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LANZAROTE CONVENTION

CONVENTION DE LANZAROTE

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

Convention du Conseil de l'Europe sur la protection des enfants contre l'exploitation et les abus sexuels

Compilation of Replies to Question 6 of the General Overview Questionnaire

Compilation des réponses à la Question 6 du questionnaire « Aperçu général »

The full replies submitted by States and other stakeholders are available at:

Les réponses intégrales des Etats et autres parties prenantes sont disponibles ici :

www.coe.int/lanzarote

Introduction

Since its 2nd meeting (see §5 of the meeting report)¹, the Committee has considered that it should first acquire a general overview of the situation with regard to the protection of children against sexual exploitation and sexual abuse in terms of existing legislation, institutional framework and policies for the implementation of the Convention. Such an overview should serve as a basis for the thematic monitoring of the implementation of the Convention.

This approach was confirmed by the Committee during its subsequent meetings and is reflected in the indicative calendar for the 1st monitoring round as adopted by the Committee in December 2013 (see §13 of the 7th meeting report as well as its Appendix III)². During this meeting, the Committee also decided that the Secretariat should compile the replies to the questionnaires following the indicative calendar and thus that for its 8th meeting, replies to questions 1, 3, 5 and 6 of the General Overview Questionnaire should be compiled.

This document is therefore aimed at responding to this request by compiling replies to question 6.

* * *

Depuis sa 2^e réunion (voir §5 du rapport de réunion)³, le Comité a estimé devoir acquérir d'abord une vue d'ensemble de la situation de la protection des enfants contre l'exploitation et les abus sexuels (législation en place, cadre institutionnel et politiques de mise en œuvre de la Convention). Une telle vue d'ensemble devrait servir de base au suivi thématique de la mise en œuvre de la Convention.

Cette approche a été confirmée lors des réunions suivantes du Comité et est reflétée dans le calendrier indicatif pour le 1^{er} cycle de suivi tel qu'approuvé par le Comité en décembre 2013 (voir §13 du rapport de la 7^e réunion ainsi que son annexe III).⁴ Lors de cette réunion le Comité a également décidé que le Secrétariat devrait compiler les réponses aux questionnaires selon le calendrier indicatif et par conséquent, pour sa 8^e réunion, que les réponses aux questions 1, 3, 5 et 6 du questionnaire « Aperçu général » devraient être compilées.

Le présent document vise donc à répondre à cette demande en compilant les réponses reçues à la question 6.

¹ The 2nd meeting report is online at:

http://www.coe.int/t/dghl/standardsetting/children/T_ES/T-ES_2012_004_report_2nd_mtg_07082012.pdf

² The 7th meeting report is online at:

[http://www.coe.int/t/dghl/standardsetting/children/T-ES\(2013\)12Report7thMeeting_en.pdf](http://www.coe.int/t/dghl/standardsetting/children/T-ES(2013)12Report7thMeeting_en.pdf)

³ Le rapport de la 2^e réunion est en ligne ici :

http://www.coe.int/t/dghl/standardsetting/children/T_ES/T-ES_2012_004_rapport_2e_reunion_07082012.pdf

⁴ Le rapport de la 7^e réunion est en ligne ici :

[http://www.coe.int/t/dghl/standardsetting/children/T-ES\(2013\)12Report7thMeeting_fr.pdf](http://www.coe.int/t/dghl/standardsetting/children/T-ES(2013)12Report7thMeeting_fr.pdf)

Question 6: National or local coordination, cooperation and partnerships

- a. Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (Article 10, para. 1);
- b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (Article 10, para. 3)? If so, please specify how;
- c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (Article 15, para. 2 and Article 16)?

Question 6 : Coordination au plan national ou local, coopération et partenariats

- a. Veuillez décrire comment la coordination au plan national ou local est assurée entre les différentes instances chargées de la protection, de la prévention et de la lutte contre l'exploitation et les abus sexuels concernant des enfants. En particulier, veuillez fournir des informations sur la coordination existante ou prévue entre le secteur de l'éducation, le secteur de la santé, les services sociaux, les forces de l'ordre et les autorités judiciaires (article 10, par. 1) ;
- b. Une coopération en vue de mieux prévenir et combattre l'exploitation et les abus sexuels concernant des enfants est-elle encouragée entre les autorités compétentes de l'Etat, la société civile et le secteur privé (article 10, par. 3) ? Dans l'affirmative, veuillez préciser comment ;
- c. Des partenariats ou d'autres formes de coopération entre les autorités compétentes sont-ils encouragés en particulier en ce qui concerne les destinataires des programmes et mesures d'intervention prévues pour les personnes poursuivies ou condamnées pour avoir commis l'une des infractions établies conformément à la Convention de Lanzarote (article 15, par. 2 et article 16) ?

Relevant extracts from the Lanzarote Convention and its Explanatory report

Lanzarote Convention, Article 10 – National measures of co-ordination and collaboration

- 1 Each Party shall take the necessary measures to ensure the co-ordination on a national or local level between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children, notably the education sector, the health sector, the social services and the law-enforcement and judicial authorities.
- 2 (...)
- 3 Each Party shall encourage co-operation between the competent state authorities, civil society and the private sector, in order to better prevent and combat sexual exploitation and sexual abuse of children.

