

# LANZAROTE COMMITTEE

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



2nd implementation report

Adopted by  
the Lanzarote Committee  
on 31 January 2018

**Protection of  
children against  
sexual abuse  
in the circle  
of trust:  
The strategies**



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# Executive Summary

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■ The first monitoring round of the implementation of the Lanzarote Convention focuses on the protection of children against sexual abuse in the circle of trust.

■ Two reports assess the situation with regard to this theme in 26 Parties<sup>1</sup> to the Lanzarote Convention:<sup>2</sup>

- ▶ the [first report](#), adopted in December 2015, scrutinised the Parties' legal framework, judicial procedures and data collection mechanisms to protect children against sexual abuse in the circle of trust;
- ▶ this report, adopted in January 2018, examines Parties' strategies (structures, measures and processes in place) to prevent and protect children from sexual abuse in the circle of trust. This report more specifically looks into Parties' strategies with regard to the (i) involvement of relevant stakeholders, (ii) awareness-raising, (iii) education and training. It also assesses the processes in place to (iv) screen and (v) deny access to children to persons convicted of sexual offences against them. Finally, stock is taken of the (vi) measures and programmes to assist sexual offenders.

■ The Committee acknowledges the steps already taken by the Parties and encourages them to do more to involve children and representatives of civil society in preventing sexual abuse of children and assisting victims. In this regard it notes the role of independent national or local human rights institutions, as well as civil society, in providing children with the space, means and opportunity to express their views and contribute to the development and monitoring of relevant state policies, programmes and other initiatives. The Committee furthermore notes that collaboration should be strengthened with the private sector, in particular with the information and communication technology sector to prevent sexual abuse and with the media to respect the right of the child to privacy.

■ It however also highlights that not enough is done by the Parties to regularly raise children's awareness, in a manner adapted to their age and maturity, with a specific focus on the fact that sexual abuse may also happen within the family or through manipulation of children's trust by persons close to them.

■ The Committee thus underlines that it is important to provide information on the risks of child sexual abuse, including within the circle of trust, within the context of general sexuality education at school. It also underlines that parents and adults assuming parental responsibilities should be further involved in awareness raising initiatives on the protection of children against sexual abuse.

■ All persons working in regular contact with children should be trained to recognise the signs of child sexual abuse and should be informed about reporting mechanisms and how to help the child to disclose and seek assistance. Any person who knows or suspects in good faith that a child is a victim of sexual abuse or exploitation should be encouraged to report to the competent services. In this context, the Committee reiterates that confidentiality rules imposed on certain professionals should not constitute an obstacle to the possibility for those professionals to report to the services responsible for child protection.

■ The Committee urges 13 out of the 26 monitored Parties to extend mandatory screening to the recruitment of all professionals (public or private) in regular contact with children. It also invites all Parties to go beyond the requirement of the Lanzarote Convention and regularly screen such professionals (not only at recruitment). Moreover, it encourages Parties to do the same with all voluntary activities involving contacts with children.

■ Finally, the Committee found that most Parties have yet to take action to offer effective intervention programmes or measures to assist both persons (including children) who fear they might commit sexual offences against children and persons already convicted for sexual offences against children. In this context Parties are urged to also put in place a tool or a procedure to assess the dangerousness and possible risk of repetition of offences against children. Similarly they should have in place a tool or procedure to evaluate the effectiveness of the intervention programmes and measures.

■ With regard to all the above areas, the Committee identifies promising practices that may be of inspiration for those who are not yet doing so.

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1. Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, Portugal, Romania, San Marino, Serbia, Spain, "The former Yugoslav Republic of Macedonia", Turkey, Ukraine.

2. Since the [first monitoring round](#) was launched, the Parties to the Lanzarote Convention have increased to 42. These will all be assessed during the [second monitoring round](#) which focuses on "The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)".



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# Introduction

## Preliminary remarks

■ This report is the 2nd implementation report adopted by the Committee of the Parties to the Lanzarote Convention (the “Lanzarote Committee” or “the Committee”) in the context of its 1st monitoring round on the “Protection of children against sexual abuse in the circle of trust”:

- ▶ the first report, “THE FRAMEWORK”, [adopted in December 2015](#), assessed the criminal law framework and related judicial procedures with respect to the protection of children against sexual abuse in the circle of trust;
- ▶ this report, “THE STRATEGIES”, assesses the structures, measures and processes in place to prevent and protect children from sexual abuse in the circle of trust.

■ It is worth recalling from the outset that in the 1st implementation report the Lanzarote Committee highlighted that the Lanzarote Convention’s Explanatory Report provides an open-ended list of situations where “*abuse of a recognised position of trust, authority or influence over the child*” may occur. A broad interpretation of the notion of “*circle of trust*” was thus embraced, including in it members of the extended family, persons having care-taking functions or exercising control over the child, persons with which the child has relations, including his or her close peers (i.e. another child who may exert influence over the child and may thus obtain his or her invalid and non-informed consent to engage in sexual activities).<sup>3</sup>

■ As the 1st implementation report, this one also covers the following 26 Parties which had ratified the Lanzarote Convention at the time the monitoring round was launched:

ALBANIA, AUSTRIA, BELGIUM, BOSNIA AND HERZEGOVINA, BULGARIA, CROATIA, DENMARK, FINLAND, FRANCE, GREECE, ICELAND, ITALY, LITHUANIA, LUXEMBOURG, MALTA, REPUBLIC OF MOLDOVA, MONTENEGRO, NETHERLANDS, PORTUGAL, ROMANIA, SAN MARINO, SERBIA, SPAIN, “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”, TURKEY, UKRAINE.

■ Since the launching of the 1st monitoring round, the number of Parties to the Lanzarote Convention has increased to 42. The promising practices identified in this and the 1st report, as well as the recommendations addressed to all Parties in both reports, should to be taken into account by all Parties to the Convention.

## Structure of the report

■ This report has six main chapters:

- I. Contribution of children, civil society, the private sector and the media in the development and implementation of strategies to fight sexual abuse of children in the circle of trust;
- II. Raising awareness on sexual abuse of children in the circle of trust;
- III. Education and specialised training on child sexual abuse;
- IV. Reporting suspicion of sexual abuse of children;
- V. Keeping persons convicted of acts of sexual exploitation or abuse far from children;
- VI. Intervention programmes or measures for sexual offenders.

■ Each chapter:

- ▶ provides a comparative overview of the situation in the 26 Parties monitored;
- ▶ highlights promising practices to effectively implement the Convention;
- ▶ identifies shortcomings and recommends steps that Parties should take to improve or reinforce the protection of children against sexual abuse in the circle of trust.

3. In this regard, see Lanzarote Committee’s 1st implementation report, “[Protection of children against sexual abuse in the circle of trust: The framework](#)”, Chapter I, “Criminalisation of sexual abuse in the circle of trust”.



■ It is recalled that in its recommendations to Parties, the Lanzarote Committee uses the verbs to “urge”, “consider” and “invite” to mark different levels of urgency as follows:

- ▶ “urge”: when the situation is not in compliance with the Convention, or when, despite the existence of legal provisions and other measures, the implementation of a key obligation of the Convention is lacking;
- ▶ “consider”: when further improvements are necessary in law or in practice to fully comply with the Convention;
- ▶ “invite”: when one or several promising practices are highlighted to suggest enhanced protection of children against sexual abuse in the circle of trust.

# I. Contribution of children, civil society, the private sector and the media in the development and implementation of strategies to fight sexual abuse of children in the circle of trust<sup>4</sup>

■ The involvement of children themselves in the assessment of the structures, measures and processes in place to prevent and protect child sexual abuse in the circle of trust, is fundamental. This is clearly required by the Lanzarote Convention (Article 9 §1).<sup>5</sup> The Committee therefore decided to start this report by examining how Parties encourage first and foremost child participation.

■ Article 9 of the Lanzarote Convention also establishes the crucial and complementary role played by civil society in the elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children.

■ Finally, Article 9 also highlights the role of other relevant stakeholders, such as the private sector and the media. The end of this chapter thus also touches upon this.

## I.1 Participation of children

### *Lanzarote Convention, Chapter II – Preventive measures*

#### *Article 9 – Participation of children (...)*

*1. Each Party shall encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or others initiatives concerning the fight against sexual exploitation and sexual abuse of children.*

#### **Explanatory report**

*67. Paragraph 1 recognises that the development of policies and measures, including action plans, to combat the sexual exploitation and abuse of children must of necessity be informed by children's own views and experiences in accordance with their evolving capacity.*

■ Most Parties report different forms of involvement of children in the development and implementation of state policies, programmes or other initiatives in general. Some of them specifically report about forms of involvement of children in relation to the fight against sexual abuse and sexual exploitation of children. A majority of the Parties indicating specific measures in this context, refer to the inclusion of sexual abuse of children in the circle of trust as one of the topics covered. Few Parties explicitly state the lack of specific measures taken in relation to sexual abuse in the circle of trust specifically (**Bulgaria, Finland, Greece, Luxembourg, Portugal**).

■ The forms of child participation highlighted are:

- ▶ “Children’s Councils”: **Austria, Belgium, Bulgaria, Croatia, Denmark, Malta, Montenegro, Netherlands, Romania;**
- ▶ “Child Rights Committees”: **Turkey;**
- ▶ “Children’s Task forces/groups”: **Lithuania, Netherlands;**
- ▶ “Children’s Parliament”: **Montenegro, Portugal;**
- ▶ Boys and Girls’ Consultation bodies: **Italy.**

4. The findings of the Lanzarote Committee on the implementation of Article 9 of the Convention (and other relevant provisions concerning the participation of children and civil society) are based on the analysis of replies by Parties and other stakeholders to question 6 of the Thematic Questionnaire as well as to questions 4 and 11 of the General Overview Questionnaire prepared by Ms DIMITROVA (Bulgaria) who acted as Rapporteur for this chapter of the report.

5. The Lanzarote Convention also clearly establishes that children’s views, needs and concerns should be taken into due account in all stages of judicial or administrative proceedings concerning them (Article 14 §1). The assessment of the implementation of this provision is not within the remit of this report.

■ The above structures are regularly consulted by the central or local government, the national Parliament or non-governmental organisations working for children's rights. In particular, the Committee notes that:

- ▶ the Children's Council in **Denmark** addresses a broad range of topics, including sexual abuse in the circle of trust and sexual abuse of children more generally;
- ▶ the Council for Children in **Malta** acts as an advisory body to the Commissioner for Children and monitors compliance with international conventions related to children;
- ▶ the **Turkish** Child Rights Committees also address issues related to protection against sexual abuse and exploitation. In this context, it is highlighted that a [video](#) prepared by the Ministry of Justice, informs children that they have the right to be protected from sexual abuse and that they can report acts of sexual abuse to the police or other public authorities.

■ Several Parties also indicate that ad hoc bodies are set up for consultation during the drafting of a specific policy document or in the framework of a project (**Albania, Bosnia and Herzegovina, Croatia, Iceland, Italy, Malta, Serbia**).

■ The Lanzarote Committee also notes the role of independent national or local human rights institutions in providing children with the space, means and opportunity to express their views and contribute to the development and monitoring of state policies, programmes and other initiatives in relation to the fight against sexual abuse of children.

### **Promising practices**

In **Austria**, the National Youth Council provides young people with a strong collective voice towards policy and decision-making at all levels and actively advocates for their interests. In cooperation with partner institutions such as ECPAT and the Austrian Centres for Child Protection, it is involved in the drafting of state policies, programmes or other initiatives also concerning the fight against sexual exploitation and sexual abuse of children. In October 2012, the Austrian National Youth Council issued an expert opinion drawing attention to the specific needs of children who have suffered from sexual abuse in the circle of trust.

In **Belgium**, since 2011, the Flemish government has been subsidising CACHET, which is a youth organisation run by young people, including vulnerable youth to give them a specific voice. Representatives of the organisation were involved in the drafting of policy recommendations on sexual abuse.

In **Bosnia and Herzegovina**, a Network of Young Advisors counsels the Ombudsman for Children of Republika Srpska on all issues of concern to children. Similarly, in **Croatia**, a Network of Young Advisors consults the Croat Ombudsman for children.

In **Croatia**, a representative of children and a representative of the National Council of Pupils sit on the Council for Children, a governmental advisory body which is, *inter alia*, entrusted with the task of monitoring the implementation of the National Action Plan for the Rights and Interests of Children. It also coordinates the activities of state and other bodies within the overall implementation of the measures and activities planned.

In **Iceland**, at the initiative and within the framework of UNICEF Iceland, a Focus Group of child victims of sexual abuse, identified and supported by the *Barnahús*, was established in 2012. The Focus Group was consulted by the ad hoc Working Group that prepared the Action Plan to fight child sexual abuse and strengthen services for child victims in 2013. The Focus Group was also invited to share its experience with the respective Ministers in the Government (Welfare, Interior and Education) and with the Prime Minister when the proposals of the Working Group were discussed.

In **Montenegro**, children can directly contact the representatives of the Ombudsman to share their opinions and suggestions in relation to recommendations, legislative initiatives and opinions.

### **Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Committee considers that Parties should further encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual abuse of children in the circle of trust specifically. (R1)

## I.2 Participation of civil society

### **Lanzarote Convention, Chapter II – Preventive measures**

#### **Article 9 – Participation of (...) civil society**

2. Each Party shall encourage (...) civil society, to participate in the elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children (...)

4. Each Party shall encourage the financing, including, where appropriate, by the creation of funds, of the projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse.

#### **Explanatory report**

75. Paragraph 4 requires Parties to encourage the financing of projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse. The negotiators wish here to recognise and highlight the important work of NGOs in this field.

#### **Article 14 – Assistance to victims**

2. Each Party shall take measures, under the conditions provided for by its internal law, to co-operate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.

#### **Explanatory report**

98. NGOs often have a crucial role to play in victim assistance. For that reason paragraph 2 specifies that each Party is to take measures, under the conditions provided for by national law, to cooperate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in victim assistance. In many states, NGOs work with the authorities on the basis of partnerships and agreements designed to regulate their co-operation.

■ The Lanzarote Committee notes with appreciation that almost all Parties carry out some kind of cooperation with civil society organisations either in the field of prevention or in relation to the provision of victim assistance and support.

■ In this regard, it notes awareness-raising campaigns targeting:

- ▶ children, parents or the public in general (**Bosnia and Herzegovina, Croatia, Denmark, Finland, Greece, Republic of Moldova, Netherlands, Portugal, Romania, San Marino, Serbia, Spain, Turkey**);
- ▶ educational activities in formal and non-formal settings (**Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, Greece, Lithuania, Republic of Moldova, Portugal, Romania, Serbia, Spain, Turkey**);
- ▶ support to the participation of children (**Finland, Iceland, Romania**);
- ▶ training of professionals working with children (**Finland,<sup>6</sup> Italy, Montenegro, Portugal, Serbia, Spain**).

### **Promising practice**

In **Finland**, the national central organisation for sports (Finnish Olympic Committee) has outlined in its decision making that one of the ethical aspects that need to be taken into consideration in the field of sport is that sexual relationships between adults and children under the age of 16 are fully prohibited. VALO has also produced material for the adults in sport clubs and organisations with information on sexual offences, how to prevent sexual abuse and harassment and how to deal with situations where abuse or harassment might occur.

■ Some Parties also highlight more specifically their cooperation with civil society in relation to the provision of assistance and support for child victims and their families (**Albania, Bosnia and Herzegovina, Denmark, Serbia, Spain and Turkey**). These measures include among others the operation of shelters for victims, helplines and hotlines as well as the provision of psychological and legal aid.

6. Save the Children Finland published a [guidebook](#) on how to bring up the topic of sexual harassment in professionals' discussions with children.

With regard to financing, several Parties report that they provide financial support from the state budget for projects implemented by civil society actors (**Austria, Bosnia and Herzegovina, Croatia, Denmark, Italy, Montenegro, Netherlands, Romania, San Marino and Spain**):

- ▶ **Croatia** indicates that the Ministry of Demography, Families, Youth and Social Policy continuously financially supports the implementation of projects of civil society organisations aimed at the prevention of all forms of violence against and among children and youth (including the prevention of sexual abuse of children and the prevention of online violence against and among children and youth, that is, to protect children from threats they are exposed to when using computers, Internet and other means of remote communication);
- ▶ **Italy** specifies that the Presidency of the Committee of Ministers issued a public notice (no. 1/2011) for supporting pilot projects for the treatment of children victims of abuse and sexual exploitation within the family or outside the family.

The Committee also notes that non-governmental organisations seek funding from private donors (including business actors and private foundations), from the European Union and other international organisations.

### Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee considers that, if they have not yet done so, Parties should:

- ▶ encourage the participation of the civil society in the elaboration and implementation of policies to prevent sexual abuse of children in the circle of trust also by providing financial support to them; (R2)
- ▶ cooperate with civil society organisations engaged in assistance to victims and provide, by means of legislative or other measures, in accordance with the conditions provided for by internal law, the possibility to assist and/or support the victims with their consent during criminal proceedings concerning the offences established in accordance with this Convention. (R3)

## I.3 Participation of the private sector

### Lanzarote Convention, Chapter II – Preventive measures

#### Article 9 – Participation of (...) the private sector (...)

2. Each Party shall encourage the private sector, in particular the information and communication technology sector, the tourism and travel industry and the banking and finance sectors (...), to participate in the elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children and to implement internal norms through self-regulation or co-regulation.

