committee on 2 June 2017 and addressed thereafter to the 42 Parties of the Convention. Today (25 October 2017) is the deadline for Parties to reply. As of this morning, 17 Parties replied to the questionnaire and a certain amount of other Parties promised to reply by next week.

Tables summarising the state of replies/comments submitted are [online](#) to keep track of the situation. Thanks to a change in the Committee's Rules of Procedure, representatives of civil society have two months to comment on the State replies and to submit such comments and any other relevant information to the Committee.

A new webpage sets out the details for [civil society's involvement in the process](#).

As usual, [all replies/contributions to the monitoring process will be online](#). This time however, to encourage civil society's contribution, the questionnaire as well as the replies to it may also be published in the Parties' national language (not only in English or French) – Parties are thus encouraged to send such linguistic versions as well if they so wish (no obligation).

As anticipated yesterday and will be discussed during the Lanzarote Committee's 19th meeting, it is also hoped that child participation pilot projects may be carried out to gather children's views about self-generated sexual images and videos and the related risk of sexual coercion and extortion. [Guidelines to carry out child participation pilot projects will be online](#).

A further possibility which might result from this conference is that also the views of survivors of sexual abuse and exploitation facilitated by ICTs may be gathered to enrich the Committee's assessment of the situation with as much relevant information and contributions as possible. If any of the participants in this conference are interested in bringing this possibility forward, they should not hesitate to contact the Secretariat of the Lanzarote Committee at lanzarote.committee@coe.int

There is another novelty in the process of this new round that merits being highlighted and which is a reflection of the Committee's dual role. The questionnaire which Parties were asked to reply by today contains two types of questions:

1. Monitoring questions: these aim at gathering information to assess Parties' effective implementation of obligations arising from the Convention;
2. Capacity building questions: these aim at gathering information on significant legal, policy or technological developments in Parties.

It follows from this distinction that:

1. the situation emerging from information submitted with regard to Monitoring questions will give rise to recommendations for Parties to take steps to effectively implement the Convention.
2. the situation emerging from information submitted with regard to Capacity-building questions will enable the identification of good practices to respond to legal, policy and technological developments and thus be helpful to better understand how to protect children against sexual exploitation and sexual abuse facilitated by ICTs.

This distinction demonstrates the Lanzarote Committee's willingness not to miss the opportunity of gathering information on a topical theme and its eagerness to discover if and how challenges which might also go beyond the Convention are addressed and whether any promising practices exist and may be inspirational to enhance children's protection against new means of perpetrating child sexual abuse and exploitation.

To make this clearer, let me take the questionnaire and show you this in practice. You will note in the preliminary remarks that a distinction is made between:

- a. "self-generated sexually explicit images and/or videos": any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child's sexual organs made or apparently made by the children themselves on their own initiative (Article 20§2 material);
- b. "self-generated sexual content": images, videos and other material depicting a child in a sexual suggestive way (e.g. naked or semi naked posing in order to provoke some sexual arousal") made or apparently made by the children themselves on their own initiative.

The first wording corresponds to material covered by Article 20 of the Convention that the Committee will monitor. The 2nd wording may go beyond Article 20 but as some Parties might have enacted legislation that is more protective and might be of inspiration to others, the Committee wishes to be informed as it might decide to issue guidance to Parties based on shared practices that have revealed effective for the child's best interests.

Finally, I would like to recall that yesterday it was suggested that the Committee should at some stage assess the relevance of Parties' reservations to the Convention. A first taste of this potential task will be undertaken during this new monitoring round as Question 10 concerns reservations to Article 20§3 of the Convention (offences concerning child abuse material). The Lanzarote Committee had therefore already anticipated the potential of such an exercise while embarking in its new monitoring round.

To conclude, I would like to underline that it is now up to all relevant stakeholders (governmental and non-governmental) to ensure that the Committee is fully informed (by highlighting good practices but also by pointing at shortcomings and challenges) about the situation in all the Parties covered by the monitoring round.