Explanatory report

76. The first paragraph is concerned to promote a multidisciplinary co-ordination approach by requiring that Parties take measures to ensure the co-ordination on a national or local level between the various agencies responsible for preventing and combating sexual exploitation and abuse of children, in particular the education and health sectors, social services, law enforcement and judicial authorities. The list is not exhaustive. As far as judicial authorities are concerned, the coordination of action by the sectors mentioned should operate with full respect to their independence and to the principle of the separation of powers.
77. There is no doubt that the development of a multi-agency and multi-disciplinary approach to dealing with sexual exploitation and abuse of children is important, premised upon the fact that no single agency would be able to address a problem of such complexity.
78. The reference to “local” level means any level below the national level and is particularly relevant to federal States.

(...)
85. In paragraph 3, in respect of the necessity of a comprehensive and multidisciplinary approach, States are required to encourage co-operation between competent State authorities, civil society and the private sector in the prevention of and fight against sexual exploitation and abuse of children. The reference to civil society is a generic term covering non-governmental organisations and the voluntary sector. This paragraph, as in paragraph 2 b, recognises and supports the important role of civil society in preventing sexual exploitation and abuse of children. For many children and families, NGO’s are more acceptable to them in their search for support than formal State institutions and bodies. For that reason, while responsible for meeting the obligations laid down in Article 10, Parties must involve such bodies in the implementation of preventive measures.

Lanzarote Convention, Article 15 – General principles

1 (...).

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.

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.

Lanzarote Convention, 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.

Explanatory report

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.
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.

Extraits pertinents de la Convention de Lanzarote et de son rapport explicatif

Convention de Lanzarote, Article 10 – Mesures nationales de coordination et de collaboration

- 1 Chaque Partie prend les mesures nécessaires pour assurer la coordination au plan national ou local entre les différentes instances chargées de la protection des enfants, la prévention et la lutte contre l'exploitation et les abus sexuels concernant des enfants, notamment le secteur de l'éducation et de la santé, les services sociaux, les forces de l'ordre et les autorités judiciaires.
- 2 (...)
- 3 Chaque Partie encourage la coopération entre les pouvoirs publics compétents, la société civile et le secteur privé, afin de mieux prévenir et combattre l'exploitation et les abus sexuels concernant des enfants.

Rapport explicatif

76. Le premier paragraphe vise à promouvoir une méthode de coordination pluridisciplinaire en demandant aux Parties de prendre des mesures pour assurer la coordination au niveau national ou local entre les différentes instances responsables de la prévention et de la lutte contre l'exploitation et les abus sexuels concernant des enfants, notamment les secteurs de l'éducation et de la santé, les services sociaux, les forces de l'ordre et les autorités judiciaires. La liste n'est pas exhaustive. La coordination de l'action des secteurs d'activités concernés s'opère, s'agissant des autorités judiciaires, dans le respect de leur indépendance et du principe de séparation des pouvoirs.
77. Il est très important évidemment de mettre au point une approche multi agence et pluridisciplinaire pour traiter l'exploitation et les abus sexuels concernant des enfants, étant donné qu'aucune agence ne pourrait seule prendre en charge un problème d'une telle complexité.
78. La référence au plan « local » renvoie à tous niveaux inférieurs au niveau national et concerne particulièrement les Etats fédéraux.
- (...)
85. Le paragraphe 3, relatif à la nécessité d'une approche globale et pluridisciplinaire, invite les Etats à encourager la coopération entre les pouvoirs publics compétents, la société civile et le secteur privé pour prévenir et combattre l'exploitation et les abus sexuels concernant des enfants. L'expression « société civile » est un terme générique couvrant les organisations non gouvernementales et le secteur associatif. Ce paragraphe, comme le paragraphe 2(b), reconnaît et soutient le rôle important de la société civile dans la prévention de l'exploitation et des abus sexuels dont sont victimes des enfants. Pour nombre d'enfants et de familles, les ONG sont plus acceptables dans leur recherche de support que des institutions et organes d'Etat officiels. C'est pourquoi, les Parties, qui sont tenues de respecter les obligations fixées à l'article 10, doivent impliquer ces organisations dans la mise en œuvre des mesures de prévention.

Convention de Lanzarote, Article 15 – Principes généraux

1 (...)

2 Chaque Partie prévoit ou promeut, conformément à son droit interne, le développement de partenariats ou autres formes de coopération entre les autorités compétentes, notamment les services de santé et les services sociaux, et les autorités judiciaires et autres en charge du suivi des personnes visées à l'article 16, paragraphes 1 et 2.