#### Explanatory report

68. Paragraph 2 requires Parties to encourage the information and communication technology sector, the tourism and travel industry and the banking and finance sectors to participate in the elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children.

69. The use of the broad term “information and communication technology” sector, which ensures that any future developments in this field will also be covered, targets in particular Internet service providers but also mobile phone network operators and search engines. There can be no doubt that the Internet is a medium much used for the purposes of the sexual exploitation and abuse of children. The use of the Internet in the production and dissemination of child pornography and in the trafficking of children for the purposes of sexual exploitation is well documented and receiving attention from a number of national and international bodies. For this reason it is important that Internet service providers themselves are involved in taking steps to raise awareness about sexual exploitation and that, as far as possible, policies are developed to regulate the use of the Internet through their systems.

70. The travel and tourism industry is included specifically to target the so-called “child sex tourism” phenomenon. In some member States, for example, airline companies and airports provide passengers with audio-visual preventive messages presenting the risks of prosecution to which perpetrators of sexual offences committed abroad are exposed.

71. The inclusion of the finance and banking sectors is very important because of the possibility for financial institutions, in cooperation with law enforcement, to disrupt the functioning of financial mechanisms supporting pay for view child abuse websites and to contribute to dismantling them.

72. The reference to the implementation of internal norms is intended to cover codes of conduct or enterprise charters aimed at protecting children from sexual exploitation and abuse. An example of good practice in this domain is the “Code of Conduct to Protect children from Sexual Exploitation in Travel and Tourism”, initiated in 1998 by ECPAT in collaboration with the World Tourism Organisation (WTO), which is currently implemented by over 45 companies, tour operators, travel agencies, tourism associations and hotel chains in over 16 countries worldwide. One of its measures is to provide information to travellers through catalogues, posters, brochures, in-flight films, ticket-slips, websites, etc., about the subject of sexual exploitation and sexual abuse of children.

As regards the role of the private sector, Parties highlight in particular general initiatives concerning prevention and protection of children against sexual abuse and exploitation in the digital environment, such as:

- ▶ the “Better Internet for Kids Coalition”, bringing together all types of industry players, including device manufacturers, to facilitate exchange of good practices, including parental control tools and/or age appropriate settings;
- ▶ the “Mobile Alliance against Child Sexual Abuse Content”, launched in 2008 by the GSMA (a global association representing the interests of the worldwide mobile communications industry), to obstruct the use of the mobile environment by individuals or organisations wishing to consume or profit from child sexual abuse content.<sup>7</sup> Members of the Alliance also support and promote “hotlines” for customers to report child sexual abuse content discovered on the Internet;
- ▶ the project “make-IT-safe 2.0”<sup>8</sup> managed by ECPAT **Austria** together with its project partners LOGO Jugendmanagement, Akzente Salzburg, BJV (Austrian National Youth Council), bOJA (centre of competence for Open Youth Work in Austria), BÖJI (Austrian Youth Information Centres) and Saferinternet.at (information and coordination centre for safer internet use and media competence in Austria). It is a peer education project, with the focus on out-of-school youth work, and seeks to empower young people to become responsible digital citizens through enhancing their capacity to protect themselves and others against digital abuse;
- ▶ a campaign for the year 2017 initiated by Save the Children **Finland** together with the telecommunications company Telia to enable children to enjoy and fulfil their rights also on digital platforms.<sup>9</sup>

### Promising practices

In **Croatia**, a “web detectives’ project” is carried out by the non-governmental organisation Centre for Missing and Exploited Children in partnership with the Microsoft Croatia company and in cooperation with the Prevention Department of Osijek-Baranja County Police Administration. The aim of the project is to increase the level of knowledge and awareness about the consequences of abusing the internet and social networks and to contribute to general safety of children as internet users by educating children, youth, parents and teachers about responsible and conscientious ways to use the internet. Web detectives are actually children taught to recognise and report inappropriate content online and they can, by using a unique code from their web detective card, report the inappropriate content online.

The Centre for Missing and Exploited Children is also the coordinator of the project “Safer Internet Centre Croatia: making Internet a good and safe place”<sup>10</sup>, which consists in carrying out free internet safety workshops for children. These are two-day workshops for primary school children where children learn about responsible and safe ways to use social networks such as Facebook, Instagram, Snapchat and mobile phone applications. The workshops focus on safety and protection of children online.

Furthermore, within the project, an application called netHELP is presented; it contains information on cyber bullying for children and parents, educational materials about safe use of internet, information on protection of personal data and protection from different types of harmful content and online dangers. In addition, it is possible to make a free phone call and report violent behaviour, to get counselling and help and it is also possible to talk or chat with experts, psychologists and pedagogues in real time.

7. The GSMA also works to prevent access to websites identified as hosting child sexual abuse content, implementing “Notice and Take Down” processes that enable the removal of any child sexual abuse content posted on their own services. For more details, visit: <https://www.gsma.com/gsmaeurope/safer-mobile-use/national-measures/>

8. [www.makeitsafe.at](http://www.makeitsafe.at) runs from May 2016 until April 2018. By September 2017, trainers (experts on online child safety and child protection) educated 25 peer experts (14 till 19 years old) and 10 coaches from youth centres in two states of Austria (Styria and Salzburg). After such training, the new experts start their own activities to give advice to their peers. Within the project and together with the peer experts, tools like a project website, the Toolbox, leaflets and a training manual for coaches are developed to make this peer education project more sustainable and also easily available to others.

9. The campaign was not limited to cases of sexual abuse in the circle of trust.

10. This project is co-financed by the European Union, and in partnership with Josip Juraj Strossmayer, University of Osijek, Faculty of Humanities and Social Sciences, City of Osijek and Vipnet.

■ In **Belgium**, a protocol was signed in July 2017 to complement previous cooperation between the Belgian Safer Internet Centre, which is Child Focus<sup>11</sup>, and the Police and Judiciary in identifying missing children and combating child abuse material. Similarly, a specific cooperation convention was concluded in **Luxembourg** between the Police, the telephone helpline organisers and the national Youth Service. Twice a year, the staff members dealing with child sexual abuse material (CSAM) meet to exchange on trends and issues. This exchange among partners helps to coordinate efforts when confronted with peaks notified through the national reporting platform stopline.lu. This also helped enforcing cooperation with the ISPs (Internet service providers), to enable the identification of authors or consumers of online CSAM or to speed up the process of the take-down of such illegal material. Also the **Netherlands** highlights that it has a “notice and take down procedure” as well as a child abuse material hotline.

■ Other Parties also point out that Safer Internet Centres are usually established under the form of public private partnerships (**Belgium, Bulgaria, Lithuania, Portugal, Romania, Serbia**). In **Portugal**, the *SeguraNet* project under the responsibility of the Unit Resources and Educational Technology of the Directorate-General for Education of the Ministry of Education and Science is an integral part of a public-private consortium called “Safe Internet” between the Foundation for Science and Technology, the Portuguese Institute for Sport and Youth and Microsoft Portugal. This project, launched under the European Commission’s programme “Safer Internet Programme”, aims to promote a safe, informed and adequate use of the Internet by the school community (students, teachers and parents).

■ The ICT sector is also involved in campaigns and awareness raising initiatives (**Bosnia and Herzegovina, Montenegro, Romania, Serbia**):

- ▶ in **Montenegro**, a free filtering program is installed in school;
- ▶ similarly, **Croatia** points out that the Ministry of Science and Education passed a decision on connecting all primary and secondary schools to CARNet network. These schools were automatically included into a system of filtration of unwanted content. According to the Decision of the Ministry of Science and Education, access to 14 categories of websites is disabled on the computers of primary and secondary schools. Categorisation of websites is constant and new versions of the databases are automatically checked every few hours;
- ▶ **Luxembourg** points out that ECPAT Luxembourg created, with other ECPAT members, a European reporting platform<sup>12</sup> for victims of sexual exploitation of children through tourism. In addition, ECPAT Luxembourg developed a national online reporting mechanism<sup>13</sup> which permits to report different forms of child sexual abuse and exploitation. This platform is funded by the Ministry of Foreign Affairs and was launched and is maintained in collaboration with the Police and BEE SECURE.

■ Parties also point at different forms of codes of conduct such as:

- ▶ a code of conduct for safe and responsible use of electronic communications network in **Albania**;
- ▶ a self-regulation code on “Internet and Children” in **Belgium**;
- ▶ a charter of children’s rights on the web, a Code of conduct for the offer of additional services and the protection of children and a code of conduct for mobile phone companies in **Italy**.

■ The Committee encourages further sustainable and continued interaction by Parties with the private sector.

### Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Committee invites Parties to strengthen collaboration with the private sector, in particular the information and communication technology sector, with the aim to prevent sexual abuse of children. (R4)

11. Child Focus: <https://www.betterinternetforkids.eu/web/belgium/profile>

12. [www.reportchildsextourism.eu](http://www.reportchildsextourism.eu)

13. [www.childprotection.lu](http://www.childprotection.lu)

## I.4 Participation of the media

### **Lanzarote Convention, Chapter II – Preventive measures**

#### **Article 9 – Participation of (...) the media (...)**

3. Each Party shall encourage the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children, with due respect for the independence of the media and freedom of the press.

#### **Explanatory report**

74. Paragraph 3 refers to the role of the media in providing appropriate information on all aspects of sexual exploitation and abuse of children. This function should be exercised with due respect for the fundamental principle of the independence of the media and freedom of the press, in particular concerning the evaluation of the “appropriate” nature of the information provided. There is no doubt that the media play a central role in the provision of information about children and images of childhood in general which significantly influence public stereotypes, assumptions and knowledge about children. Equally though they can play a very positive role in helping to raise awareness about children who are sexually exploited or abused and about the very nature of sexual exploitation and abuse and the scale of the problem. The provision is intended also to cover the important issue of the respect of privacy of child victims.

Also with regard to the implementation of this part of Article 9 of the Convention, Parties generally rather indicate general awareness raising initiatives. In this regard, the Committee notes that in **Finland**, the National Audio-visual Institute, which coordinates and promotes national media education and monitors audio-visual material, led a project in 2015-2016 called “Finnish Safer Internet Centre”. This project was aimed at improving children’s media skills, safety and well-being related to the Internet and online contents.<sup>14</sup>

The Committee also notes the productive collaboration between the media and the Ombudsperson for Children in **Croatia**. When broadcasting on children, the media rely on the Office of the Children’s Ombudsperson as a source of information on the protection of children against sexual abuse. The latter in fact provides a platform for discussions and publishes its outcomes in order to educate the media on how to report on children.

Some Parties provide specific information on legal provisions where the interrelations between the government and/or courts and the media are enshrined (**Albania, Belgium, Bosnia and Herzegovina, Croatia, Republic of Moldova, Montenegro** and **Romania**). A variety of ethical standards have been adopted by Parties, such as a Code of Journalists and guidelines for its implementation in **Montenegro**, a Code of Principles in Journalism in **Belgium**, a Deontological Code in **Portugal**, an Ethical Code in **Serbia**, Criteria for Content in **Bulgaria**, a Self-regulation Code in **Italy**.

#### **Promising practices**

In **Croatia**, it is not permitted<sup>15</sup> to publish information which reveals the identity of a child until he/she is eighteen years old if he/she is involved in cases which involve any form of violence, regardless of whether the child is a witness, victim or a perpetrator of criminal offences or the child attempted or committed suicide, nor is it allowed to publish details about the family relations or private life of a child.

In **Romania**, according to the Audio-visual Content Regulatory Code, providers of audio-visual media services have the obligation to respect the principle of the best interest of the child. It is forbidden to broadcast any clues that could lead to the identification of a child up to 14 years of age in the case of a sexual abuse or accusation of committing or witnessing the offense. Recordings made and made available to the providers of audio-visual media services by the police or judicial authorities cannot be broadcast without the consent of the persons who are victims of crimes, without the consent of their families or, as the case may be, of legal representatives. The identity of persons who are victims of sex offenses cannot be disclosed.

Despite the existence of these instruments, some Parties (**Italy** and **Serbia**) point at breaches of children’s right to respect of their privacy.

14. The report of the project can be found here: [https://kavi.fi/sites/default/files/documents/fisic2015-2016\\_loppuraportti.pdf](https://kavi.fi/sites/default/files/documents/fisic2015-2016_loppuraportti.pdf)

15. See Article 12 §3 of the Croatian Electronic Media Act (Official Gazette 153/09, 84/11, 94/13, 136/13) and item 20 of the Croatian Journalism Code of Honour.



**Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Committee invites Parties to strengthen the collaboration with the media with the aim to encourage the provision of appropriate information concerning sexual abuse of children in the circle of trust and respect of the right of the child victim to privacy. (R5)

## II. Raising awareness on sexual abuse of children in the circle of trust<sup>16</sup>

■ In this chapter, the Lanzarote Committee assesses whether Parties have promoted or conducted campaigns to raise awareness on the widespread risk of sexual abuse of children in the circle of trust.

### II.1 Focus of awareness-raising activities

■ Article 8 of the Lanzarote Convention requires Parties to promote or conduct awareness raising campaigns for the general public informing first and foremost about the preventive measures that can be taken.

#### **Lanzarote Convention, Chapter II – Preventive measures**

##### **Article 8 – Measures for the general public**

*1. Each Party shall promote or conduct awareness raising campaigns addressed to the general public providing information on the phenomenon of sexual exploitation and sexual abuse of children and on the preventive measures which can be taken.*

(...)

##### **Explanatory Report**

*Chapter II – Preventive measures*

*52. This chapter contains measures to be implemented at the national level. Policies or strategies to prevent the sexual exploitation and sexual abuse of children should include knowledge of the possible signals which could be given by children, as well as the provision of, and easy access to, information about sexual exploitation and sexual abuse, their effects, their consequences and how best to combat them.*

■ Most Parties highlight that they carry out general awareness raising campaigns on child sexual abuse/exploitation. The **Netherlands** specifies that raising awareness on child sexual abuse is part of a public campaign regarding child abuse in general. The public is asked to report if there is a suspicion of child abuse. Some Parties (**Albania, Austria, Croatia, Denmark, Finland, Iceland, Republic of Moldova, Portugal**) point out that their awareness raising initiatives explicitly address the issue of child sexual abuse in the circle of trust. **Austria** points out that their initiatives target the family, friends and other persons with a close relationship to a child.

■ Others (**Belgium, Iceland, Republic of Moldova, Portugal, Romania**), describe awareness raising initiatives addressing cases of child sexual abuse in specific settings (e.g. where the child is educated or cared for or where the child is involved in sports activities), thus shedding light on the trust relationship contexts. Incorporating the issue of abuse in the circle of trust in broader awareness raising efforts is considered a good practice.

#### **Promising practices**

In **Albania**, a study on child sexual abuse in the circle of trust shed light on the cultural and systemic barriers which undermine the reporting of these cases and the need for adequate treatment and support to children and their families. The results of the study were discussed in a conference with government representatives, professionals and children.

16. The findings of the Lanzarote Committee on the implementation of Article 8 §1 of the Convention are based on the analysis of the replies by Parties and other stakeholders to question 4 of the Thematic Questionnaire prepared by Ms VERZIVOLLI (Albania), who acted as a Rapporteur for this chapter of the report.

**Austria** included the issue of sexual abuse in the circle of trust in all its efforts to raise awareness on child sexual abuse, which targeted the general public, as well as children, educators, social and health workers, judges and prosecutors through different information and education materials, websites, seminars, trainings.<sup>17</sup>

**Belgium** organised awareness raising activities in schools as well as with regards to the sports sector, involving sports related institutions addressing the issues of child sexual abuse by sports trainers.

**Croatia** carried out a campaign called “Two little girls” focusing on the trafficking of women and girls for purposes of sexual exploitation.<sup>18</sup> The story of the “Two little girls” included the element of trust as the girls were exploited and trafficked by people they thought they could trust.

**Iceland** incorporated the issue of abuse in the circle of trust in training material to professionals in education and staff working with children as well as in a series of educational conferences on the issue of child sexual abuse, including in sports activities.

■ In **Croatia**, the awareness raising campaign “Two little girls” referred to above was part of a European campaign, carried out through several media (TV, internet, educational materials, educational activities) targeting different audiences (children, especially those more at risk, the general public, parents, professionals, etc.) involving different actors (research centres, embassies, ministries, police, ombudsperson, etc.). Multi-level campaigns integrating a range of different stakeholders increase the chances for a greater impact of the awareness raising campaign.

■ Whilst providing information on campaigns addressing the issue of child sexual abuse generally, **Luxembourg, Malta** and **San Marino** explicitly indicate that their awareness raising efforts do not specifically target the protection of children against sexual abuse in the circle of trust. While acknowledging the relevance of such general awareness raising campaigns, the Lanzarote Committee reiterates that the spotlight should be cast on the fact that children are also frequently victims of sexual violence within the family framework and by persons close to them or in their “circle of trust”.<sup>19</sup> It is thus necessary to also envisage targeted actions to ensure that the general public is effectively informed about the risk of sexual abuse of children in the circle of trust and the means to protect children against such crime.

