



LANZAROTE COMMITTEE

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

**Interpretative Opinion on the applicability
of the Lanzarote Convention to sexual offences
against children facilitated through the use of
information and communication technologies (ICTs)**

Adopted
by the Lanzarote Committee
on 12 May 2017

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INTERPRETATIVE OPINION

- 1.** Acknowledging that information and communication technologies (ICTs) have created new means for sexual offenders to target and harm children, and that at the time of adoption of the Lanzarote Convention the uses of those means were not known to the same extent as today, and acknowledging also that ICTs are constantly and rapidly evolving;
- 2.** Bearing in mind that children are increasingly using ICTs, in particular social media and mobile messaging applications, to communicate and form relationships, which may, in some cases, bring them into contact with sexual offenders;
- 3.** Acknowledging the specific developmental needs of children who sexually offend through ICTs, with the aim of addressing their sexual behavioural problems;
- 4.** Bearing in mind that children may be exposed to many of the same risks online as offline, such as being persuaded to engage in sexually explicit conduct (whether real or simulated), being recruited or coerced to participate in pornographic performances, or caused to witness sexual abuse or sexual activities;
- 5.** Stressing that many children are victims of sexual exploitation and abuse in multiple ways: they are victims of the offenders carrying out the physical sexual abuse against them, and simultaneously of the offenders who produce, distribute, demand, order, sell or buy, exchange, download, or stream content on child sexual exploitation and abuse, or through any other ICTs assist in and contribute to, the sexual exploitation and sexual abuse of those children;
- 6.** Bearing in mind the long-lasting harmful impact of sexual offences against children facilitated through the use of ICTs on the victims, given the fact that child sexual abuse material, such as images and videos, often remain and continue to circulate online long after the physical sexual abuse has been committed;
- 7.** Recognising the transnational character often present in sexual offences against children which are facilitated by ICTs, and the fact that this may complicate the identification of the victims and prosecution of offenders;
- 8.** Recalling that the Lanzarote Convention establishes that Parties shall protect children from all forms of sexual exploitation and abuse;

9. Stressing, in this regard, that 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;

10. Underlining that the sexual exploitation and abuse of children "facilitated through the use of ICTs" refers to the means that are being employed by the offenders targeting children in order to commit the offences that are covered by the Lanzarote Convention and does not create new substantive offences;

11. Bearing in mind that Parties determine how they address the offences covered by the Lanzarote Convention within their national legal framework;

The Committee holds that:

12. The existing offences in the Lanzarote Convention remain criminalised by national law in the same way, whatever the means used by sexual offenders to commit them, be it through the use of ICTs or not, even when the text of the Lanzarote Convention does not specifically mention ICTs;

13. In implementing the Lanzarote 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;

14. In order to ensure effective investigation and prosecution of sexual offences against children facilitated through the use of ICTs, resources should be allocated and training should be provided to authorities responsible for investigation and prosecution;

15. 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;

16. Parties shall develop or adapt programmes or measures to meet the specific developmental needs of children who sexually offend through ICTs with the aim of addressing their sexual behavioural problems;

17. Parties shall encourage the private sector working in the field of ICTs to contribute to preventing and combatting sexual exploitation and abuse of children that is facilitated through the use of ICTs;

18. Parties shall, in accordance with Article 10 of the Convention, encourage co-operation between the competent state authorities, civil society and the private sector in order to better prevent and combat child sexual exploitation and abuse that is facilitated through the use of ICTs;

19. Parties shall, in accordance with Article 38 of the Convention, co-operate in order to face the transnational character often present in sexual offences against children facilitated through the use of ICTs.

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