Rapport explicatif

101. Les dispositions contenues dans ce chapitre constituent un élément important de valeur ajoutée de la Convention. Dans un objectif de prévention de l'exploitation et des abus sexuels concernant des enfants, les négociateurs ont estimé nécessaire d'établir les dispositions visant à prévenir la répétition d'infractions à l'encontre des enfants, grâce à des programmes ou des mesures d'intervention destinées aux auteurs de ces infractions. Ils sont convenus de la nécessité d'une approche large et souple mettant l'accent sur des composantes « psycho médico-sociales » des programmes ou mesures d'intervention proposées aux auteurs, et le caractère facultatif de cette prise en charge. Pour ce qui concerne ce dernier point (caractère facultatif de la prise en charge), cela signifie que ces programmes ne font pas nécessairement partie du système pénal de sanctions et mesures, mais peuvent en revanche faire partie des systèmes de santé et d'assistance sociales. Le schéma prévu au chapitre V ne devrait entraver les plans établis au niveau national qui s'occupe du traitement des personnes souffrant de troubles mentaux.

102. L'intervention psychologique fait référence à plusieurs méthodes thérapeutiques, comme par exemple la thérapie cognitivo-comportementale ou des approches psycho-dynamiques. L'intervention médicale fait principalement référence au traitement hormonal (castration chimique). Enfin, l'intervention sociale concerne aussi bien les dispositifs mis en place pour encadrer et équilibrer le comportement social de l'auteur (par exemple, l'interdiction de fréquenter certains lieux ou personnes), qu'un travail structuré favorisant la réinsertion (par exemple la mise en ordre administrative, recherche de travail).

103. Compte tenu de la diversité des mesures susceptibles d'être mises en œuvre et des expériences menées par les Etats dans ce domaine, les négociateurs ont entendu conserver à cette disposition une large flexibilité, notamment par une référence fréquente au droit interne des Parties. Ainsi, les dispositions du chapitre V se contentent de poser quelques principes fondamentaux, sans entrer dans le détail des mesures ou programmes susceptibles d'être mis en œuvre. En revanche, il revient aux Etats Parties d'évaluer, plus ou moins régulièrement, l'efficacité et les résultats des programmes et mesures mis en œuvre et d'en mesurer la pertinence scientifique.

104. Les principes fondamentaux énoncés dans les trois articles du chapitre V sont les suivants :

- les personnes soumises aux programmes ou mesures d'intervention doivent donner leur consentement préalable et aucun programme ou mesure ne peut leur être imposé ;
- les programmes et les mesures d'intervention doivent être disponibles le plus tôt possible pour en accroître les chances de réussite ;
- des mécanismes doivent fournir une évaluation de la dangerosité des personnes concernées et des risques de récidive de ces personnes ;
- des mécanismes d'évaluation des programmes et mesures d'intervention doivent être mis en place ;
- une attention particulière doit être accordée aux personnes concernées qui sont elles-mêmes mineures ;
- la nécessité de prévoir une coordination entre les différents services compétents, et notamment les services de santé, les services sociaux, les autorités pénitentiaires et, dans le respect de leur indépendance, les autorités judiciaires.

Convention de Lanzarote, Article 16 – Destinataires des programmes et mesures d'intervention

- 1 Chaque Partie prévoit, conformément à son droit interne, que les personnes poursuivies pour l'une des infractions établies conformément à la présente Convention, puissent accéder aux programmes ou mesures mentionnés à l'article 15, paragraphe 1, dans des conditions qui ne soient ni préjudiciables ni contraires aux droits de la défense et aux exigences d'un procès équitable et impartial, et notamment dans le respect des règles qui régissent le principe de la présomption d'innocence.
- 2 Chaque Partie prévoit, conformément à son droit interne, que les personnes condamnées pour avoir commis l'une des infractions établies conformément à la présente Convention puissent accéder aux programmes ou mesures mentionnés à l'article 15, paragraphe 1.
- 3 Chaque Partie prévoit, conformément à son droit interne, que des programmes ou mesures d'intervention soient mis en place ou adaptés pour répondre aux besoins liés au développement des enfants qui ont commis des infractions à caractère sexuel, y compris ceux en deçà de l'âge de la responsabilité pénale, afin de traiter leurs problèmes de comportement sexuel.

Rapport explicatif

105. L'article 16 identifie trois catégories de personnes auxquelles des programmes ou des mesures d'intervention doivent pouvoir être proposés :
 - les personnes poursuivies pour l'une des infractions établies conformément à la Convention ;
 - les personnes condamnées pour l'une des infractions établies conformément à la Convention ;
 - les enfants (personnes âgées de moins de 18 ans) auteurs d'une infraction à caractère sexuel.
106. Il convient de rappeler que l'article 7 ouvre également le bénéfice des programmes et mesures d'intervention aux personnes visées au paragraphe 64 de ce rapport.
107. S'agissant des personnes poursuivies, non encore condamnées, les négociateurs ont estimé que des programmes ou mesures d'intervention doivent pouvoir leur être proposés (mais non imposés) à tout moment au cours de l'instruction de l'affaire ou du procès. Compte tenu du bénéfice de la présomption d'innocence, les négociateurs ont estimé qu'aucun lien ne doit être établi entre l'acceptation d'une mesure d'intervention et les décisions prises au cours de la procédure et qu'il appartient aux personnes concernées de décider librement si elles souhaitent ou non en bénéficier. Le paragraphe 1 de l'article 16 rappelle ainsi les garanties des droits de la défense, les exigences du procès équitable et le respect des règles régissant le principe de la présomption d'innocence. Dans la mise en œuvre de ces dispositions, les Etats sont invités à veiller à ce que la perspective d'atténuation de la peine ne constitue pas une pression indue pour se soumettre à des programmes et mesures d'intervention.
108. S'agissant des « personnes condamnées », celles-ci s'entendent des personnes définitivement reconnues coupables par un juge, une cour ou un tribunal.
109. Le troisième paragraphe de l'article 16, introduit une disposition spécifique dédiée aux programmes ou mesures d'intervention qui pourraient être proposés à des mineurs auteurs d'infractions à caractère sexuel pour répondre aux besoins liés à leur développement et traiter leurs problèmes de comportement sexuel. Les programmes et mesures d'intervention doivent être adaptés aux mineurs.