■ The Lanzarote Committee notes that none of the information submitted to it during the course of the whole monitoring round concerned awareness raising actions specifically targeting the issue of child sexual abuse in the family. As sexual abuse within the family counts for a significant part of sexual abuse of children in the circle of trust, the Committee considers that there is a great need to shed light on this in order to equip children with effective tools to react promptly and seek protection.

### Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee:

- ▶ considers that those Parties that are not doing so yet, should carry out awareness raising activities aiming at informing the public about the phenomenon of child sexual abuse in the circle of trust, with the intent to prevent it; (R6)
- ▶ considers that the possibility of sexual abuse of children occurring within the family should be explicitly addressed in awareness raising efforts, with the intent to prevent it. (R7)

17. For more details see: Brochure (K)ein sicherer Ort: [http://www.bmfj.gv.at/dam/jcr:2b519ca1-52af-4b4f-94bc-7564f4f7d152/kso-6\\_aufgabe-2016-web.pdf](http://www.bmfj.gv.at/dam/jcr:2b519ca1-52af-4b4f-94bc-7564f4f7d152/kso-6_aufgabe-2016-web.pdf); <https://www.gewaltinfo.at/>; Zentrum Polis: <http://www.politik-lernen.at/site/praxis/unterrichtsideen/article/103797.html> (Video: Glaub mir!), 5.-13.Schulstufe; <http://selbstlaut.org/publikationen-und-materialien/unsere-publikationen/> (gegen sexualisierte Gewalt an Kindern und Jugendlichen; Vorbeugung-Beratung-Verdachtsbegleitung); Handreichung des BMB [http://selbstlaut.org/wp-content/uploads/2017/04/Handreichung\\_20170403.pdf](http://selbstlaut.org/wp-content/uploads/2017/04/Handreichung_20170403.pdf) (Handreichung für LehrerInnen - interkulturelle Sexualpädagogik und Gewaltprävention mit Eltern und Erziehungsberechtigten nicht deutscher Erstsprache); Polis aktuell 2014/09: Geschlechtsspezifische Gewalt gegen Kinder und Jugendliche mit Behinderung: <http://www.politik-lernen.at/site/shop/shop.item/106320.html>; Polis aktuell 2010/6: Gewalt gegen Frauen und Kinder (aktualisiert 2014): <http://www.politik-lernen.at/site/shop/shop.item/105786.html>; Polis aktuell 2014/03: Frauenrechte sind Menschenrechte: <http://www.politik-lernen.at/site/shop/shop.item/106281.html>; FGM: [http://www.politik-lernen.at/dl/NkpMJMJKoMnKLJqx4KJK/pa\\_2010\\_2\\_fgm\\_web\\_16.pdf](http://www.politik-lernen.at/dl/NkpMJMJKoMnKLJqx4KJK/pa_2010_2_fgm_web_16.pdf) In addition, in 2017, on behalf of the Ministry of Education, the organisation “Selbstlaut” offered parents meetings, where a lot of information materials was available and a discussion of that topic with experts took place. See: <http://selbstlaut.org/publikationen-und-materialien/unsere-publikationen/>

18. See: <http://www.cesi.hr/hr/dvije-djevojce/> and <http://www.cesi.hr/hr/kampanja-protiv-trgovanja-zenama-i-djevojkama-dvije-djevojce/>

19. Lanzarote Committee, “Protection of children against sexual abuse in the circle of trust: The framework” (1st implementation report, December 2015), p. 5.

## II.2 Awareness-raising strategies

Some Parties have awareness raising goals in their national strategies or action plans. This may generate greater consistency in awareness raising efforts throughout the years, rather than “one off” awareness raising campaigns. In this regard, the Committee welcomes:

- ▶ the adoption by **Italy, Montenegro** and **Serbia** of specific national action plans against sexual exploitation and sexual abuse of children and the integration by **Croatia** of awareness-raising initiatives on issues of child abuse in its national action plan for children’s rights;
- ▶ the inclusion by **Lithuania** of information about child sexual abuse into school curricula;
- ▶ the campaign carried out in **Belgium** on a yearly basis to raise awareness on the “chat box”.<sup>20</sup> The chat box is aimed at children between 12 and 18 years of age who have questions about sexual abuse or are victims/survivors of sexual abuse and maltreatment. The chat box is managed by the *Vertrouwenscentra Kindermishandeling* centres in the Flemish Communities and by SOS Enfants in the French Communities. In the latter, awareness raising material is in addition sent to school and youth organisations in the context of another campaign focusing on speaking out;<sup>21</sup>
- ▶ national days, such as the national day against paedophilia and child abuse material in **Italy** and the **Republic of Moldova**, which have proven to be an effective way to keep the awareness raising efforts constant and continuous.

The **Council of Europe** One in Five Campaign provided momentum to organise awareness raising activities addressing specifically the issue of child sexual abuse (**Croatia, Greece, Iceland, Italy, Malta, Montenegro, Portugal, Spain**). In **Greece, Iceland, Italy and Montenegro** campaigns on sexual abuse against children had not been carried out by the government institutions, before the One in Five Campaign. The campaign included ample materials such as handbooks, video, leaflets and postcards, children’s books, etc., which have been widely translated and used in particular to develop a critical consciousness of children about their own body, and intimate spheres, as well as the distinction between good and bad secrets. The campaign did not address the circle of trust explicitly. The target audience were the general public, parliamentarians, professionals and children themselves.

In 2015, with the establishment of the [European Day on the protection of children against child sexual abuse, on the 18th of November](#), the Council of Europe released a video, “[Tell someone you trust](#)”, targeted at children and aimed at informing them on the phenomenon of sexual abuse in the circle of trust and of ways to seek help and to report these abuses. The video was translated in several languages and launched in 10 countries on the 18th of November (**Albania, Andorra, Armenia, Austria, Belgium, Estonia, Iceland, Ireland, Luxembourg** and **Malta**).

Numerous other initiatives were organised in many countries during the [2015](#), [2016](#) and [2017](#) editions of the European Day.

In addition, in April 2017, the Council of Europe and the European Union launched a 9 month awareness raising project – the [Pro Safe Sport + project \(PSS+\)](#) which aimed at increasing the commitment of both governmental and non-governmental organisations towards combating sexual violence against children in sport through awareness raising tools and capacity building resources.

In the course of the project life’s time, existing materials were collected and new ones created in order to provide support to public authorities as well as other relevant stakeholder organisations (such as national sport federations, National Olympic Committees, etc.) when developing measures to tackle this issue (policies, regulations, codes of conduct, national strategies, action plans, awareness raising campaigns, etc.). All reference documents and awareness raising materials are accessible at: <http://pjp-eu.coe.int/en/web/pss/objectives-pss-plus>.

The Committee notes that public campaigns are carried out by a variety of stakeholders:

- ▶ child protection agencies (**Albania, Iceland, Portugal**);
- ▶ ombudspersons (**Bosnia and Herzegovina**, regional in **Croatia, Italy**);
- ▶ institutes of public health (**Albania, Finland, Greece, Iceland**);

20. <http://nupraatikerover.be>

21. <http://www.maintenantjenparle.be>

- ▶ ministries (of Education: **Austria, Iceland, Netherlands, Portugal**), (of Interior: **Croatia, Italy, Portugal**), (of Justice: **Italy, Portugal**);
- ▶ regional authorities (**Greece, Italy**);
- ▶ universities (**Italy**);
- ▶ police (**Croatia, Netherlands, Portugal**).

■ The information provided through campaigns may be very specific or more general. Some campaigns are, for example, aimed at communicating specific changes in legislation, or informing about existing laws and policies. These campaigns are key to clarify obligations and responsibilities. Other campaigns (in **Belgium**,<sup>22</sup> **Iceland, Italy, Portugal** and **Romania**) are carried out to promote helplines or emergency numbers for cases of child abuse. These are good examples of campaigns that empower both children and adults as they refer them to available counselling and reporting services.

### *Promising practices*

**Belgium** and **Serbia** developed information material for professionals, parents and children on how to detect cases of child abuse and report them to the authorities based on existing protocols.

In **Denmark**, a campaign was initiated to inform professionals and other adults about the duty to notify authorities when they have reason to believe that a child has been exposed to violence or sexual abuse or for other reasons are worried about the health or well-being of a child. The campaign was developed in support of the legislative changes that were adopted in parliament to strengthen the protection of the children from violence and sexual abuse. A website was established as part of the campaign and has continued running after the campaign ended.<sup>23</sup>

In **Iceland**, a postcard was sent out to every household and company, soon after the ratification of the Lanzarote Convention, to inform about the duty to report cases of child sexual exploitation and sexual abuse.

■ With regards to actions addressing specifically the circle of trust of children, the targeted audience has been:

- ▶ the public: **Austria, Croatia, Denmark, Iceland**;
- ▶ professionals in touch with children through their work in the social, health and educational and leisure sectors: **Austria, Belgium**,<sup>24</sup> **Denmark, Finland, Iceland, Portugal**;
- ▶ judiciary and law enforcement: **Austria**.

■ Campaigns specifically targeting children aim at increasing their resilience by informing them about how to recognise situations of sexual abuse and how to react and to report abuse (**Austria, Belgium, Croatia, Denmark, Finland, Iceland, Italy, Malta, Netherlands, Portugal, "The former Yugoslav Republic of Macedonia"**).

### *Promising practices*

The Department for the Protection of the Rights of a Child of the Human Rights Ombudsman of **Bosnia and Herzegovina** undertook a number of activities, supported by Save the Children, to promote child rights and raise awareness on protection against violence. One of these activities was the "Ombudsman in Your School", which consisted in organising educational workshops in schools to inform children about their rights, and particularly about protection from violence, including sexual violence in a trusted environment.

In **Denmark**, Save the Children developed the "Strong together" campaign and education material in cooperation with teachers and school children to raise awareness about the importance of setting physical and emotional boundaries and to increase children's knowledge on the right to be protected against abuse. The material targets school children in different age groups.

In **Iceland**, several programmes aim at educating children about child sexual abuse. These are age appropriate as they target different age groups through different programmes and make use of interactive methods and different media.

22. The Helpline 1712 (Flemish community) is also reachable via a website: <https://1712.be/>. This change made in 2015, specifically aimed at children and teenagers, was announced via a campaign also through social media. Since then on an annual basis the campaign material is brought to the attention of people in contact with children. Since 2016 a free number to denounce sexual violence has also been established by the Fédération Bruxelles Wallonie. Awareness raising material related to this helpline line is available at <http://www.sosviol.be/>

23. The website (in Danish) is available at [www.deldinbekymring.nu](http://www.deldinbekymring.nu)

24. A new website (<http://www.maltraitancesexuelleinfantile.be/>) to raise the awareness of doctors has been launched. It outlines signs and steps to take in case of suspicion of child sexual abuse.

## **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ considers that awareness raising actions targeting children should be age appropriate and make use of interactive methods as well as of information and communication technologies; (R8)
- ▶ considers that awareness raising actions focused on the risks and realities of sexually abused children in the circle of trust should be continuous and systematic. Parties should envisage including these activities in their national action plans for children's rights. (R9)



# III. Education and specialised training on child sexual abuse

## III.1 Education for children<sup>25</sup>

■ This section analyses the implementation of national preventive measures to provide children with age-appropriate information on the risk of sexual abuse in the circle of trust in the context of educational settings and in collaboration with parents. Article 6 of the Lanzarote Convention requires Parties to integrate the provision of such kind of information in the general school curriculum which may be complemented and/or supported by awareness-raising activities outside formal education.

### **Lanzarote Convention, Chapter II – Preventive measures**

#### **Article 6 – Education for children**

*Each Party shall take the necessary legislative or other measures to ensure that children, during primary and secondary education, receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacity. This information, provided in collaboration with parents, where appropriate, shall be given within a more general context of information on sexuality and shall pay special attention to situations of risk, especially those involving the use of new information and communication technologies.*

#### **Explanatory report**

58. The negotiators considered that it is primarily the responsibility of parents to educate children generally in questions of sexuality and on the risks of sexual exploitation or sexual abuse. However, there may be situations where the parents are not able or willing to do this, such as where a parent is involved in the abuse of the child or where the cultural traditions of the community do not allow such matters to be openly discussed. Moreover, children sometimes pay more attention to what is explained to them in other contexts than at home, and notably at school when professionals (such as, for example, teachers, doctors, psychologists) provide the relevant information. Therefore, Article 6 provides the obligation for States to ensure that children are educated at primary and secondary level on the risks of sexual exploitation and sexual abuse, and how to protect themselves and request help.

59. The purpose of this information is to enable children better to protect themselves against the risk of sexual exploitation and abuse. Such information must not, however, have the effect of relieving adults and State authorities of their duty to protect children against all forms of sexual exploitation and sexual abuse.

60. The article refers to the provision of this information “during primary and secondary education”. No reference is made to schools, since some children are educated at home and these children are also covered by the provision. The information referred to does not necessarily have to form part of a teaching programme, but could be provided in a non-formal educational context. School clearly has an important role to play in this respect, but the collaboration of parents is also required “where appropriate”. Situations where this may not be appropriate include where a child is an orphan, or where the parents are implicated in investigations or proceedings for sexual abuse of the child.

61. The negotiators felt it was important that children receive this information from as early in their lives as possible, with any information made available to them in a form which is “adapted to their evolving capacity”, in other words appropriate for their age and maturity.

62. Providing isolated information on sexual exploitation or sexual abuse outside the general context of normal sexuality could be disturbing to children. Therefore, the information to be provided on the risks of sexual exploitation and abuse should be given within the general context of sex education. Care should also be taken to ensure that this information does not undermine adults in the eyes of the child. It is important that children are also able to trust adults.

63. The last part of the article refers to situations of risk, especially those involving the use of new information and communication technologies. These are commonly regarded as a medium for the transmission of data, and are intended to refer in particular to the use of the Internet and third-generation technology (3G) which permits access to the Internet through mobile phones. Education and awareness programmes for all children on the safe use of the Internet are essential.

25. The findings of the Lanzarote Committee on the implementation of Article 6 of the Convention are based on the analysis of the replies by Parties and other stakeholders to question 2 of the Thematic Questionnaire and question 8 of the General Overview Questionnaire prepared by Mr POPOVIĆ (Serbia) who acted as Rapporteur for this specific section of the report.



### III.1.1 Information for children on the risks of sexual abuse with specific reference to “the circle of trust”

Almost all Parties report that they provide children with information about the risks of sexual abuse in general in the school context as well as in the pre-school environment. Only few Parties however report that sexual abuse in “the circle of trust” is addressed specifically either as a topic integrated in the school curricula (**Portugal, Turkey**) or within the framework of occasional lessons, workshop or other types of activities carried out in educational institutions (**Austria, Iceland, Malta, Republic of Moldova**). **Luxembourg** points out that its educational activities do not focus on a specific group of perpetrators such as those from the circle of trust as they are rather aimed at educating children to refuse any sexual touching by any individual. **Belgium** highlights that since several years the focus of its education (throughout the whole school curricula) has instead rather been aimed at highlighting positive relationships within the family and close social environment. **Finland** informs that *Viola - Väkivallasta vapaaksi ry* (Free from Violence), in cooperation with the City of Mikkeli,<sup>26</sup> is carrying out a project called “My Space, Not yours!”, the purpose of which is to create an operations model to prevent the threat of violence and sexual violence into education in secondary schools and upper secondary level educational institutes and services for the young. The project provides training on identifying and broaching the issues to the multidisciplinary staff of schools as well as other persons working with the young. The young participate in the advocacy work in the school environment.

The Committee reiterates that the fact that children are frequently victims of sexual violence within the family framework and by persons close to them or in their “circle of trust” should be highlighted and considers that the school environment is particularly appropriate to do so.

#### Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee considers that those Parties that are not doing so yet, should specifically address the issue of sexual abuse in the circle of trust in the information provided to children during primary and secondary education. (R10)

### III.1.2 Information adapted to the “evolving capacity” of the children in different levels of education

Most Parties did not elaborate on how preventive measures are adjusted to the evolving capacities of the child, but special attention was generally dedicated to the different circumstances of the children and the different contexts where the information is provided (kindergarten / pre-schools, schools, different grades, children and adolescents, etc.).

In the majority of Parties, preventive activities are organised in schools in both primary and secondary education (**Austria, Bosnia and Herzegovina, Belgium, Bulgaria, Croatia, Denmark, Iceland, Italy, Lithuania, Luxembourg, Malta, Portugal, Romania, Spain and Turkey**). In some cases such activities are carried out already in kindergarten and pre-school settings (**Croatia, Iceland**). Some Parties specify that preventive activities are implemented in certain grades of primary schools (**Albania, Ukraine**), or in the framework of certain school subjects such as biology (**Bulgaria** and “**The former Yugoslav Republic of Macedonia**”). **Montenegro** highlights that such information is provided to children in “all educational settings”, while **San Marino** mentions schools, without specifying whether it is primary or secondary and the **Netherlands** highlights that age-appropriate information is provided in primary and secondary education (for the latter as part of certain education subjects).

#### Promising practices

In **Albania**, the Ministry of Education and Sport in cooperation with the United Nations Population Fund, developed the curriculum package “Life Skills and Sex Education” for primary education and is in the process of drafting the didactical package on “Life Skills and Sex Education” for secondary education (for students aged 12-16 years). The Package is aimed at informing and equipping teachers and students with the knowledge of basic education and appropriate skills for their age to avoid situations that carry sexual violence and to become aware of their sexuality as well as the information on HIV and other diseases transmitted sexually.

