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Protecting children against online sexual violence in South-east Asia: Law enforcement cooperation and the criminal law benchmarks of the Budapest and Lanzarote Conventions

Regional workshop, Manila, Philippines, 23-24 May 2013

organised by the

Department of Justice of the Philippines in cooperation with the Council of Europe

Background and justification

Criminal justice measures to identify, rescue and protect child victims of online sexual exploitation and to prosecute offenders are crucial. Insufficient or incompatible legislation in many countries is a major obstacle to successful action. For that reason, INTERPOL in November 2011 adopted a legislative engagement strategy sponsored by the Virtual Global Taskforce (VGT). This strategy urges countries to strengthen their legislation by using as benchmarks the Budapest Convention on Cybercrime and the Lanzarote Convention on the Protection of Children against Sexual Exploitation and Abuse.

The Council of Europe and the VGT subsequently agreed to cooperate in the implementation of this strategy. A discussion paper on "Protecting children against sexual violence: the criminal law benchmarks of the Budapest and Lanzarote Conventions" is available¹ and has been discussed at the VGT Conference in Abu Dhabi, December 2012.

The present workshop will therefore focus on:

- The implementation of these criminal law benchmarks
- The practical application of criminal law in law enforcement operations

In the Philippines, the protection of children against online sexual violence is high on the agenda of the Government. Domestic legislation is largely in line with the Budapest and Lanzarote Convention and the Philippines has been invited to accede to the Budapest Convention.

Moreover, the Philippines will organise the 2nd ASEAN Conference on "Working Toward a Cyber Pornography and Cyber Prostitution-Free Southeast Asia" (Palawan, 22-26 April 2013). The outcome of that conference should also inform the present workshop.

The workshop is to cover the ASEAN region. The Council of Europe had already been cooperating with these States and the ASEAN Secretariat in regional workshops on cybercrime legislation in Malaysia (November 2008) and in the Philippines (January 2010).

¹ http://www.coe.int/t/DGHL/cooperation/economiccrime/cybercrime/Documents/Reports-Presentations/2571_Child_benchmark_study_V32_pub_4_Dec12.pdf

Objective and expected results

Objective: The workshop is to promote the implementation of the criminal law benchmarks of the Budapest and Lanzarote Conventions as a basis for enhanced law enforcement cooperation to protect children against sexual violence.

Expected results:

1. Analysis available of current and draft legislation of participating countries in terms of their consistency with the Budapest Convention on Cybercrime and Lanzarote Conventions
2. Experience exchanged, based on case studies, on procedures and legal and other conditions for enhanced law enforcement operations.

Participants

Representatives of ASEAN Member States: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam.

From each of the participating countries at least 3 representatives of:

- Ministries of Justice or other institutions responsible for law drafting
- Prosecution services
- Law enforcement (child protection or cybercrime units).

Speakers from:

- Council of Europe, ECPAT, European Cybercrime Centre (at Europol), European Financial Coalition, Interpol, Virtual Global Taskforce and others [tbc].

The working language is English.

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Agenda (draft)

| Day 1 – Thursday, 23 May 2013 (9h00 – 18h00) | |
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| Focus on criminal law benchmarks | |
| 8h00 | Registration |
| 9h00 | Opening session |
| 9h45 | <p>Session 1: About the online sexual exploitation and abuse of children in South-east Asia</p> <p>This session is to provide an overview of the problem.</p> |
| 10h45 | Coffee break |
| 11h00 | <p>Session 2: The benchmarks of the Budapest and Lanzarote Conventions</p> <p>This session is to introduce the Budapest Convention on Cybercrime and the Lanzarote Convention on the Protection of Children against Sexual Exploitation and Abuse</p> |
| 11h45 | <p>Session 3: The current state of legislation in South-east Asia - overview</p> <p>This session is to provide an overview of relevant legislation in force or in preparation in participating countries. It will also cover definitions of child pornography and other acts to be criminalised.</p> |
| 12h30 | Lunch break |
| 14h00 | <p>Session 4: Criminalisation of (online) sexual exploitation and abuse of children</p> <p>This session is to provide an analysis of substantive criminal law in participating countries:</p> <ul style="list-style-type: none"> ▪ Sexual abuse ▪ Child pornography ▪ Participation of a child in pornographic performances ▪ Child prostitution ▪ Corruption of children ▪ Solicitation of children for sexual purposes |
| 16h00 | Coffee break |
| 16h15 | <p>Session 5: Partners for international cooperation</p> <p>In this session, organisations and initiatives such as Interpol, the Virtual Global Taskforce (VGT), the European Cybercrime Centre (at Europol), ECPAT and others will introduce their roles.</p> |
| 17h00 | <p>Session 6: Case study</p> <p>In this session a case study will be introduced to illustrate the application of criminal law (domestic and international levels) in practice.</p> |
| 18h00 | End of day 1 |

Day 2 – Friday, 24 May 2013 (9h00 – 18h00)

Focus on law enforcement cooperation

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| 9h00 | <p>Session 7: Procedural powers and international cooperation to secure electronic evidence</p> <p>This session will discuss the procedural law in place to secure electronic evidence and challenges related to international police and judicial cooperation.</p> |
| 10h30 | Coffee break |
| 10h45 | <p>Session 8: Case studies – Law enforcement operations</p> <p>This session is to discuss practical procedures and conditions, good practices and problems encountered at national and international levels on the basis of case studies.</p> |
| 12h30 | Lunch break |
| 14h00 | Session 8 cont'd |
| 16h00 | Coffee break |
| 16h30 | <p>Session 9: Drawing conclusions and recommendations</p> <p>In this session, participants are requested to prepare and present recommendations as to the steps to be taken in their respective country to enhance international cooperation aimed at protecting children against online sexual violence through criminal law and law enforcement cooperation.</p> |
| 18h00 | End of workshop |