COMPILATION of replies / des réponses⁵

ALBANIA / ALBANIE⁶

Question a.

According to DCM No. 265, dated 12.04.2012 "On the establishment and functioning of coordination mechanisms between national authorities responsible for the referral of cases of children at risk" CPU identifies children at risk and ensure effective communication and collaboration among actors of the multidisciplinary group aiming a multi - agency approach for the protection of children at risk, within the territory of the municipality/commune.

A multidisciplinary technical group is composed of professionals such as: police, health worker, teacher, psychologist, social service providers, NGOs, etc., has the legal responsibility to offer services according to the needs of the children at risk and their families.

Children managed by CPU workers are poor children, sexually abused, children who do not attend or have dropped out school, children who work or beg in the streets, abandoned by parents, unregistered children etc

Question b.

Pursuant to the Law "On Protection of the Rights of the Child", was adopted DCM No. 267, dated 12.04.2012 "On Types and Methods of Sharing Information and Statistical Data Requested by the Agency and the Other Responsible State Institutions, at Central and Local Level"

DCM clearly defines the types and sources of statistical data, to be collected by the State Agency for the Protection of Children's Rights, as well as other responsible structures at central level. One of the indicators that is collected through this decision, it's the indicator on violence and abuse, which it collects the data by the sex gender on the number of children who have been abused, and number of child victims according to the type of violence they have suffered(domestic violence, sexual exploitation, abuse, trafficking). These indicators are annually collected by the General Directorate of Police.

Meanwhile, collected through this decision is as well, the number of denunciations according to the type of violence, the number of persons detained for committing violence and abuse against minors and the number of offenders related to the victim. While in terms of number of cases where the perpetrator was convicted or has started prosecution against the perpetrator, this information is collected annually by the Ministry of Justice.

⁵ The replies are reproduced here in the language they were received / Les réponses sont reproduites ici dans la langue où elles ont été reçues.

⁶ States which are underlined are Parties to the Convention, that are, therefore, under an obligation to reply to the questionnaire. / Les Etats dont le nom est souligné sont les Etats parties à la Convention qui doivent, donc, répondre au questionnaire.

Question c.

No reply / Pas de réponse

ANDORRA / ADORRE⁷

Did not reply. / N'a pas répondu.

ARMENIA / ARMENIE

Question a.

Co-ordination among state agencies competent for the prevention of sexual exploitation and sexual abuse of children is ensured by the mechanisms defined by the legislation of the Republic of Armenia (see question 5).

Question b.

No reply / Pas de réponse

Question c.

Within the framework of co-operation among state authorities, local and international non-governmental organisations, local self-governing bodies, "Let's Join Together for the sake of Children and Save the Future" programme was implemented by Save the Children international organisation. The objective of the programme is to prevent the phenomenon of child abuse. Within the framework of the programme, a procedure for guiding the protection of children has been elaborated, which was piloted in the Marz of Lori of the Republic of Armenia, specialists of the field of child protection of the Marz of Lori of the Republic of Armenia were trained. In 2010-2012, "Reducing violence against children in Armenia" project was implemented by World Vision international organisation, the objective of which was to build the capacity of specialists working with children for the purpose of protecting children against sexual abuse, to improve life conditions of vulnerable groups of children in the Republic of Armenia by strengthening the system of child protection, capacity of interested parties functioning at national, regional and community levels. The project lasted for 36 months and was implemented in the city of Yerevan, Lori and Syunik Marzes of the Republic of Armenia.

AUSTRIA/AUTRICHE

Question a.

1. There is a working group responsible for the coordination and discussion of issues concerning the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC). Headed by the Federal Ministry for Family and Youth, the Ministries for the Interior, Justice, Education and Women's Affairs as well as representatives of the Laender and NGOs (ECPAT, Youth representation ...) and the Internet Service Providers (ISPA, ÖIAT) are members. Another

⁷ States which are not underlined are not included in the 1st monitoring round. They were nevertheless invited to reply to the general overview questionnaire. Les Etats dont le nom n'est pas souligné ne participent pas au 1^{er} cycle de suivi. Ils ont néanmoins été invités à répondre au questionnaire « Aperçu général ».

working group focuses on the prevention of sex tourism. In this working group besides ECPAT the travel companies are the most important partners. The third working group within this ministry dealing with child trafficking issues coordinates the work among relevant ministries, Laender, youth welfare and NGOs (ECPAT, IOM, UNICEF ...).