26. The project also involves cooperation with Mikkeli’s One-Stop-Guidance Centre Ohjaamo, which gathers the youth services belonging to various sectors under one roof.

In **Malta**, children are taught about sexual abuse within their circle of trust from a very young age. During primary school, Agency Sedqa Prevention Team and the Child Safety Services of the Education Department deliver lessons to children to educate them about a number of matters, including sexual abuse. Children receive information about the privacy of their bodies, appropriate behaviour and skills on what to do if the behaviour of those around them becomes inappropriate or abusive in a child friendly way through kits, games, discussions and stories.

In **Portugal**, education concerning the risk of sexual abuse and exploitation, including in the circle of trust, is one of the goals of the subject of sexual education in schools. The mandatory contents of sexual education classes comprise, at the first cycle level notions on the protection of the body and the notion of its limits and the rejection of abuse. At the second cycle level, children are given insight on the need of protecting their own body and defending themselves from abusive approaches. Also, during the second and third cycle of primary and secondary school, the need to protect one's body and defending oneself from abuse are taught in classes.

### Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee considers that Parties should put more emphasis on adapting the information given to children to their evolving capacity, thereby making it age-appropriate. (R11)

## III.1.3 Context in which information is given to children (sexual education or other)

Most Parties indicate that preventive information is given in relation to some kind of "health education" (**Croatia, Finland, Iceland, Luxembourg, Republic of Moldova, Montenegro, Portugal, Romania and Ukraine**) or in the general context of awareness-raising on violence (**Bosnia and Herzegovina, Croatia**). A significant number of Parties provide information in the framework of different school subjects such as biology (**Bulgaria, Serbia, "The former Yugoslav Republic of Macedonia"**), "life skills" (**Iceland, "The former Yugoslav Republic of Macedonia"**), "personal and social development lessons" (**Malta**) or "healthy lifestyles" (**Montenegro**). In some Parties, children receive information in the specific context of "sexual education" (**Albania, Belgium, Denmark, Greece, Lithuania, Malta, Netherlands and Portugal**). **Luxembourg, Malta and Ukraine** create synergies between health, education and life skills.

The Lanzarote Committee notes that the Cypriot Commissioner for Children's Rights (ENOC representative in the Lanzarote Committee) published a Position Paper regarding the rights of children to sexuality education based on parental requests for exemption from compulsory sexuality education in schools. After consultations with children, the Commissioner found that "first and foremost, according to the children, who are directly concerned and targeted by the relevant decisions and policies, there is an urgent need to be informed and educated on matters to do with sexuality in the context of exercising their rights, in order to be able to manage their sexuality in a positive way for themselves but also for the social background in which they co-exist and interact". In the context of the implementation of the Lanzarote Convention, religious or philosophical convictions of the parents on the matter should be respected to the extent that these do not come into conflict first and foremost with the child's best interest but also with the public interest which is served through the provision of education to children to protect them from all forms of sexual violence.

In **Austria**, the national curricula (primary and secondary schools, and vocational education) include awareness-raising about child sexual abuse and sexting. The cross-curricular principle of sexual education supports the ability to build (sexual) relationships characterised by mutual understanding and respect for the needs and limitations of the counterpart, and to lead to equal rights. This helps to prevent sexual abuse and sexual violence. Furthermore the cross-curricular principle of media education as well as digital education includes information about the dangers of sexting and the safe use of internet. In addition, a study was launched in 2015 by the Austrian Federal Ministry of Education on Sexual Health and Sexual Awareness in Austrian Schools. The study was based on the WHO guidelines on sexual pedagogics at schools. A further project is entitled Lovelife and is carried out as part of an EU Erasmus project. The topic of the protection of children against sexual exploitation and sexual abuse is specifically part of further training and education programmes for teachers on the subject of "Safer Internet".<sup>27</sup>

27. In particular attention is drawn to the offer by the On Line Campus "Virtuelle PH" (<http://www.virtuelle-ph.at/>).

■ In **Croatia**, the prevention project “Living a Life Without Violence” was carried out in schools by the Ministry of the Interior and the United Nations Development Programme in collaboration with the non-governmental organisations, local communities and educational institutions. The project was not integrated into the school curricula. Through its long-term implementation and the realisation of each of its components, the project focused on preventing all forms of violence and developing a culture of non-violence among the young. In addition, the issues of “Protection of children from sexual exploitation and sexual abuse via computer systems” are addressed by carrying out activities related to Health Education with the aim to help empower children and youth to build a critical outlook towards the environment they live in and to acquire competences they need to deal with the environment and relationships which can be sometimes complicated and difficult to understand. It is underlined that Health Education, including the Sex/Gender Equality and Responsible Sexual Behaviour module, promotes the culture of respecting diversity and understanding the social reality.

■ In **Finland**, since 2014, among the key content objectives of Health Education in grades 7 to 9 is an area entitled “Growth and development supporting health”, which covers issues of identity, self-image, self-awareness, sexual development and safety skills. The subject of Health Education also touches upon “sexuality, various aspects of sexual health and the diversity of sexual development”. Questions related to sexuality and bullying/harassment are discussed also in other subjects, including ethics, psychology and biology. In addition, within the context of the project “My Space, Not Yours” mentioned above, playing cards were developed for handling the themes of sexual harassment and sexual violence with adolescents. The cards can be used either in a group or with a single youngster. The project was supported by the Ministry of Social Affairs and Health and was realised by Viola - *Väkivallasta vapaaksi ry* (Free from Violence).

■ In **Italy**, while implementing commitments within the context of the National Plan for Preventing and Combating Child Sexual Abuse and Exploitation 2015/2017 - Prevention Strategic Area, the Department for Equal Opportunities of the Presidency of the Council of Ministers promoted and supported the Project “The school as a place of prevention and protection: how to protect children and teens from the phenomena of violence, bullying and cyber bullying, sexual abuse and exploitation”. Within the framework of this project, which was carried out in collaboration with the Ministry of University and Scientific Research, a Promotion and Awareness Path dedicated to students and a Seminar on Promotion and Awareness to School Leaders and Teachers were established.

### **Promising practices**

In **Iceland**, the main curriculum identifies “life skills” as one of the subjects. In this context, the Directorate of Health produced teaching material entitled “empowering health” which addresses various risk factors for children, including sexual abuse. The pupils of primary and secondary schools thus receive information pertaining to protecting themselves against sexual abuse and sexual exploitation.

In **Lithuania**, the Ministry of Education and Science approved the Programme of Preparation for a Family and Sex Education with the purpose to prepare young people for life and marriage, provide knowledge about family, gender differences and similarities. The pre-school curricula integrate topics on personal safety when dealing with strangers such as refusing invitations, avoiding touching, proposals and other actions search for support and help in the event of worry and danger. The topic of physical, emotional and sexual abuse as well as assistance in the event of abuse is integrated in the primary curriculum. Secondary education addresses issues such as personal limits, difficulties in making a free choice – external and internal factors, the ability to resist negative influences. Information about sexual exploitation and trafficking in human beings as well as child abuse material are integrated in the basic curriculum.

In **Ukraine**, the curriculum for the “health basics” course in 1 - 9 grades, aims at educating about protection and improvement of health. The risk of sexual abuse and how to prevent it are discussed under the “social aspects of health” in different grades in a manner adapted to the evolving capacities of the children.

### **Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee considers that those Parties that are not doing so yet, should provide information on the risks of sexual exploitation and abuse within the general context of sexuality education. (R12)

### III.1.4 Collaboration with parents in the provision of information for children

Many Parties claim that their preventive measures target both children and parents. This is certainly positive in terms of awareness-raising but it is not the purpose of Article 6 which concerns parent's involvement in informing children about the risks of sexual abuse.

It should however be highlighted that **Belgium** refers to a pilot project ("*Rendre les enfants CAPables*", managed by asbl Garance since 1991) which is based on the principle of empowerment of children through parents' and teachers' support.

**Croatia** also points at a prevention project "Protecting children on the internet", which was carried out by the Ministry of the Interior and the net.hr internet portal. This project had a component dedicated to "Counselling and work with parents", taking the form of lectures and workshops at schools to meet parents and discuss about the potential dangers and risks for children using the information and communication technologies. The component was also aimed at introducing to parents the different forms of criminal offences that can be committed through ICTs. Parents were also encouraged to report the above mentioned criminal offences. The lectures for parents lasted for 2 hours and were held by police officers.

#### **Promising practices**

In **Finland**, the Family Federation (Väestöliitto) published a poster, "Safety skills and your body" for parents of small children, which aims to provide safety education to children in their own language and to guide children to respect their own bodies and the bodies of others. The poster has been published in 7 languages.

In **Iceland**, the Educational Puppets theatre "The Kids on the Block" is designed to educate elementary school children about personal safety, sexual abuse, the importance of telling someone they trust about it and the services available. Following the show (where a school counsellor, a social worker, a nurse or a psychologist are present), a letter is sent to parents or guardians of all the children in the audience to indicate where and how further preventive material and information may be obtained to support the adults to answer any further query of their children or to help them in case their children/they have anything to report. The letter was translated into the six foreign languages that are most common in Iceland. In addition, a short education film "Get a Yes" targeting secondary schools students addresses the line between healthy sex and sexual violence as well as the harmful effects of child abuse material. Based on the film, a teacher's Guide was developed to set out instructions for teachers (but also for guardians and adults in general) on how to discuss these issues with young people.

#### **Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Committee considers that Parties should further involve parents (and adults exercising parental responsibilities) in the provision of information given to children on sexual abuse, including in the circle of trust. (R13)

### III.2 Specialised training<sup>28</sup>

While examining information submitted by Parties with respect to specialised training, the Committee realised that its thematic questionnaire had not addressed the issue of training of persons who have regular contacts with children and who are not involved in investigations about child abuse/exploitation (i.e. covered by Article 34 §1, see below). It was of the view that Article 5 §§1 and 2 should also be covered by this report to provide a more comprehensive overview of the situation.<sup>29</sup> Parties were therefore asked to submit further information which was the basis of the observations below.

28. The findings of the Lanzarote Committee on the implementation of Article 34 §1 of the Convention are based on the analysis of the replies by Parties and other stakeholders to question 5 of the Thematic Questionnaire prepared by Ms CASTELLO-BRANCO (Portugal), who acted as a Rapporteur for this specific section of the report.

29. See the list of decisions of the Lanzarote Committee's 19th meeting (25-27 October 2017) and in particular [point 5 of Appendix I](#)

## **Lanzarote Convention, Chapter II – Preventive measures**

### **Article 5 §§1-2 – (...) training and awareness raising of persons working in contact with children**

1. Each Party shall take the necessary legislative or other measures to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities.

2. Each Party shall take the necessary legislative or other measures to ensure that the persons referred to in paragraph 1 have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility mentioned in Article 12, paragraph 1.

#### **Explanatory Report**

54. Paragraphs 1 and 2 are intended to ensure that persons who have regular contacts with children have sufficient awareness of the rights of children and their protection, and an adequate knowledge of sexual exploitation and sexual abuse of children. This provision lists the categories of persons involved: those who work with children in education, health, social protection, judicial, and law enforcement sectors as well as those who deal with children in the fields of sport, culture and leisure activities. The provision does not refer to professional contacts with children, but is left open for anyone who deals with children in any capacity. This is particularly intended to cover persons who carry out voluntary activities with children.

55. The reference to the “rights of children” covers the rights as laid down in the United Nations Convention on the Rights of the Child, including for example, the right to life (Article 6), the right to be protected from economic exploitation (Article 32), the right to be protected from all forms of physical or mental violence, including sexual abuse (Article 19).

56. Paragraph 2 also requires persons having regular contacts with children to have adequate knowledge and awareness to recognise cases of sexual exploitation and sexual abuse and of the possibility of reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of sexual exploitation or sexual abuse, as provided in Article 12 paragraph 1. It should be noted that there is no specific training obligation in this provision. Having “adequate knowledge” could imply training or otherwise providing information for people who come in contact with children so that children who are victims of sexual exploitation or sexual abuse can be identified as early as possible, but it is left to Parties to decide how to achieve this.

■ **Austria** points out that high-quality school psychology supports educational consulting and in-service teacher trainings especially in the context of violence prevention. This measure is part of the comprehensive initiative “National strategy on school violence prevention”.<sup>30</sup>

■ In **Belgium**, within the context of Education to Relationships (the *Education à la Vie Relationnelle, Affective et Sexuelle* - EVRAS), the Fédération Wallonie-Bruxelles established a specific framework to ensure that trainers for the youth sector be adequately trained as regards child maltreatment (including identifying potential victims and knowing what to do in such cases).

■ In **Croatia**, employees working in the social welfare system, who have contact with children during their daily tasks or are directly involved with and are working with children, acquire adequate knowledge of sexual exploitation and abuse of children during their education, through additional education in the mentioned area and through obligatory and continuous professional training.

■ In **Finland**, an online manual for Child Welfare Officers and other professionals in the social and welfare sector, is published under the National Institute for Health and Welfare. It includes directions for professionals on how to deal with a suspected sexual offense towards a child as their patient/client. The online manual is updated regularly.<sup>31</sup>

30. For further information see: <http://www.schulpsychologie.at/gewaltpraevention>

31. <https://www.thl.fi/fi/web/lastensuojelun-kasikirja/tyoprosessi/erityiskysymykset/pahoinpitely-ja-seksuaalinen-hyvaksikaytto/seksuaalisen-hyvaksikayton-epaily>

## III.2.1 Training professionals in charge of investigations

### **Lanzarote Convention, Chapter VII – Investigation, prosecution and procedural law**

#### **Article 34 §1 - Investigation**

1. Each Party shall adopt such measures as may be necessary to ensure that persons, units or services in charge of investigations are specialised in the field of combating sexual exploitation and sexual abuse of children or that persons are trained for this purpose. Such units or services shall have adequate financial resources.

#### **Explanatory Report**

233. Article 34 lays down the principle that professionals responsible for criminal proceedings concerning the sexual exploitation or sexual abuse of children should be trained in this area.

234. In view of the roles of the various agencies generally responsible for investigating child sexual exploitation and sexual abuse (police, prosecution services, child protection and health services), Parties could set up interdisciplinary services to carry out investigations, with the aim of enhancing professional competence and of preventing re-victimisation of the victim by repetitive procedures. Comprehensive and multi-agency child-friendly services for victims under one roof (often known as “Children’s House”) could, for example, be set up.

235. In order to take account of the diversity of States, resources available and systems for organising investigation services, the negotiators wanted to make this provision very flexible, the aim being that it should be possible to mobilise specialised personnel or services for investigations into the sexual exploitation and abuse of children. Thus, Article 34 provides for specialised units, services or, quite simply, persons, for example when the size of the State concerned is such that there is no need to set up a special service.

■ In a strict legal sense, the wording of Article 34 §1 of the Lanzarote Convention “persons, units, or services in charge of investigations” is related to police and prosecution professionals and services responsible for criminal proceedings concerning the sexual abuse and sexual exploitation of children. However paragraph 234 of the Explanatory Report mentions child protection and health services as agencies also generally responsible for investigating child sexual exploitation. Accordingly, the Committee has interpreted the concept of “investigations” in Article 34 §1 in a broad sense, including professionals from the following four branches – police, prosecution, child protection and health.

■ The following Parties refer to the “circle of trust” in connection to specialised training: **Croatia, Greece, Iceland, Lithuania, Republic of Moldova, Portugal** and **Romania**. **Croatia** specifies that training covers special skills to tackle crimes committed by the members of the child’s immediate family and persons in a position of trust, authority or influence over the child.

■ Lack of specific training on the topic was reported by 7 Parties. Among these, **Finland** reported no special training on this subject, indicating however that the circle of trust is taken into consideration in all trainings concerning suspected child abuse. Indeed it is pointed out that with regard to suspected crimes of sexual abuse or assault on children, the Nordic *Barnahús* model has spread from the piloting region of Varsinais-Suomi (Southwest Finland) to two other regions in Finland. This model includes training of professionals in the child-friendly inter-sectoral co-operation practices, which have been recognised by the Lanzarote Committee as a good practice model for multi-disciplinary and interagency services for child victims and witnesses of violence, providing children with access to justice, avoiding re-victimisation and ensuring high professional standards for their recovery.<sup>32</sup>

■ The Lanzarote Committee notes that the professionals who are more likely to receive training on child sexual abuse in the circle of trust, are:

- ▶ prosecutors and judges: **Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Lithuania, Republic of Moldova, Netherlands, Portugal** and **Turkey**;
- ▶ the police: **Austria, Belgium, Croatia, Denmark, Iceland, Italy, Lithuania, Republic of Moldova, Netherlands, Portugal** and **Turkey**;
- ▶ child protection officers: **Belgium, Croatia, Iceland, Italy, Lithuania, Republic of Moldova, Portugal** and **Turkey**;
- ▶ professionals working in the field of health services: **Belgium, Iceland, Italy, Netherlands, Portugal**.

32. See [1st implementation report](#), p. 25.

### III.2.2 Types of special training

Training about preventing/protecting/prosecuting child sexual exploitation/abuse is generally based on an interdisciplinary approach involving the judiciary, health, child welfare services and the police (**Bosnia and Herzegovina, Iceland, Italy, Lithuania, Republic of Moldova and Portugal**). Training is thus mostly carried out in the form of introductory courses or seminars involving relevant specialists, followed by specialised on-going training. Some Parties point out that specific introductory training is mandatory (**Austria, Belgium, Bulgaria, Croatia, Netherlands and Portugal**). The frequency of specialised trainings varies from very regular (**Iceland and Republic of Moldova**), regular (**Croatia, Denmark, Lithuania**), annual (**Belgium, Bulgaria, Croatia, Luxembourg**) to low (**Bosnia and Herzegovina**).

Some Parties highlight that plans of action are the context within which the trainings are offered: **Belgium** (Flemish plan of action on the prevention and detection of child abuse); **Croatia** (capacity building in the field of fight against sexual exploitation and abuse of children and provision of police assistance to vulnerable crime victims); **Iceland** (Plan of action concerning the implementation of the Act on Child Protection; and multidimensional Action Plan on the protection of children from sexual abuse and exploitation and service to child victim of those offences); **Italy** (Guidelines for training on the topic of child abuse and maltreatment)<sup>33</sup>; **Lithuania** (Programme on Child welfare).

Several Parties report a connection with training on domestic violence (**Austria, Bosnia and Herzegovina, Italy, Lithuania, Netherlands and Portugal**), gender issues (**Bosnia and Herzegovina, Lithuania and Republic of Moldova**), information and communication technologies (**Lithuania and Portugal**), parenthood (**Italy**), youth, sport and religious entities (**Belgium**).

As to the curricula of trainings, the Committee notes that police training rather focus on communication (**Denmark, Lithuania and Republic of Moldova**), child friendly interviewing techniques (**Denmark, Lithuania, Republic of Moldova and Netherlands**), examination (**Denmark**) and investigation methods (**Croatia and Denmark**), and work procedures (**Croatia, Iceland, Italy and Lithuania**); whilst prosecution training relates to child-friendly procedures (**Iceland, Republic of Moldova, Turkey**).

#### Promising practice

A seminar on the “Protection of abuse in the circle of trust” was organised in **Lithuania’s** School for Police. The main topics included *inter alia*: concept, types, forms and causes of domestic violence as well a presentation of foreign best practice to assist victims of violence; a description of the available procedures to ensure protection of victims of violence as highlighted by court judgments; institutions providing assistance and support for victims of violence; specialised help centres providing assistance.

The following Parties highlight the specificities of training for health professionals:

- ▶ **Austria**: the pursuit of the profession includes following training about protective measures against violence. The 2015 Ordinance on Training of prospective doctors (AOO 2015) includes an obligation to raise awareness of the specific characteristics of those patients who are affected by trafficking in human beings and/or mental and/or physical violence, in particular children, women or persons with disabilities within the framework of medical training. Furthermore, in the training book on basic education for physicians, “Sensitisation for specificities of mental, physical and domestic violence, in particular concerning children, women and the disabled” is emphasised in the section “Ethical Fundamental Aspects”. In the areas of training for psychotherapists, health psychologists and clinical psychologists, the topics “violence against children” and “domestic violence” are presented in more comprehensive content such as crisis interventions, traumatisation, abuse and gender sciences. Finally, there are a number of relevant training and further training programs for these health care professions, some of them also for several years, which include this topic. This subject is also explicitly taken into account in the training and qualification profiles of the care assistant professions;

33. These guidelines include a code of conduct and specific procedures addressed to workers in this specific field - within organisations, NGOs, etc. - for reporting and responding to any suspicion of abuse and mistreatment committed by adults - working in the same organisations, NGOs, etc. - in a trusted position respect to a child, in line with their respective regulatory systems. It is also envisaged to define a sector dictionary / glossary for the various professionals / people involved in the activities of listening and detecting cases, through the development of uniform and shared guidelines (the so called “Victim Procedure”), which aims to protect the child and the detection / assessment activities, as it has been defined within the proposed “Guidelines that identify the essential levels of protection and support for victims of sexual abuse and exploitation”.

- ▶ **Croatia**: education for professionals working in the field of health services is provided in general. Training for social service professionals was held through 30 seminars provided by the Police Academy and the Ministry of Interior;
- ▶ **Finland**: child maltreatment is included in the basic education for medical doctors and dentists. Paediatric residents get further training on the topic;
- ▶ **Turkey**: “child abuse” is included in the higher education curriculum in medical faculties in the 3rd or the 5th classes, under the scope of paediatric medicine classes. There are also awareness raising activities and trainings targeting health professionals. For instance, in the province of Hatay, trainings are held in order to create awareness-raising among health professionals, especially for those who are working in paediatric departments. There were also trainings in the provinces of Van, İzmir, Karabük, etc. for health and social service professionals.

Some Parties highlight the importance of international cooperation to enable training: **Austria** (resort to Interpol and Europol), **Republic of Moldova** (resort to USAID); “**The former Yugoslav Republic of Macedonia**” (with UNICEF, the Embassies of France and the Netherlands); and **Turkey** (with UNICEF). Whilst some Parties indicate cooperation with non-governmental organisations (**Belgium, Republic of Moldova, Montenegro and Portugal**). No collaboration with academic institutions was referred to.

#### Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee considers that those Parties that are not doing so yet, should provide specific regular training about child sexual abuse in the circle of trust for professionals working within the police, prosecution, child protection and health services. (R14)

### III.2.3 Adequacy of financial resources

With the exception of **Denmark** and **Iceland**, Parties did not submit information on the adequacy of financial resources to fund trainings:

- ▶ in **Denmark**, the Government provides permanent funding for the National Board of Social Services, to a special unit on prevention of child abuse, which, among other things, offers training for social services, professionals and other professionals working with children. It also allocates permanent funding for the National Board of Social Services to provide a ‘Course Catalogue’ with free courses relevant for professionals working with vulnerable children and families, including courses specifically focusing on early detection of abuse in e.g. schools or day care institutions;
- ▶ **Iceland** refers to ad hoc specific funds in the state budget (not institutionalised) to fund the trainings.

Some instead refer to available European Union funds (**Romania**), funding in the framework of international cooperation (**Republic of Moldova**), non-governmental funds (**Bulgaria**).

#### Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee considers that Parties should, if they have not done so yet, allocate adequate financial resources to the training of persons, units and services in charge of investigations as defined by Article 34 §1 of the Lanzarote Convention. (R15)





## IV. Reporting suspicion of sexual abuse of children<sup>34</sup>

Reporting is crucial to protect child victims. Without reporting, sexual exploitation and abuse remain uncovered and children may suffer further exploitation and abuse. Only through reporting, child protection mechanisms are set in motion and action may be taken to protect child victims.

### **Lanzarote Convention, Chapter IV – Protective measures and assistance to victims**

#### **Article 12 – Reporting suspicion of sexual exploitation or sexual abuse**

1. Each Party shall take the necessary legislative or other measures to ensure that the confidentiality rules imposed by internal law on certain professionals called upon to work in contact with children do not constitute an obstacle to the possibility, for those professionals, of their reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of sexual exploitation or sexual abuse.

2. Each Party shall take the necessary legislative or other measures to encourage any person who knows about or suspects, in good faith, sexual exploitation or sexual abuse of children to report these facts to the competent services.

#### **Explanatory report**

89. Under paragraph 1 Parties must ensure that professionals normally bound by rules of professional secrecy, (such as, for example, doctors and psychiatrists) have the possibility to report to child protection services any situation where they have reasonable grounds to believe that a child is the victim of sexual exploitation or abuse. Although in many member States systems of mandatory reporting are already in place, and are considered to be crucial in detecting abuse and preventing further harm to children, the Convention does not impose an obligation for such professionals to report sexual exploitation or abuse of a child. It only grants these persons the possibility of doing so without risk of breach of confidence. It is important to note that the aim of this provision is to ensure the protection of children rather than the initiation of a criminal investigation. Therefore, paragraph 1 provides for the reporting possibility to child protection services. This does not exclude the possibility provided in certain States to report to other competent services.

90. Each Party is responsible for determining the categories of professionals to which this provision applies. The phrase “professionals who are called upon to work in contact with children” is intended to cover professionals whose functions involve regular contacts with children, as well as those who may only occasionally come into contact with a child in their work.

91. In paragraph 2, Parties are required to encourage any person who has knowledge or suspicion of sexual exploitation or abuse of a child to report to the competent services. It is the responsibility of each Party to determine the competent authorities to which such suspicions may be reported. These competent authorities are not limited to child protection services or relevant social services. The requirement of suspicion “in good faith” is aimed at preventing the provision being invoked to authorise the denunciation of purely imaginary or untruthful facts carried out with malicious intent.

### **IV.1 Reporting by professionals in contact with children**

In most Parties, professionals are bound by general confidentiality rules.

Besides having to respond to Court specific requests for information, exceptions to general confidentiality rules are allowed when these conflict with the child’s best interest (**Austria**), when a crime has been committed against a child (**Croatia, Luxembourg, Netherlands, Turkey**), when a law allows the professional to divulge the confidential information (**Belgium, Malta**) or when the reporting is not intended to procure any benefit for the professionals or others (**San Marino**).

34. The findings of the Lanzarote Committee on the implementation of Article 12 of the Convention are based on the analysis of the replies by Parties and other stakeholders to question 8 of the Thematic Questionnaire and to question 13 of the General Overview questionnaire prepared by Mr FORNER ROVIRA (representing the Council of Europe Steering Committee for Human Rights – CDDH – in the Lanzarote Committee) who acted as a Rapporteur for this chapter of the report.

Some Parties with particular laws or protocols dealing with family issues, domestic violence or child protection, or codes of ethics for specific professions, have established the obligation or the duty to report for those professionals working in contact with children (**Albania, Austria, Croatia, Denmark, Finland, France, Greece, Iceland, Lithuania, Luxembourg, Malta, Republic of Moldova, Netherlands, “The former Yugoslav Republic of Macedonia”, Portugal, Spain, Turkey**). Failure to do so may, in some cases, entail criminal liability (**Bosnia and Herzegovina, Croatia, Iceland, Italy, Luxembourg, Malta, Turkey**).

Parties normally specify which professionals are required to report. Some refer in general to those professionals in touch or working with children and adolescents (**Croatia, Malta, Republic of Moldova, Netherlands, Romania, Portugal, Spain**) or to specific sectors, like health, social affairs, education (**Austria, “The former Yugoslav Republic of Macedonia”**). Others establish a more specific list of professionals, like doctors, surgeons, health care officials, pharmacists, teachers and other educational staff, pedagogues, youth services, parents, foster parents, adoptive parents, parish or other religious community or persons authorized or obliged to provide protection and assistance to children (**Bosnia and Herzegovina, Finland**). In **Portugal** reporting is compulsory for every civil servant that becomes aware of a crime while performing his/her duties or because of his/her duties and also for all entities with competences in the areas of children and youth.

### **Promising practices**

In **Italy**, the “[Paediatric Network Against Child Abuse](#)” project was launched and supported by the Menarini Pharmaceutical Industry, together with [Telefono Azzurro](#), the Italian Federation of Paediatric Physicians (FIMP), the Italian Society of Paediatrics (SIP) and the Italian Paediatric Hospitals Association (AOPI). The Italian project is the first in the world of this type and provides for the creation throughout the national territory of an anti-inflammatory network of 15,000 paediatricians and basic “sentinel” doctors through medical trainers who are trained to recognise the unspeakable signs of abuse, “Sentinels” of the disadvantage of children and reference point of other local colleagues to inform and provide qualified advice. The anti-fraud network project is backed by a one-million-euro investment by Menarini, and was launched in May 2016 in Florence, and is now continuing with territorial courses in various Italian regions.

In the **Netherlands**, the Government developed a “Child Abuse Protocol” which contains a step by step procedure to show professionals in regular contact with children, how to respond to signs of child abuse. Practice has confirmed that professionals who have a protocol report cases three times more often than those without one.

Similarly, **Serbia** adopted a General Protocol for Protection of Children from Abuse and Neglect in 2005 and published a Manual for its implementation aimed at professionals working with children. It also developed special protocols for the police, education, health care and justice departments.

**Belgium** specified that since the adoption of amendments to the criminal code<sup>35</sup> in June 2017, the information gathered by professionals assisting child victims in multidisciplinary child protection teams (including in the confidentiality centres)<sup>36</sup> may be shared with the police and magistrates.

The Committee examined the above Belgian situation in depth and questioned whether victims of child sexual abuse in the circle of trust, in particular in the family, are effectively protected when their case is exclusively dealt within confidentiality centres (i.e. without any sharing of information with the police or the prosecutor).

### **Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee:

- ▶ urges Parties that do not yet do so, to ensure that the confidentiality rules imposed by internal law on certain professionals called upon to work in contact with children do not constitute an obstacle to the possibility, for those professionals, of their reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of sexual exploitation or sexual abuse; (R16)

35. A new provision (Article 458 ter) was introduced in the Criminal Code to allow for concerted cooperation on cases that might involve child protection services, the police and the judiciary.

36. These centres are obliged to examine reports of child abuse at the request of any person or institution and must provide appropriate help. They may refer cases to the public prosecutor but are not obliged to do so.

- ▶ invites **Belgium** to submit evidence that child victims of sexual abuse within the circle of trust are effectively assisted and no longer victimised when the preventive and protective measures related to them remain within the context of the confidentiality centres only. (R17)

### IV.1.1 Reporting by any person

Although few Parties introduced specific provisions to encourage some form of reporting on child sexual abuse (**Albania, Croatia, Iceland, Portugal**), Parties' criminal codes or codes of criminal proceedings among others establish the general obligation for any person to report knowledge of a crime or of the situation of a person in danger.

As mentioned above, some Parties conducted awareness raising campaigns on child abuse highlighting that suspicion of sexual abuse should be reported to the competent authorities (**Denmark, Malta, Netherlands**) and explaining how to do so. **Iceland** published brochures on this for the general public. In 2016, in the **Republic of Moldova**, the police with the support of the external donors set up a web platform to ensure the protection of children and young people while using the Internet.

#### *Promising practice*

In Austria, the brochure "No safe place" ((K)ein sicherer Ort. Sexuelle Gewalt an Kinder), which is available on the website [www.gewaltinfo.at](http://www.gewaltinfo.at), provides information about sexual violence against children and aims at encouraging the reporting of sexual abuse of children in the circle of trust to the competent authorities.

Some Parties have established exceptions to reporting obligations. For example, the general rule to report does not apply to the perpetrator's closest relatives (**Spain**), the spouse, cohabiting or common law partner, first line blood relatives, brother or sister, adoptive parent or adopted child (**Bosnia and Herzegovina, Lithuania**). The general rule also does not apply if reporting would impair an official activity, which requires a personal bond of trust to be effective (**Austria**), such as between the alleged perpetrator and his/her lawyer/attorney (**Belgium, Croatia**), doctor (**Bosnia and Herzegovina**), priest (**Bosnia and Herzegovina, Croatia, Spain**).

In respect of the above exceptions, the Lanzarote Committee underlines that Article 12 §2 of the Convention calls for encouraging any person (no exceptions mentioned) to report sexual exploitation or sexual abuse of children (not only of children below the legal age for sexual activities). Additionally, it should be highlighted that according to article 12 §2 of the Convention, Parties shall take the necessary legislative or other measures to encourage reporting also when there is a suspicion of abuse.

Some Parties have indeed also foreseen the possibility to report the suspicion or presumption that child abuse might have been committed (**Albania, Austria**,<sup>37</sup> **Bosnia and Herzegovina, Denmark, France, Greece** (only teachers), **Iceland, Italy, Montenegro, Romania, Spain**) or even the lowest degree of a reasonable suspicion (**Croatia**).

#### **Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee considers that Parties that have not yet done so should introduce the necessary legislative or other measures, such as awareness raising campaigns, to encourage any person who knows about or suspects in good faith that a child is a victim of sexual exploitation or sexual abuse to report to the competent services. (R18)

### IV.1.2 Whom to report to

Parties that have particular regulations on child protection or domestic violence, normally mention the specific authority for reporting purposes. Some refer to child protection units/services, children and youth services (**Austria, Portugal**) or social authorities (**Iceland**), municipalities (**Albania, Denmark, Finland, France, Lithuania**) or social welfare specialised centres (**Bosnia and Herzegovina, Croatia, Netherlands, Romania, Serbia**).

37. In Austria, everybody is entitled to report the suspicion that child abuse might have been committed to the criminal investigation department or to a public prosecutor service.

■ The police and/or the public prosecutor are the most common authorities to whom to report any type of offence, including sexual exploitation or sexual abuse of children (**Austria, Croatia, Finland, France, Greece, Italy, Republic of Moldova, Portugal, Romania, Spain, Turkey**<sup>38</sup>).

■ After reporting, many Parties point out that they have specific protocols to take action within a limited time frame (**Croatia, Denmark, Iceland**) and to report also to the police department (**Finland, France, Netherlands**).

### ***Promising practice***

The **Netherlands** created a specific body for advice and reporting in situations of child abuse, neglect and domestic violence, called “Safe at Home organisation”. This regional body, that is accessible 24/7, advises the reporting person on possible actions, adopts urgent measures if needed to protect the child, and reports to the law enforcement institutions.