2. Following the combined 3rd/4th State Report on the implementation of the CRC the federal Government set up a comprehensive Children Rights Monitoring mechanism. To this effect, a Children Rights Monitoring Board was established in 2012 in charge of analyzing the Concluding Observations of the CRC Committee in detail and preparing suggestions for improvements in relevant fields, in accordance with the Convention on the Rights of the Child and the Constitutional Act on the Rights of Children.

In the framework of this monitoring mechanism twelve thematic working groups (PG 1 - 12) have started to work. Among others, Data collection, Enforcement of the best interests of the child principle, participation, child health-monitoring, prevention of violence (also on the internet) and victim protection are subjects of main concern.

3. At the local level, the "Platform against domestic violence" - which is a long-term-program (since 1993) of the Federal Ministry of Family and Youth - is a network of experts from child protection centers. The aim of the platform is to network with teachers, child minders, doctors, police, etc. in order to better detect victims of violence and to protect them in the best possible ways. Prevention of sexual violence is also an important issue of the network.

Question b.

The above mentioned working groups aim at enhancing cooperation between relevant stake holders with a view to better preventing and combating sexual exploitation and sexual abuse of children.

The Network of the Austrian Child Protection Centres is active in the prevention of sexual violence and sexual abuse of children. Besides their primary function, they are also financially supported for workshops in schools, seminars with teachers and parents and awareness raising on the subject. The Network is an important partner of the state authorities in the development of laws and measures concerning the subject.

Question c.

1. Men Counselling Centres are financially supported among others for special programs for young perpetrators of sexual violence; youth welfare authorities can send young perpetrators to these programs.

2. There is a range of partnerships and different forms of cooperation between the Prison Service and private non-profit organizations, e.g. with

- "Männerberatung"- Male Counselling (www.maenner.at), which organization offers for single and group counselling,
- the Probation Service "Neustart" (www.neustart.at) in particular dealing with pre-release preparation,

- Office for Youth and Family (Municipal Department - MA 11) working in the area of transition/release management
- The organization "Drehscheibe (turntable)" offers social educational housing care groups to unattended minor refugees (<http://www.wien.gv.at/menschen/magelf/kinder/drehscheibe.html>)

In the Annex of the "Victim Protection Decree" (ref. No: BMJ-VD41501/0020-VD2/2013), which applies to all persons falling victim to an act of violence, a dangerous threat or an act against their sexual integrity while being detained in an Austrian prison, the respective victim protection organisations in all Federal Provinces (psychosocial and legal process assistance) are listed. There are cooperations with the following institutions:

- Weißer Ring [White Ring] (www.weisser-ring.at),
- Emergency call for victims (www.opfernotruf.at),
- Protection centre against violence (www.gewaltschutzzentrum.at),
- Organisation Save the Child - Austria (www.rettet-das-kind.at),
- Organisation Lichtblick [Ray of Hope] (www.kindernotruf.at),
- Organisation Promente Carinthia (www.promente-kijufa.at),
- Organisation Assistance for Children, Parent/Children Protection Centre Carinthia (www.kinderschutzzentrum-kaernten.at),
- Social Welfare Association in Carinthia (AVS) (www.avs-sozial.at),
- Die Möwe [the sea-gull] -Non-Profit Centre Ltd for Children Protection (www.die-moewe.at),
- Organisation Women for Women (www.frauenfuerfrauen.at),
- "Kidsnest"-Company Ltd for the Protection of Children + Juveniles (www.kidsnest.at), Organisation Women Counselling Mostviertel (www.frauenberatung.co.at),
- Organisation Assistance for Children and Parents – Centre for Children Protection Linz (www.kinderschutz-linz.at),
- Organisation Autonomous Women's Centre (www.frauenzentrum.at),
- Operating agency Children Protection Centre WIGWAM (www.wigwam.at),
- Children Protection Centre Innviertel (www.kischu.at),
- Family Academy of Kinderfreunde [children's friends] Upper Austria (www.kinderfreunde.ee),
- Organisation Women's Shelter Linz (www.frauenhaus-linz.at),
- Organisation Help Centre for Young Persons, Children Protection Centre TANDEM (www.tandem.or.at),
- Organisation Social Centre Vöcklabruck – help for people in need, Helpdesk IMPULS (www.sozialzentrum.org/impuls/),
- Institute for Social Welfare - IfS, non-profit company Ltd. (www.ifs.at),
- Organisation Emergency Call for Women Salzburg (www.frauennotruf-salzburg.at),
- Organisation "Kolping-Family Hallein", women's shelter Hallein, house Mirjam (www.kolping.at/frauenhaus-hallein.html),
- Relief organisation Volkshilfe Styria Operating Company Ltd, children protection centre Liezen (www.kinderschutz-zentrum.at),
- Organisation Help for Children and Parents – children protection centre Graz (www.kinderschutz-zentrum.at),