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38. Turkey in addition specifies that the Ministry of Family established a helpline (line 183) to report child abuse cases and to get support. Reports made to this helpline are directed to the police. The possibility of a sexual abuse offence may also be reported via this number and certain preventive measures can be put in place. This hotline has an app for smart phone to enable its use by people with hearing problems.

# V. Keeping persons convicted of acts of sexual exploitation or abuse far from children

## V.1 Ensuring that candidates for professions whose exercise implies regular contacts with children have not been convicted of acts of sexual exploitation or abuse of children<sup>39</sup>

### *Lanzarote Convention, Chapter II – Preventive measures*

#### **Article 5 §3 – Recruitment, training and awareness-raising of persons working in contact with children**

3. Each Party shall take the necessary legislative or other measures, in conformity with its internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children.

#### **Explanatory report**

57. Paragraph 3 sets an obligation for the Parties to ensure that candidates are screened prior to the exercise of professions involving regular contacts with children to ensure that they have not been convicted of acts of sexual exploitation or sexual abuse of children. In certain member States, this obligation can be applied also to voluntary activities. The addition of “in conformity with its internal law” permits States to implement the provision in a way which is compatible with internal rules, in particular the provisions on rehabilitation and reintegration of offenders. Moreover, this provision does not intend to interfere with specific legal provisions in those States which provide for the deletion of offenders’ criminal records after a certain period of time.

■ The screening of persons who are seeking a job whose exercise implies regular contacts with children is required by the Lanzarote Convention as an important preventive measure. The Explanatory report also highlights that “this obligation can be applied also to voluntary activities.”<sup>40</sup>

■ To reach this aim, several Parties highlight that during the recruitment process the applicant’s criminal records are verified or certificates of good conduct have to be produced (**Albania, Austria, Belgium, Bulgaria, Croatia, Finland, France,<sup>41</sup> Iceland, Italy, Luxembourg, Malta, Netherlands, Portugal,<sup>42</sup> Romania, Spain, “The former Yugoslav Republic of Macedonia”, Turkey**).

■ A series of different cases may be distinguished:

- ▶ criminal record or similar certificate to be presented by the applicant (**Belgium, Bosnia and Herzegovina, Croatia, Finland, Iceland, Luxembourg, Malta, Portugal, Spain**);
- ▶ in some cases the criminal record will only be obtained by the applicant if he (she) produces a document from the employer confirming the need for such criminal record (**Austria**);
- ▶ direct access by the employer but only for very specific activities such as care, custody, upbringing of children and teaching (**Croatia, France, Greece, Lithuania, Spain**).

■ **Croatia, France, Malta, Portugal** and “**The former Yugoslav Republic of Macedonia**” additionally draw attention to the fact that they have established sexual offenders’ registers which must be consulted during the recruitment process in specific circumstances and subject to conditions that vary from one Party to the other.

39. The findings of the Lanzarote Committee on the implementation of Article 5 §3 of the Convention are based on the analysis of the replies by Parties and other stakeholders to question 3 of the Thematic Questionnaire and question 9 of the General Overview Questionnaire prepared by Ms ILCHUK (Ukraine), who acted as a Rapporteur for this specific section of the report.

40. The Committee notes an important difference between the Lanzarote Convention’s Article 5, which refers to “access to professions” and the EU Directive’s Article 10 §2, which refers to the possibility for “employers... when recruiting a person for professional or organised voluntary activities (...)” which could be construed as only referring to activities developed within a link of employment, thus excluding self-employed activities. It in any event underlines that Article 5 of the Lanzarote Convention is held to cover also self-employed activities.

41. France additionally requires, in the context of the public sector, a review of the screening each time the criminal record is updated.

42. Portugal additionally requires an annual review of the screening after recruitment.

■ The Committee notes<sup>43</sup> that mandatory screening is required for:

- ▶ All professions, jobs, functions or activities, public or private, even if unpaid, whose exercise involves a regular contact with children: **Italy, Malta, Portugal**;
- ▶ All professions in education, the caring for/looking after children: **Croatia** (including sports), **Denmark** (including temporary staff), **Finland** (including the private sector), **France, Iceland, Luxembourg, Netherlands**;
- ▶ Education, psycho-medical-social guidance, youth aid, child protection, foster care, assistance to families: **Belgium**;
- ▶ Federal service, state service and institutions providing care for children, including teaching: **Austria**;
- ▶ Social services for children: **Bulgaria**;
- ▶ Professionals working in education: **Bosnia and Herzegovina, Lithuania, Republic of Moldova, “The former Yugoslav Republic of Macedonia”**;
- ▶ Civil servants: **San Marino**.

■ In **Montenegro**, screening is in general based on medical fitness to perform a given profession. Employment in the public administration however also requires the absence of convictions for crimes that would render the person unfit to work in the public administration. Convictions for sexual offences against children are however not specified. As recalled above, the Lanzarote Convention sets out an obligation for Parties to ensure that candidates are screened prior to the exercise of professions involving regular contacts with children to ensure that they have not been convicted of acts of sexual exploitation or sexual abuse of children. Parties that have not enacted measures to do so are therefore not in compliance with the Convention.

#### **Promising practice**

In the **Netherlands**, you need a certificate for good conduct (VOG) for almost all the (paid) jobs where you work with children, for example teachers, youth workers and day care workers, and for volunteers “stay at school” (*overblijfmeeuwerkers*). People can apply, both in person and digitally, for a certificate of conduct at the Population Affairs Department (*Burgerzaken/Publiekszaken*) of the municipality where they are registered in the Municipal Personal Records Database (GBA). The application is sent to *Justis* which issues certificates on behalf of the Minister of Justice. If it emerges from the investigation that the applicant has no criminal record, the certificate will be issued. If she/he does, the authorities decide whether the offences in question are relevant to the application. The screening profiles and assessments are laid down in policy rules. There is a special profile for people who work with children. The screening of persons active in child care and child playing grounds is continuous (not only at the time of recruiting). In the Netherlands, volunteers can get a certificate of Good Conduct for free (it costs normally around 40 Euros) if the organisation works with children or people with learning disabilities. Both groups are vulnerable for sexual abuse. The information on a criminal record will never be shared with the employer. The privacy of the applicant is thereby ensured. Because of this system people with criminal records can still find a job that suits their judicial past.

■ The following Parties point out specifically that screening applies also to volunteers even if it is not compulsory: **Austria, Belgium, Denmark, Finland**,<sup>44</sup> **France, Iceland, Luxembourg, Republic of Moldova, Netherlands, Portugal and Romania**. In **Croatia, Malta** and **Spain** screening of volunteers is compulsory. In **Greece**, some civil society organisations working with very young or very vulnerable children also operate the screening before recruiting volunteers.

43. In addition to replies by Parties to its questionnaire, for this part of the report the Committee also relied on information published in the [report from the Commission to the European Parliament and the Council assessing compliance with Directive 2011/93/EU](#) as well as the [results of the Survey carried out by Missing Children Europe, ECPAT and eNACSO](#) on the transposition of the same Directive.

44. Each entity recruiting volunteers may request an extract from the criminal record directly from the Legal Register Centre and not from the applicant personally.

## Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee:

- ▶ urges those Parties that limit mandatory screening only to specific professionals<sup>45</sup> to extend such screening to the recruitment of all professionals (public or private) in regular contact with children; (R19)
- ▶ invites Parties to encourage continuous screening of all professionals in regular contact with children (not only during the recruitment process); (R20)
- ▶ invites Parties to encourage continuous screening of all voluntary activities involving regular contact with children (not only during the recruitment process). (R21)

## V.2 Denial of exercise of professional or voluntary activity involving contact with children<sup>46</sup>

### *Lanzarote Convention, Chapter VI – Substantive criminal law*

#### **Article 27 §3 - Sanctions and measures**

*Each Party shall take the necessary legislative or other measures to:*

*(...)*

*b. (...) deny the perpetrator, temporarily or permanently, the exercise of the professional or voluntary activity involving contact with children in the course of which the offence was committed.*

#### **Explanatory report**

*187. Paragraph 3 b of Article 27 (...) allows the perpetrator to be banned, temporarily or permanently, from carrying on the activity involving contact with children, whether professional or voluntary, in the course of which the offence was committed.*

■ The Lanzarote Convention requires Parties to deny persons, having been convicted of an offence against children, to exercise temporarily or permanently, the professional or voluntary activity in the course of which the offence was committed. This seems to be foreseen by nearly all Parties. It is however unclear whether the denial of exercise of the activity is the outcome of screening processes or whether it is the result of a disqualification decision.<sup>47</sup>

■ Most Parties foresee that persons specifically convicted for sexual offences against children are denied access to the profession in the context of which the offence was committed (**Austria, Croatia, France, Greece, Italy, Luxembourg, Ukraine**) or any profession involving regular contact with children (**Albania, Belgium, Iceland, Luxembourg, Malta, Netherlands, Portugal, Serbia, Spain, “The former Yugoslav Republic of Macedonia”, Turkey and Ukraine**). In certain cases in Belgium it is the court which may order the communication of the criminal section of its decision to the relevant employer, legal entity or authority.

■ In addition, a few Parties (**Austria, Belgium, France, Iceland**) point out that the disqualification also applies to the exercise of voluntary activities involving contact with children. The duration of the prohibition ranges between one and twenty years. Life prohibition is also foreseen in cases of grave offences.

■ Some Parties’ (**Bulgaria, Denmark, Lithuania, Republic of Moldova and Romania**) prohibition of professional and voluntary practice is generic: legislation does not specifically address child sexual abuse but covers criminal behaviour in general (i.e. it established that any person convicted for an offence shall be prohibited from exercising professional activities incompatible with the nature of the offence committed).

45. Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Iceland, Lithuania, Republic of Moldova, Montenegro, San Marino, Serbia, “The former Yugoslav Republic of Macedonia” and Ukraine.

46. The findings of the Lanzarote Committee on the implementation of Article 27 §3(b) of the Convention are based on the analysis of the replies by Parties and other stakeholders to question 9.b of the Thematic Questionnaire prepared by Mr AZZOPARDI (Malta), who acted as a Rapporteur for this specific section of the report.

47. For a description of different situations, see the above mentioned [Survey carried out by Missing children Europe, ECPAT and eNACSO](#) (pp. 28-29) on the transposition of the EU Directive, where it is highlighted that:  
- there is a distinction to be made between countries where the disqualification results from a separate order by the court which convicts the person concerned (judiciary disqualification) and the countries where the disqualification, which is linked to the conviction, is established and monitored through a regulatory system (the regulatory disqualification);  
- in a number of countries (e.g. Finland and Sweden) the emphasis lies on the screening by the employer of the criminal record of the employee or the applicant rather than on a system of disqualification.



■ **Malta** points at the existence of a specific “Protection of Minors Register” where offenders against children are registered. Any entity or organisation intending to employ or already employing individuals who will come or are in contact with children is obliged to vet these persons through a court application. As mentioned above, also **Croatia, France, Portugal** and “**The former Yugoslav Republic of Macedonia**” use specific sex offenders’ registers.

■ In addition, for those who are punished for sexual crimes, **Portugal** has provided the inhibition of parental responsibilities and the prohibition to adopt, to be a tutor, to receive a child (*acolhimento familiar*), to be a civil sponsor or a trustee for a period between 5 and 20 years.

### Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee:

- ▶ urges all Parties that do not yet do so<sup>48</sup> to deny the perpetrator, temporarily or permanently, the exercise of the professional or voluntary activity involving contact with children in the course of which the offence was committed; (R22)
- ▶ invites Parties to deny access to professional and volunteer activities involving regular contact with children to persons convicted of sexual offences against children. (R23)

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48. Bosnia and Herzegovina, Bulgaria, Lithuania, Republic of Moldova, Montenegro, San Marino.

## VI. Intervention programmes or measures for sexual offenders<sup>49</sup>

■ To have a more comprehensive overview of the arrangements in each Party with respect to intervention programmes or measures, the Committee assessed the situation irrespective of the stage when such programmes or measures are offered/established, i.e. whether prior to a judgment, as an alternative to a prison sentence, during detention or after detention. This chapter thus examines the implementation by Parties of Articles 7, 15, 16 and 17 of the Lanzarote Convention.<sup>50</sup>

### VI.1 Assisting persons who fear they might commit sexual offences against children

#### *Lanzarote Convention, Chapter II – Preventive measures*

##### **Article 7 - Preventive intervention programmes or measures**

*Each Party shall ensure that persons who fear that they might commit any of the offences established in accordance with this Convention may have access, where appropriate, to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed.*

##### **Explanatory report**

64. *The negotiators wanted to provide for the possibility for people who are afraid that they might actually go ahead and behave in such a way that constitutes an offence of a sexual nature against children, as well as persons who have committed such offences but have not been brought to the attention of the authorities, to benefit, if they so wish, from an intervention programme or measure. The provision, which applies to people who are not being investigated or prosecuted or serving a sentence, and is preventive in purpose, is best included in the chapter on preventive measures. As in the case of the intervention programmes and measures provided for in Chapter V, the negotiators did not wish to impose specific models on States Parties, which must simply “ensure” that these programmes or measures are available to the people referred to in Article 16, should they wish to take advantage of them, and assess, in each particular case, whether the person applying may benefit from them.*

■ Article 7 of the Lanzarote Convention addresses the situation of individuals who fear they might commit one of the offences established under the Lanzarote Convention. The Explanatory Report adds that it also applies to persons who have committed such offences but have not been brought to the attention of the authorities, i.e. who are not being investigated or prosecuted or serving a sentence (as these are covered by Article 16 of the Convention addressed below in this report).

■ Most Parties indicate that there are no specific measures, programmes or services for persons who fear that they may commit the offences as established under the Convention. Some Parties underline that persons who are afraid of sexually abusing a child may address the mental health services (**Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Iceland, Italy, Lithuania, Malta, Montenegro, Romania, San Marino, Serbia, “The former Yugoslav Republic of Macedonia” and Turkey**).

■ The Committee additionally notes the following specific details provided:

- ▶ in **Austria**, the Federal Ministry of Economy, Family and Youth provides funding for “Men counselling centres”, offering advice and therapy to any man who fears that he might commit one of the offences mentioned in the Convention. In addition, the special programme LIMES contains: screening, single therapy, group setting, systemic treatment. This programme is accessible not only for anyone who fears that they might commit sexual offences against children but also for those persons who have committed such offences but have not been brought to the attention of the authorities;

49. This part of the report is based on the observations prepared by Ms DE CRAIM (Belgium), who acted as a Rapporteur on the situation in Parties concerning the implementation of Articles 7, 15, 16 and 17 of the Convention (preventive and protective intervention programmes or measures).

50. Question 7 of the Thematic Questionnaire concerned exclusively the implementation of Article 7 (i.e. preventive intervention programmes or measures for persons who fear they may commit one of the offences established under the Convention). During the course of the assessment of the replies to this question, the Committee decided to also examine intervention programmes or measures for persons prosecuted or convicted of any of the offences established under the Convention (see paras 20-21 of the report of the Committee's [14th meeting](#)).

- ▶ in **Belgium (Flemish community)**, “Stop it Now!”<sup>51</sup> is a helpline/website established in May 2017 for anyone experiencing paedophile feelings or who is worried about his/her sexual feelings or behaviour towards children below the age of consent to engage in sexual activities. “Stop it Now!” is also for anyone who worries about the feelings or behaviour of a close person. In its first 4 months the helpline received 127 calls;
- ▶ in **Croatia**, following discussions on this issue within the Lanzarote Committee, an initiative was launched in December 2017 to develop and introduce intervention programmes through professional associations such as the Croatian Psychiatric Association, the Croatian Medical Association, etc. The Ministry of Health addressed the Croatian Psychiatric Association and the Croatian Psychological Association to draft an expert proposal for intervention programs for persons who are in fear of committing a criminal offense of sexual abuse of children, all for the purpose of preventing it. The Committee will be notified without delay about the progress of the initiative;
- ▶ in **Denmark**, there is a sexology clinic offering treatment and advice to people with inappropriate sexual conduct since 1986. The clinic may be contacted anonymously, (hotline “Break the circle”). Children, as well as persons who have committed an offence, can also use the hotline. The clinic proposes individual or group sessions both to those who fear they might commit an offence and to those who have committed an offence. The Janus Counselling centre and the mental health centres in the Capital Region are aimed at preventing sexual abuse by encouraging children and young people who fear that they might commit such acts to seek professional help. In cooperation with Save the Children, an internet site [www.brydcirklen.dk](http://www.brydcirklen.dk), was also launched to encourage adults to seek counselling;
- ▶ in **Finland**, the Sexpo Foundation set up in 1969, offers a prevention programme for people who fear that they might commit sex offences. The Foundation provides, *inter alia*, free-of-charge anonymous telephone counselling by a sexuality counsellor or therapist at specific times that are available on the Foundation’s website. Web-based counselling is also available. The Sexpo Foundation offers therapy also to persons who have a past in child sexual offences;
- ▶ in **Italy**, a pilot project entitled “Give voice and protection to minors victims of crime: from training to integration of interventions” offers to replicate on the national territory a good practice which involves the establishment of a multidisciplinary approach to managing the phenomenon of treatment and assistance of sex offenders on a territorial basis;
- ▶ in the **Netherlands**, in addition to the general mental health services, “Stop it now” is a telephone helpline which enables people (including children) to find support free of charge, even anonymously. It is being carried out in collaboration with the De Waag outpatient therapy centre;
- ▶ in **Turkey**, guidance and counselling is provided by the Call Centre Alo 183 Support Line of the Ministry of Family and Social Policies for adults and children who fear that they might commit offences as well as for those who have committed such offences. Social Service Centres are also in place.