- Organisation "Save the Child Styria" (www.rettet-das-kind-stmk.at),
- Organisation Austrian Kinderfreunde [children's friends], Provincial organisation Styria, children protection centre Upper Mur Valley (www.kinderfreunde-steiermark.at),
- Organisation Women's Shelters Styria, organisation for direct help to threatened and abused women and their children (www.frauenhaeuser.at),
- Helpdesk TARA (emergency call for women) (www.taraweb.at),
- KITZ children protection centre (www.gfsg.at),
- Organisation "Women against Rape" (www.frauen-gegen-vergewaltigung.at),
- Tyrolean Children Protection Company Ltd (www.kinderschutz-tirol.at),
- Organisation EVITA – Helpdesk for women and girls (www.evita-frauenberatung.at),
- Organisation Women's Shelters in Vienna (www.frauenhaeuser-wien.at),
- Organisation TAMAR, helpdesk for ill-treated and sexually abused women and children (www.tamar.at),
- Organisation Information Desk for Men (www.maenner.at),
- Organisation LEFÖ - counselling, education and assistance for migrants (www.lefoe.at),
- Organisation Vienna Intervention Centre against Violence in the Family (www.interventionsstelle-wien.at),
- Organisation Women against Sexual Exploitation of Girls, helpdesk for sexually abused girls and women (www.maedchenberatung.at) and
- Organisation Emergency Call, counselling of raped women and girls (www.frauenberatung.at).

In the Remand Prison Vienna-Josefstadt (juvenile department) the organization Male Counselling is employed and their services are purchased for psychotherapeutic single and/or group treatments. An in-house multi-professional team (i.a. including social workers, psychologists, (social) educationalists, and employees from the Youth Justice Work Agency) renders a prior assessment on which measure would be most appropriate in any individual case.

Also in the Penitentiary for Juveniles in Gerasdorf the services of the Organisation "Male Counselling" are purchased for psychotherapeutic single and group treatments after a professional team having assessed the individual case, moreover there are further external psychotherapists (independent/self-employed, without affiliation with any relevant organisation).

Moreover, in cases of juvenile sexual offenders there is close cooperation with the organisation "Neustart" (release on probation with special release requirements and instructions in the course of pre-release preparation, such as continuation of therapy, etc.), also in cooperation with the competent court of execution.

In case of need, there shall be professional cooperation with the Municipal Department MA 11 in the course of pre-release preparation.

AZERBAIJAN / AZERBAÏDJAN

State Committee for Family, Women and Children Affairs coordinates the issues related to children with Ministry of Education, Ministry of Health, Ministry of Labor and Social Protection of Population, Ministry of Justice, Ministry of Internal Affairs, Prosecutor's Office and other central and local power bodies on child issues and on preventing and combating sexual exploitation and sexual abuse of children.

According to the Decree of the President of the Republic of Azerbaijan on Approval of the National Program for Action to raise effectiveness of the protection of human rights and freedoms in the Republic of Azerbaijan of 27 December 2011, #1938, it is decided to recommend the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan to lead the activity of the working Group on coordination of the implementation of the National Program for Action. Different awareness-raising, promotional events on child rights are conducted in cooperation with relevant state bodies and NGOs. Joint monitoring of child institutions is regularly conducted with relevant state bodies and with Azerbaijan NGO Alliance for Children's Rights.

BELGIUM / BELGIQUE

Did not reply yet. / N'a pas encore répondu.

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Did not reply yet. / N'a pas encore répondu.

BULGARIA / BULGARIE

Did not reply yet. / N'a pas encore répondu.

CROATIA / CROATIE

Question a.

In order to arrive at more effective solutions in the field of prevention of and fight against domestic violence that rest on a close and well coordinated inter-agency cooperation, in 2010, an agreement between the Ministry of the Interior, the Ministry of Justice, the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, the Ministry of Health and Social Welfare, the Ministry of Science, Education and Sports, and the Ministry of Public Administration was signed. Its aim was to set up inter-agency teams at both the national and county levels.

The teams are tasked with the coordinated monitoring and supervision – through teamwork – of the work of all the competent authorities dealing with cases of domestic violence and violence against women, which is to lead to greater cooperation between the said authorities, thus eventually contributing to the prevention of and fight against domestic violence and quality protection of victims and thereby also to the protection against, prevention of, and fight against sexual exploitation and sexual abuse of children.

In line with the above, the Ministry of the Interior developed, in 2010, a package of measures, i.e., specific activities, which it is still implementing in cooperation with the other competent authorities, institutions and civil society organisations.

Question b.

The working groups that the Ministry of Social Policy and Youth and the other ministries set up when drafting legislation falling within their respective fields of competence include representatives of all the relevant state authorities, public institutions and civil societies that are active in the field in question. This allows for the coordination of all the relevant factors within a certain field.

Also, as a form of cooperation with civil societies, the Ministry of Social Policy and Youth awards funds on a competitive basis to projects set up by various associations that aim to prevent violence against and among children and the youth.