### **Promising practices**

The “[Dunkelfeld Prevention Project](#)”, set up by the Institute of Sexology and Sexual Medicine at the Charité University Clinic in Berlin, offers therapeutic assistance to those who feel sexually attracted to children with the aim of preventing them from committing an offence. The patients learn to control their impulses. The therapy entails two to three hours’ treatment per week over a period of one year. The work sessions, which generally take place in groups of five to eight patients, focus on specific themes: sexual fantasies, sexual self-regulation, cognitive distortion and empathy for the victim. The group is encouraged to develop strategies to deal with risk situations. The project builds on absolute trust in the therapists and an approach that lifts the burden of guilt.

[PedoHelp](#), run by [Association Une Vie](#), is an international information and prevention project aimed at raising awareness among many actors (potential offenders, health professionals, parents, children, professionals in contact with children) to reduce the number of sexual abuses committed against children. The project is based on the assumption that the more people are informed, the fewer victims there will be. The project offers a webpage in many languages where any question about paedophilia or children’s sexuality may be asked and will be replied to without judgement or taboo. Therapeutic help may be offered to those in need.

51. <https://stopitnow.be/>

Several Parties (**Austria, Belgium, Croatia, Denmark, Finland, Iceland and Spain**) have programmes targeting children who might commit sex offences. The Committee notes the following specificities brought to its attention:

- ▶ in **Austria**, the Men's Counselling Agencies referred to above also focus on gender-sensitive work with boys in cooperation with the NGO "White Ribbon". Girls (as well as women) fearing they may commit a sexual offence may seek help through the general mental health services;
- ▶ in **Belgium**, the Kaléidos service has been working since 2001 on how to deal with the specific situation of sexual abuse within families. In addition to this work which concerns children and their families, the service works with teenage sex offenders. The aim is to identify the teenagers' motivations to decide what type of specialised assistance they require so as not to re-offend and so that they do not, as adults, continue along the same path;
- ▶ the **Finnish** NGO Kalliolan Nuoret ry runs a house for boys and young men (age 10-28) providing them sexual education. The Sexpo Foundation telephone line, as well as the separate web-based counselling service referred to above, are available also for any child.

### Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee:

- ▶ urges Parties that have not yet done so<sup>52</sup>, to put in place effective intervention programmes or measures for persons, including children, who fear they may offend to prevent the risk of offences being committed; (R24)
- ▶ invites Parties to pay special attention to children who fear they may offend. (R25)

## VI.2 Assisting offenders to prevent repeated offences of a sexual nature against children

Articles 15, 16 and 17 of the Lanzarote Convention concern persons prosecuted for or convicted of any of the offences established under the Lanzarote Convention as well as children having committed an offence of a sexual nature. The intervention programmes or measures that should be offered to them should be accessible at any time during the proceedings, inside and outside prison, according to the conditions laid down in internal law. The Convention leaves it to Parties to determine the details of the programmes or measures that should be in place to prevent and minimise the risks of repeated offences of a sexual nature against children. In any event, due account should be given to the dangerousness and possible risks of repetition of the offences when designing the intervention programmes or measures, and that arrangements should be made for evaluating their effectiveness.

### **Lanzarote Convention, Chapter V – Intervention Programmes or measures**

#### **Article 15 – General principles**

1. Each Party shall ensure or promote, in accordance with its internal law, effective intervention programmes or measures for the persons referred to in Article 16, paragraphs 1 and 2, with a view to preventing and minimising the risks of repeated offences of a sexual nature against children. Such programmes or measures shall be accessible at any time during the proceedings, inside and outside prison, according to the conditions laid down in internal law.
2. Each Party shall ensure or promote, in accordance with its internal law, the development of partnerships or other forms of co-operation between the competent authorities, in particular health-care services and the social services, and the judicial authorities and other bodies responsible for following the persons referred to in Article 16, paragraphs 1 and 2.
3. Each Party shall provide, in accordance with its internal law, for an assessment of the dangerousness and possible risks of repetition of the offences established in accordance with this Convention, by the persons referred to in Article 16, paragraphs 1 and 2, with the aim of identifying appropriate programmes or measures.
4. Each Party shall provide, in accordance with its internal law, for an assessment of the effectiveness of the programmes and measures implemented.

52. Albania, Bosnia and Herzegovina, Bulgaria, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Portugal, Romania, San Marino, Serbia, "The former Yugoslav Republic of Macedonia" and Ukraine.

### Explanatory report

101. The provisions in this chapter are an important feature of added value in the Convention. In order to prevent the sexual exploitation and abuse of children the negotiators considered it necessary to draw up provisions designed to prevent repeat offences against children by means of intervention programmes or measures targeting sex offenders. They agreed on the need for a broad, flexible approach focusing on the medical and psycho-social aspects of the intervention programmes or measures offered to sex offenders, and the non-obligatory character of the interventions or measures offered. Regarding the non-obligatory character of the care, this means that these programmes are not necessarily part of the penal system of sanctions and measures but can instead be part of the healthcare and welfare systems. The scheme set up under Chapter V should not interfere with national schemes set up to deal with the treatment of persons suffering from mental disorders.

102. Psychological intervention refers to several therapeutic methods, for example cognitive behavioural therapy or therapy applying a psycho-dynamic approach. Medical intervention principally refers to anti-hormone therapy (medical castration). Finally, social intervention concerns measures set up to regulate and stabilise the social behaviour of the offender (for example, a prohibition on going to certain places or meeting certain persons), as well as structures facilitating re-integration (such as assistance with administrative matters, job search).

103. In view of the wide range of measures that could be implemented and States' experiences in this area, the negotiators sought to ensure that this provision was highly flexible, particularly by means of frequent reference to the Parties' internal law. The provisions in Chapter V therefore merely set out some fundamental principles, without going into details of the measures or programmes to be introduced. On the other hand, it is up to the States Parties to assess, on a more or less regular basis, the effectiveness and results of the programmes and measures implemented and their scientific relevance.

104. The fundamental principles set out in the three articles of Chapter V are as follows:

- ▶ persons undergoing intervention programmes or measures must give their prior consent: no intervention programme or measure may be imposed on them;
- ▶ the intervention programmes or measures should be available as soon as possible, to increase the chance of success;
- ▶ there should be arrangements for assessing the dangerousness of the persons concerned and the risk of their re-offending;
- ▶ arrangements should be made for evaluating the intervention programmes and measures;
- ▶ special attention should be paid to the persons concerned who are themselves children;
- ▶ the various services responsible, in particular the healthcare and social services, the prison authorities and, with due regard to their independence, the judicial authorities must be co-ordinated.

## VI.2.1 Assessment of the dangerousness and possible risks of repetition of sexual offences against children and evaluation of the effectiveness of the programmes or measures

As regards the implementation of Article 15 of the Convention requiring an assessment of the dangerousness and possible risks of repetition of the offences established in accordance with this Convention, the Committee notes that **Austria, Croatia, Denmark, Italy, Lithuania, Portugal, Romania** and **Spain**, state that they conduct such assessments:

- ▶ in **Austria**, during the pre-trial phase and when alternatives to imprisonment are decided, the court may ask an expert to determine the appropriate programme or measure in each case. In prison, along with the usual instruments for sex offenders, such as for example the "Static-99"<sup>53</sup> or the "Sex Offender Risk Appraisal Guide", another tool, the "Violence Risk Scale: Sex Offender Version (VRS: SO)", is implemented for risk assessment and risk management. Before deciding on the conditional release of an offender, the court must request an opinion from the Centre for the examination and evaluation of violence and sexual offenders (the *Begutachtungsstelle für Gewalt-und Sexualstraftäter – BEST*);
- ▶ in **Croatia**, assessments are carried out in prisons and in the case of alternatives to prison. The probation services use criminogenic risk measurement and needs assessment tools. However, Croatia indicates that the assessment instruments are not sensitive enough for this specific category of offenders. During

53. "Static-99" is "an assessment scale based only on static (unchangeable) factors that correlate with sexual reconviction in adult males.

a prisoner's detention, experts in different fields assess his or her personality (psychological, pedagogic, social, criminological and medical analysis) so as to propose an individual programme for the execution of the prison sentence;

- ▶ **Denmark** indicates that the following assessment tools: Level of Service Risk, Need, Responsivity (LS-RNR),<sup>54</sup> Psychopathy check list (PCL), Static 99,<sup>55</sup> HCR-20<sup>56</sup> and the Reliability and Validity of the Sexual Violence Risk-20 (SVR-20)<sup>57</sup> are used throughout the procedure except in the pre-trial phase;
- ▶ in **Italy**, the evaluation of the effectiveness programmes for sex offenders has been carried out in the prison of Vercelli through a scientific tool named SOTIPS (Sex offender treatment intervention and progress scale). This instrument evaluates both the effectiveness of the programme and the awareness of the sex offenders regarding the crimes and sexual abuses committed. It is also used in other prisons;
- ▶ the **Netherlands** is going to make standard use of instruments/tools to assess the risks of repetition of sexual offences against children, as much as possible, for the pre-trial phase, detention, forensic psychiatric treatment (TBS). For sex offenders, the static-stable-acute (SSA) is used if possible. Part of the SSA is the Static-99 and some dynamic factors (i.e. criminogenic factors, like school/jobs/friends/attitudes/behaviours, etc.). The Static-99 is used during the trial phase; it is part of the report that the probation services draw up, and it is also used during the detention phase and TBS; f.e. for determination if somebody can go on leave. It is also a part of the youth TBS report. In case of hands-off crimes, other instruments are used: the HKT-20 (Historic, Clinical, Future) and the Risc. The HKT (developed in and specific for the Netherlands) together with the HCR 20V3 (Historic, Clinical and Risk Management: it is developed in English, but also available in Dutch) is used as a risk assessment instrument for clinical intern forensic patients. The HCR 20V3 is a revised version of the HCR-20 that is the most used international instrument to determine the risk of violence. In the HCR 20V3, there is more emphasis on the dynamic risk factors and it contains more concrete guiding lines for risk management. Finally, the Risc is a diagnostic instrument to determine the risk of repetition. It gives a scientific base for an investigation or advice for the prosecution, judges, prisons or municipalities. The probation officer can determine which criminogenic factors increase the possibility of repetition. So it gives insight into which interventions are necessary to reduce the risk of repetition (not only regarding the behaviour and problems of an offender but also regarding the possibilities a person has);
- ▶ **Portugal** states that an assessment of the risk of recidivism and the needs of the suspected offender is carried out at the pre-trial phase by the Directorate General for Rehabilitation and Prison Services (DGRPS) to help the judge make a decision.

Article 15, paragraph 4 of the Convention provides that the effectiveness of the intervention programmes and measures implemented should be assessed. **Austria, Denmark, Finland, the Netherlands, Portugal and Spain** are the only countries that indicate that they conduct assessment studies in this respect:

- ▶ in **Denmark**, the LS-RNR is assessed on an annual basis to readjust the programme/measures used. In addition, two studies examining the effects on recidivism are underway;
- ▶ in the **Netherlands**, an evaluation is made of the forensic care programs used and of COSA (the circles of support and accountability projects for sex offenders after they are released);
- ▶ the effectiveness of prison programmes is assessed in collaboration with academics in **Spain**. They compare the results obtained by two groups (participants and non-participants) before and after treatment.

54. This method assesses the rehabilitation needs of offenders and their risk of recidivism.

55. See above.

56. This guide enables the evaluation of the risk of violence in a psychiatric and correctional context for internal and external clients under medical or legal supervision. It is a risk assessment guide, not a psychological test. The guide presents a scale consisting of 20 risk factors divided into chronological (past), clinical (present), and risk management (future) factors, and explains how to assess them in relation to a subject.

57. SVR-20 is a guide and an assessment scale. It is a 20-item checklist of risk factors for sexual violence and involves determining the presence/absence of each factor and whether there has been any recent change in the presence or absence and the degree of change (increasing or decreasing) as appropriate. These factors are: sexual deviation, childhood victim of violence, psychopathy, severe mental illness, substance use problems, suicidal/homicidal ideation, relational problems, employment problems, past non-sexual violent offences, past non-violent offences, past supervision failures, high-density sex offences, multiple types of sex offences, physical harm to victim(s) in sex offences, use of weapons or threats of death in sex offences, escalation in frequency or severity of sex offences, extreme minimisation or denial of sex offences, attitudes that support or condone sex offences.

## Recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee:

- ▶ urges the Parties which have not yet put in place a tool or procedure<sup>58</sup> to make an assessment of the dangerousness and possible risks of repetition of sexual offences against children, to do so; (R26)
- ▶ urges the Parties which have not yet<sup>59</sup> put in place a tool or procedure to evaluate the effectiveness of the intervention programmes or measures, to do so. (R27)

### VI.2.2 Informed and consenting recipients of intervention programmes or measures

#### **Lanzarote Convention, Chapter V – Intervention programmes or measures**

##### **Article 16 – Recipients of intervention programmes and measures**

1. Each Party shall ensure, in accordance with its internal law, that persons subject to criminal proceedings for any of the offences established in accordance with this Convention may have access to the programmes or measures mentioned in Article 15, paragraph 1, under conditions which are neither detrimental nor contrary to the rights of the defence and to the requirements of a fair and impartial trial, and particularly with due respect for the rules governing the principle of the presumption of innocence.

2. Each Party shall ensure, in accordance with its internal law, that persons convicted of any of the offences established in accordance with this Convention may have access to the programmes or measures mentioned in Article 15, paragraph 1.

3. Each Party shall ensure, in accordance with its internal law, that intervention programmes or measures are developed or adapted to meet the developmental needs of children who sexually offend, including those who are below the age of criminal responsibility, with the aim of addressing their sexual behavioural problems.

##### **Article 17 – Information and consent**

1. Each Party shall ensure, in accordance with its internal law, that the persons referred to in Article 16 to whom intervention programmes or measures have been proposed are fully informed of the reasons for the proposal and consent to the programme or measure in full knowledge of the facts.

2. Each Party shall ensure, in accordance with its internal law, that persons to whom intervention programmes or measures have been proposed may refuse them and, in the case of convicted persons, that they are made aware of the possible consequences a refusal might have.

##### **Explanatory Report**

##### **Article 16 – Recipients of intervention programmes or measures**

105. Article 16 identifies three categories of persons to whom intervention programmes or measures should be offered:

- ▶ persons prosecuted for any of the offences established in accordance with the Convention;
- ▶ persons convicted of any of the offences established in accordance with the Convention;
- ▶ children (persons under the age of 18) who sexually offend.

106. It should be remembered that Article 7 also provides for access to intervention programmes and measures for people referred to in paragraph 64 of this report.

107. In the case of persons prosecuted but not yet convicted, the negotiators considered that it should be possible to offer them the benefit of (but not impose) intervention programmes or measures at any time during the investigation or trial. Taking into account the principle of the presumption of innocence, the negotiators took the view that no link should be established between acceptance of an intervention measure and the decisions taken in the course of the proceedings, and that it was up to the persons concerned to decide freely whether or not they wished to benefit from such a measure. Article 16, paragraph 1, refers to the safeguards guaranteed by the rights of the defence, the requirements of a fair trial and the need to observe the rules relating to the principle of the presumption of innocence. In implementing these provisions, Parties are asked to ensure that the prospect of a reduced sentence does not constitute undue pressure to undergo intervention programmes and measures.

58. Albania, Belgium, Bosnia and Herzegovina, Bulgaria, Finland, France, Greece, Iceland, Luxembourg, Malta, Republic of Moldova, Montenegro, San Marino, Serbia, "The former Yugoslav Republic of Macedonia" and Ukraine.

59. Albania, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Finland, France, Greece, Iceland, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Romania, San Marino, Serbia, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

108. “Convicted” persons are persons who have received a final judgment of guilt from a judge or court.

109. Article 16, paragraph 3, contains a provision specifically concerning intervention programmes or measures that could be offered to children who have committed sexual offences, to respond to needs linked to their development and treat their sexual behavioural problems. The intervention programmes and measures must be adapted for minors.

#### **Article 17 – Information and consent**

110. Article 17 lays particular emphasis on the need to obtain the full consent of persons to whom intervention programmes or measures are offered, for it appears that the success of these depend, in most if not all cases, on the adherence of the person concerned to the measures or programmes implemented. Paragraph 1 emphasises that full consent implies free and informed consent, which presupposes that the person concerned has been informed of the reasons for his or her being offered an intervention programme or measure.

111. The consent requirement means that the persons concerned must be free to refuse the programme or measure proposed, as stated in paragraph 2. In the case of convicted persons, however, the States’ domestic law may stipulate that certain measures to suspend or alleviate sentences (e.g. suspended sentence or conditional release) are conditional upon participation in an intervention programme. Conditional release is defined in the Appendix to the Committee of Ministers’ Recommendation Rec(2003)22 on conditional release (parole) as “the early release of sentenced prisoners under individualised post-release conditions”. In the circumstances, the persons concerned must be fully informed of the consequences of their refusing, such as the inapplicability, by law, of the measure alleviating the sentence.