Question c.

The Criminal Act, Criminal Procedure Act, Juvenile Courts Act⁸ and Probation Act⁹ provide the legislative framework within which probationary services and other bodies act and specify the measures that may be imposed on suspects or convicted perpetrators of criminal offences covered by the Lanzarote Convention.

Under the Probation Act, the probation service takes measures aimed at protecting the entire society from offenders and at resocialising and reintegrating offenders into the community. Probation-related activities are of special interest to the Republic of Croatia and are performed when deciding on criminal prosecution, imposing measures ensuring the defendant's presence, deciding on the type of criminal sanction, and enforcing criminal sanctions against the perpetrator of a criminal offence. The probation service, in performing activities within its field of competence, cooperates and exchanges relevant information with individuals, institutions, associations of citizens, courts, state attorney's offices, health care and social welfare institutions, educational institutions, employment service, academia, police, prison system, attorneys-at-law, legal persons, and other institutions and associations. Concerning all of the above, one of the strategic goals of the probation service is to establish a partnership with the police so that it would be able to better supervise high-risk perpetrators of all criminal offences in the community, including those covered by the Lanzarote Convention. In pursuit of the same aim, the probation service is working to establish a partnership with agencies specialised in developing specific and structured interventions directed at various groups of high-risk perpetrators, including persons convicted of criminal offences under the Lanzarote Convention. For these purposes as well as for the purpose of establishing and promoting cooperation, the Probation Sector of the Ministry of Justice has signed with the Ministry of the Interior a Protocol on Co-operation in the Performance of Probation-Related Activities.

Legislative measures with respect to defendants, convicted persons and juvenile offenders are specified in the CPA and the Juvenile Courts Act.

⁸ Official Gazette 84/11, 143/12 and 148/13.

⁹ Official Gazette 143/12.

The CPA provides for the possibility of ordering a precautionary measure against the person charged with a criminal offence in situations where there are grounds for imposing investigative imprisonment.¹⁰

The CA provides for the possibility of ordering safety measures against a person convicted of a criminal offence against a child provided for in the Lanzarote Convention, which safety measures may in turn be ordered alongside the sentence of imprisonment or conditional sentence.¹¹ Their purpose is to prevent or eliminate the circumstances that influence the commission of a certain type of criminal offence.

From the viewpoint of criminal-law protection covered by the Lanzarote Convention, the safety measure of “prohibition from holding a particular office or engaging in a particular activity” is especially significant.¹²

The court may order the safety measure “prohibition from approaching a person” against the perpetrator of a criminal offence against sexual freedom or a criminal offence of sexual abuse or sexual exploitation of children where there is a risk that the perpetrator might recommit the said criminal offence against the victim, another person or a group of persons or that he/she might recommit it at a particular location.¹³ The said measure may be no shorter than one year or longer than five years.

In the case of a criminal offence against sexual freedom committed against a child and a criminal offence of child sexual abuse and exploitation, the CA provides for the ordering, in addition to the above mentioned measures, of protective supervision following a prison term served to the full. Consequently, the period for the duration of which protective supervision is ordered starts to run after the full prison sentence is served, that is, immediately upon the perpetrator's release from prison. The ordering of protective supervision following a prison term served to the full is intended to facilitate the convicted person's reintegration into society and to protect the victim. Protective supervision is

¹⁰ Precautionary measures provided for in Article 98 of the CPA include the following: prohibition to leave one's place of residence, prohibition to frequent a certain location or area, duty to report at regular intervals to a certain person or a government authority, prohibition to approach a certain person, prohibition to establish or maintain contact with a certain person, prohibition to engage in a certain business activity, temporary seizure of a travel or other document needed for crossing the state border, temporary seizure of the driving license, prohibition to stalk or harass the victim or another person, and removal from the home. The precautionary measure of removing a person from his/her home or restricting his/her unhindered relationship with members of his/her household, spouse or common-law spouse, parents, children, adoptee or adopter may be ordered only where the criminal offence that is the subject of the proceedings was committed against any of these persons.

¹¹ Safety measures are provided for in Articles 65 to 76 of the CA; they are listed in footnote 11.

¹² The safety measure is provided for in Article 71 of the CA. Under paragraph 3 of the said Article, the said safety measure may (inter alia) be ordered in relation to a criminal offence against sexual freedom committed against a child and a criminal offence of child sexual abuse and exploitation. In other words, the Act provides for the possibility of imposing a prohibition on the defendant to hold an office or engage in an activity that involves regular contact with children even when the criminal offence committed is not related to this office or activity. This safety measures may also be ordered for the entire duration of the perpetrator's life. However, after a period of 10 years, the convicted person may request that the application of the said measure be discontinued, in which case the court may discontinue the application of the measure where it establishes that the risk because of which the measure was ordered has ceased to exist.

¹³ Article 73, paragraph 1, of the CA.

imposed by court judgment and is carried out by the probation authority. The period of probation lasts for one year and, upon the proposal of the authority carrying out protective supervision, may be extended by one year. Exceptionally, when passing judgment, the court need not impose protective supervision where it has reason to believe that, although protective supervision was not ordered, the convicted person will not commit a new criminal offence.