■ Article 16 of the Convention identifies three categories of persons to whom intervention programmes or measures must be offered:

- ▶ persons prosecuted for any of the offences established in accordance with the Convention;
- ▶ persons convicted of any of the offences established in accordance with the Convention;
- ▶ children (persons under the age of 18) who sexually offend.

■ Article 17 lays particular emphasis on the need to obtain the full consent of the above persons which presupposes that the person concerned has been informed of the reasons for his or her being offered an intervention programme or measure.

### **VI.2.3 The specific case of juvenile offenders**

■ Out of the 13 Parties that provided information on Article 16, all except **Bosnia and Herzegovina**, reported having measures for children.

■ In **Austria**, all the measures for adults are applicable to children over 16 years of age. Specifically for children, there are also so-called “conferences of the social net”, set up by the court and the probation services, that aim to determine a kind of guardian among the child’s entourage, who has to report back on the possibilities for reintegration and the proposal of an appropriate programme. This report may be requested before any judgment, in case of alternatives to detention or during the follow-up after detention. The LIMES programme, which is of interest at the pre-trial stage, is applicable. During the detention of children, there are specific programmes for juvenile offenders. In the event of a child’s conditional release, one of the measures may be therapeutic treatment after the Centre for the Examination and Evaluation of Violence and Sex Offenders has given its opinion.

■ In **Belgium**, various services are aimed at adolescents who have committed acts considered as “sexual abuse” on other adolescents, children or adults.

■ In **Croatia**, precautionary measures can be taken as with adults and non-compliance with them may lead to preventive detention. Like adult offenders, libido control can also be related to problems with alcohol and other psychoactive substances and therefore, if required, juvenile offenders are included in programmes aimed at preventing dependence and recidivism. Psychological treatment may be imposed in the event of conditional release.

■ In **Denmark**, young people above the age of criminal responsibility have the same rights and are given the same treatment as adults. Those below that age are not in contact with the penal system. The Danish Government provides funding for three specialised treatment facilities, which offer treatment and support for children who have committed sexual offences against another child. The purpose is to help the child to stop this kind of behaviour and prevent the behaviour from continuing, as the child becomes an adult. The specialised treatment facilities also provide counselling for municipalities on how to handle cases concerning this specific target group.



■ In **Finland**, Save the Children Finland, in cooperation with the Criminal Sanctions Agency and the Hospital District of Helsinki and Uusimaa, has produced online self-help material to prevent child sexual abuse for adolescents who are worried about their sexual interest in children.<sup>60</sup> The material challenges misbeliefs and thoughts regarding sexual action towards children which are typical for people sexually interested in children and also offers exercises to change these beliefs and information on where to seek help. This material has been widely used amongst professionals working in the field and it won the National Crime Prevention Prize in 2015. New material will be published by the end of the year 2017.

■ In **Iceland**, there are no services based on multidisciplinary or interagency cooperation for persons subject to criminal proceedings in Iceland. However, the Government Agency for Child Protection (GACP) has since 2008 contracted out risk assessment and treatment services for children with inappropriate sexual behaviour, including youth 15 to 18 years of age that are criminally responsible and have committed sexual offences. The aim of this therapeutic intervention is not *per se* an alternative to possible criminal proceedings or other measures by the judiciary although it may have impact on decisions with regard to prosecution or sentencing in individual cases.

■ In **Italy**, with the exception of children who are at a high risk of recidivism and with elevated social dangerousness, the “testing procedure” is an alternative to imprisonment, which the court may order for a maximum period of three years. During this period, the volunteer is followed by the services for juvenile offenders of the Juvenile Court in collaboration with the local social services. At the end of the treatment, an assessment is undertaken which the judge uses as a basis to decide on the termination of the prosecution. During treatment, the juvenile offender may be placed in a specialised centre based on a court decision, or pending the final decision of the court.

■ In the **Netherlands**, in less serious cases, juvenile offenders may be offered alternatives to imprisonment including intensive behavioural therapy, sometimes combined with other conditions. For the more serious cases, there are detention centres for young people. Assessments are regularly conducted by the LIJ (National Instrument for Screening and Risk Assessment for Organisations under the Youth Criminal Law) and the Scientific Research and Document Centre.

■ **Portugal** explains that measures are implemented in educational centres for children between 12 and 16 years of age. For juvenile offenders between the ages of 16 and 21, measures are implemented in special detention institutes.

■ In **Romania**, children can be included in adult programmes before trial and as an alternative to detention, but there are no specific programmes for them. In the case of detention, measures may be imposed on them, such as internment in an educational or detention centre.

■ In **Spain**, social and therapeutic intervention programmes for juvenile offenders who commit acts of physical, psychological or sexual violence have been developed by the Márgenes y Vínculos Foundation for the Autonomous communities of Andalusia and Extremadura since 2013. Specific programmes for juvenile sex offenders are proposed in the Madrid region for their reintegration into society and rehabilitation. In this same region, a multidisciplinary approach integrating all the aspects (legal, police, social, health services) and all the players (victim, family, juvenile offender) is used by the Centre of Intervention in Sexual Abuse on Children (CIASI) and is financed by the Ministry of Health, Social Services and Equality.

■ **Turkey** states that the judge of the Family Court may take a certain number of preventive measures against children having reached the age of 12 years who are alleged to have committed offences set forth in the Convention. In the event of an alternative to imprisonment, an assessment report must be drawn up by the prison authorities stating that there should be no adjustment problems in the event of a return to normal life and that family ties must be maintained. Juvenile offenders detained in institutions may use the psychological support service provided to help them to reintegrate into society. Juvenile offenders have access to the activities for adults set up by the probation department to help prevent recidivism and to help offenders reintegrate into society in cooperation with universities or non-governmental organisations.

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60. The material is available at: <https://www.pelastakaalapset.fi/uutiset/omahoito-ohjelma-lasten-seksuaalisen-kaltoinkohtelun-en-naltaehkaisyynt/>

### Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee urges Parties who have not yet done so<sup>61</sup> to put in place an offer dedicated to meet the developmental needs of children who sexually offend, including those who are below the age of criminal responsibility with a view to providing them adapted programmes or measures so that they can be helped. (R28)

## VI.3 Intervention programmes or measures offered during the different stages of judicial proceedings

### VI.3.1 Pre-trial phase

Intervention programmes or measures must be offered or promoted at all stages of judicial proceedings, and therefore also when a person is suspected of having committed an offence of a sexual nature but has not yet been tried or convicted.

In several Parties it is possible for a suspect to undergo therapeutic treatment in prison (preventive detention) and outside prison. This is the case in **Austria, Belgium, Croatia, Lithuania, Netherlands, Romania and Turkey**.

The obligation to follow counselling or treatment may be one of the conditions for the alternative to preventive detention. Failure to comply with these conditions may result in preventive detention in **Austria, Belgium and Croatia**.

#### *Promising practice*

The SeNAT programme (Sex Offender Therapy Programme for Lithuanian Corrections) is a programme that is offered in **Lithuania** and Eastern Europe. It is aimed at therapy provision for persons who have committed sexual offences against children. The main goal of the SeNAT programme is prevention of second sexual offences and social reintegration of sex offenders. The main objective of the SeNAT programme is to help convicted persons identify and manage their risk factors and to teach them how to control these factors in the future. The SeNAT programme is based on common principles of rehabilitation programmes. Persons can participate in this programme only upon their request. Convicted persons who do not recognise they have committed a crime, persons who demonstrate very low risk of second offence, as well as persons whose psychopathisation level is very high cannot participate in the programme.

### Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee urges Parties which have not yet put in place effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed, in the pre-trial phase of the procedure,<sup>62</sup> to do so. (R29)

### VI.3.2 Alternatives to imprisonment

Several countries, such as **Austria, Belgium, Bosnia and Herzegovina, Croatia, Denmark, Portugal, Romania, Spain and Turkey**, have programmes which are part of alternative judicial measures for persons with deviant sexual behaviour involved in judicial proceedings. Some differences can be noted as detailed below:

- ▶ in **Austria**, in the event of a conviction with suspension of sentencing, a condition may be to undergo therapeutic treatment. An expert may thus be designated to determine the most appropriate measure;
- ▶ as regards alternatives to detention, in **Bosnia and Herzegovina**, it is possible for perpetrators of offences of a sexual nature to undergo psychological treatment if they committed the acts in a state of diminished mental competence;

61. Albania, Bosnia and Herzegovina, Bulgaria, France, Greece, Luxembourg, Republic of Moldova, Montenegro, San Marino, Serbia, "The former Yugoslav Republic of Macedonia" and Ukraine.

62. Albania, Bosnia and Herzegovina, Bulgaria, Denmark, Finland, France, Greece, Iceland, Italy, Luxembourg, Malta, Republic of Moldova, Montenegro, Portugal, San Marino, Serbia, "The former Yugoslav Republic of Macedonia" and Ukraine.

- ▶ for any sentence for less than one year or for fines up to 360 units/day, the courts in **Croatia** may consider community services as an alternative to imprisonment. The person must give his/her consent to the measure. The content of the community work is determined by the probation services in consultation with the sentenced person, taking into account his/her skills and qualifications. The work must be carried out within 2 years after the effective date of the judgment. In some cases, according to the probation officer's assessment and the motivation of the offender, even if no safety measures or specific requirements have been imposed in case of release on parole, preventive treatment with a psychiatrist, which the sentenced person must agree to follow, may be an objective of the individual programme;
  - ▶ in **Denmark**, an alternative to imprisonment is proposed only for perpetrators of incest and sexual offences not containing violence or illegal compulsion who are given a sentence of approximately 4-18 months. This includes cases of aggravated indecent exposure or sexual relations with a child, who is the perpetrator's foster child etc. The perpetrator may benefit from suspension of the sentence by agreeing to receive treatment and showing their motivation to change. This motivation is assessed by a panel of professionals and a programme proposal is sent to the court before any decision is taken;
  - ▶ the Directorate General for Rehabilitation and Prison Services (DGRPS) in **Portugal** is responsible for implementing the measures decided by the court, particularly by referring convicted persons benefiting from alternative measures to the mental health services. A programme specifically designed for perpetrators of domestic violence and sex offenders in the interfamilial context has been set up. This programme completes other measures or electronic surveillance.
- Only **Belgium, Lithuania** and **Spain** have introduced special programmes:
- ▶ the training projects for perpetrators of sexual offence (*Leerprojecten voor Daders van Seksueel Geweld*) in **Belgium** are offered as part of an alternative judicial measure for offenders involved in judicial proceedings;
  - ▶ **Spain** has two different programmes: PCAS (sex offenders) and "Out of the net" (for delinquents who use child sexual exploitation material on social networks). These programmes have been developed by prison psychologists in collaboration with academic experts and NGOs;
  - ▶ **Lithuania** refers to the SeNAT programme (see above).

#### Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee invites Parties who limit the scope of treatment programmes or measures as an alternative to an imprisonment, to a particular group of convicted persons or only to certain short sentences, to make programmes or measures more widely applicable. (R30)

### VI.3.3 Treatment measures and programmes in prison

■ **Austria, Belgium, Bosnia and Herzegovina, Croatia, Denmark, Finland, Italy, Lithuania, Portugal, Romania, Spain** and **Turkey** offer treatment measures or treatment programmes in prison. Offenders must either undergo psychotherapy, or they may be given psychological support or offered educational programmes.

■ In **Belgium** (i.e. Flanders, Wallonia and Brussels), there are three centres that provide support for sexual offenders under treatment with a view to prevent re-offending. The majority of patients are persons known to the courts but some persons also contact the service on their own initiative or with the support of a psychologist, doctor or another frontline actor to obtain more specialised assistance. These persons are assessed and followed by the centre in question or referred elsewhere. In addition, "I.T.E.R." is an outpatient prevention centre providing assistance to sexual offenders in the Brussels Region. Each of the letters of the abbreviation I.T.E.R. refer (in Dutch) to the therapeutic aims pursued: helping offenders to control their impulses, preventing them from re-offending, helping them to feel empathy and to recognise that they are responsible for their acts.

■ In **Croatia**, there is a specific programme called "prevention of recidivism and control of impulsive behaviour" (PRIKIP). It is a form of psychosocial group therapy for male sex offenders. Each PRIKIP group is managed by two qualified therapists who specialise in working with sex offenders. The results of the evaluation show that the programme is highly effective and justify its implementation. In addition, a convicted person may be subject to a series of security measures designed to prevent or eliminate the circumstances conducive to the commission of sex offences, such as mandatory psychiatric treatment, mandatory drug addiction treatment or mandatory psychosocial treatment. All prisoners sentenced to a term of more than six months and all prisoners for whom the mandatory psychiatric treatment security measure has been ordered, regardless of the length of the sentence, begin their sentences at the Diagnostic Centre in Zagreb. During the prisoner's detention, experts in different fields assess the person (psychological, pedagogic, social, criminological and medical analysis) so they may propose an individual programme for the execution of the prison sentence.

■ In **Denmark**, treatment while in prison depends on the length of the sentence. For shorter sentences (3 months to 5 years), offenders are placed in a specialised department in a high security prison for 6 weeks where they undergo assessments by psychiatrists and psychologists and participate in group therapy to prepare them to accept the treatment. If motivated, the prisoner will be referred to a specialised unit in a “low security” prison. The treatment the person receives in prison is provided by a university clinic on an outpatient basis. For sentences over 5 years, offenders are placed in a high security prison where intensive psychological and psychiatric treatment is offered and the prisoner’s needs are assessed. Chemical castration can be performed if necessary with the inmate’s agreement.

■ In **Finland**, persons that have received a prison sentence may attend a STOP-program (Sex Offender Treatment Program: Core Program, STOP) in Riihimäki prison. The program lasts for 8 months and is targeted to prisoners that are estimated to have a medium or high risk for reoffending. The risk for reoffending will be assessed before the start of the program. Due to the length of the program it is required that the remaining length of the prison sentence is at least 8 months. Prisoners may apply to the program from all prisons in Finland. The program includes group therapy sessions and aims at changing the understanding and the attitudes of the participants regarding their previous offensive behaviour. Currently a new individual program is being developed that could be used also outside the prison. There are also two other programmes called *Uusi suunta* programme and the Act on Supervised Probationary Freedom.

■ The **Netherlands** has forensic psychological mental care in prison for offenders with mental limitations or mental dysfunction, especially for treatment of their sexual dysfunction, including paedophilia.

■ Three functional centres for aggressors are providing psychological help and group therapy for adults and young offenders in **Romania**. However only a very low number of persons received this kind of help because of lack of demand for help.

■ In **Spain**, there are intervention programmes in prisons for inmates who have committed sexual offences aiming at decreasing recidivism. There is also a specific program called “Out of the Network”, which targets persons convicted for offences related to child abuse material.

#### Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention

The Lanzarote Committee urges Parties which have not yet put in place effective intervention programmes or measures in prison,<sup>63</sup> to do so. (R31)

### VI.3.4 Programmes and measures after release from prison

■ In the case of conditional release, therapeutic treatment may be one of the measures adopted in the following countries: **Austria, Belgium, Croatia, Denmark, Lithuania** and **Portugal**. The Probation Department in **Turkey** sets up activities to prevent recidivism and to help offenders reintegrate into society after their release from prison in cooperation with universities or non-governmental organisations.

■ In **Austria**, one of the measures taken in the event of conditional release may be therapeutic treatment or house arrest, with the offender being ordered to participate in an intervention programme after the *Begutachtungsstelle für Gewalt- und Sexualstraftäter – BEST* (the Centre for the examination and evaluation of violence and sexual offenders) has given its opinion.

■ In addition to the guidance and treatment received by sex offenders, **Belgium** offers the COSA (see below) and *Leerprojecten voor Daders van Seksueel Geweld* projects (training projects for sexual offenders), which are also intended for sex offenders with an average risk of recidivism who are released and monitored after detention.

■ Early release from prison in **Denmark** is mostly conditional on acceptance of treatment. Release is gradual and supervised by a team that observes the inmate and reports back to the probation services. The probation services have a few specialised residences for this population of inmates.

■ The Directorate General for Rehabilitation and Prison Services (DGRSP) in **Portugal** maintains a level of surveillance/intervention which is determined by the needs assessed at the time conditional release is being considered. Based on these needs, a social rehabilitation plan is established including mental health treatment.

63. Albania, Bulgaria, France, Greece, Iceland, Luxembourg, Republic of Moldova, Montenegro, San Marino, Serbia, “The former Yugoslav Republic of Macedonia” and Ukraine.

### ***Promising practices***

In **Belgium**, Circles of Support and Accountability (COSA) projects are designed for sex offenders who present a medium to high risk of re-offending and who are released after their detention and monitored under the 1998 Cooperation Agreements between the Federal State and the Federated Entities regarding the treatment of sex offenders. Circles are made up of three to five local volunteers who emotionally and practically support a sex offender (the “core person”) in his or her reintegration into society. The volunteers themselves are assisted by an outside circle of professionals who are responsible for the offender’s care. A circle coordinator accompanies the volunteers and acts as the link between the inner and outer circles. The primary objective of this new approach is to avoid new victims.

The **Netherlands** has the same project.

### **Recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention**

The Lanzarote Committee considers that Parties that have alternatives to imprisonment should ensure that intervention programmes and measures are in place. (R32)

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