The CA also specifies the obligations of the convicted person during the probation period that starts with his/her release on parole under the conditions provided for by a special act.¹⁴ The convicted person released on parole (for a period which is commensurate with the length of the unserved part of the prison sentence) may be imposed special obligations or protective supervision under the authority of the probation service. As regards the part of criminal-law protection that is regulated by the Lanzarote Convention, mention should be made of the following special obligations: undergoing or continuing to undergo psychosocial treatment provided by health care facilities, legal or natural persons authorised to provide such treatment, prohibition to frequent certain places, facilities or events which could provide him/her with the opportunity or incite him/her to commit a new criminal offence, prohibition to approach the victim or some other person, prohibition to harass or stalk the victim or some other person, and treatment or continuation of treatment necessary to overcome a disorder which could be conducive to the commission of a new criminal offence. Protective supervision may be imposed where the assistance, guidance and supervision by the competent probation authority is deemed necessary in order to prevent the perpetrator from committing new criminal offences and to facilitate his/her integration into society. Protective supervision and special obligations may also be ordered against perpetrators who were not sentenced to imprisonment but were imposed, for instance, a conditional sentence.

According to the data obtained from the probation service on the types of special obligations imposed in the Republic of Croatia pursuant to final judicial decisions and relating to criminal offences covered by the Convention, in 2012, a total of 17 special obligations relating to treatment or continuation of treatment for disorders (Article 62, paragraph 2, point 4 of the CA) were imposed, while by 18 October 2013, a total of 7 such obligations were imposed.

The Juvenile Courts Act lays down special procedural rules for criminal offences established by the Lanzarote Convention¹⁵ when the perpetrators of criminal offences are minors (14-18 years) or young adults (18-21 years). A minor who at the time of committing a criminal offence is over fourteen but under sixteen years of age may be ordered educational measures and safety measures, while a minor who at the time of committing a criminal offence is over sixteen years of age but under eighteen years of age may be ordered educational and safety measures and, under the terms of the Act, juvenile imprisonment.¹⁶ The purpose of criminal proceedings against minors is to ensure protection, care, assistance and supervision and thus ultimately prevent them from

¹⁴ Execution of Prison Sentence Act (Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11 and 56/13).

¹⁵ See footnotes 4 and 5.

¹⁶ Juvenile Courts Act, Article 4.

committing new criminal offences. It should be pointed out that for the purpose of implementing the provisions of this Convention, a minor may also be imposed special obligations which may not exceed one year.¹⁷ Young adults may also be imposed measures and sanctions provided for in the Juvenile Courts Act. Apart from special obligations, a minor or young adult may, in addition to educational measures or juvenile imprisonment, be imposed safety measures.

CYPRUS / CHYPRE

Question a.

Cooperation between government agencies such as the education sector, the health sector, the social services and the law enforcement and judicial authorities is established through the Manual of Interdepartmental Procedures as concerns the Handling of Cases on Domestic Violence, which has been approved by the Council of Ministers in 2002, and is currently in the process of being amended.

The Advisory Committee for the Prevention of Violence in the Family was established under section 7 of the Violence in the Family (Prevention and Protection of Victims) Law 119 (I)/2000 to implement the Violence in the Family Law, in coordination with public services and voluntary agencies, in order to achieve, the total prevention and eradication of violence in the family.

Question b.

Cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children is encouraged between the competent state authorities, civil societies and the private sector. As mentioned above, all relevant authorities work together under Manual of Interdepartmental Procedures for Handling Cases of Trafficking and Sexual Exploitation. Furthermore all relevant departments have come together to create the National Committee for the implementation of actions within the framework of the "One in Five" Campaign.

Question c.

No, there are no other partnerships or other forms of cooperation between the competent authorities.

DENMARK / DANEMARK

Question a.

Coordination is achieved through the measures set out in the national strategy to prevent and combat sexual abuse of children (see answer to question 3(b)). See also answer to question 15(a).

¹⁷ Special obligations such as, for instance, "refraining from frequenting certain establishments...", "undergoing individual or group psychosocial treatment at a youth counselling centre", "prohibition to approach or harass the victim", etc.

Question b.

Such cooperation is addressed by the national strategy to prevent and combat sexual abuse of children (see answer to question 3(b)). See also answer to question 15(a).

As mentioned in the answer to question 4(b), Child Advocacy Centres (børnehuse) have been established. In the child-friendly centres the different professionals and authorities work and cooperate to help children who have been sexually abused, as well as when it is assumed that a child has been sexually abused.

The initiative to strengthen the Ombudsman and the National Council for Children as well as the Children's Helpline (Børnetelefonen) operated by "Children's Welfare in Denmark" (see answers to questions 4(a), 5(a) and 14) provides that the three organisations/authorities are to coordinate their work. This includes an appropriate referral system to ensure that children are referred to the appropriate authority and that the children are consequently advised in the best possible way.

Question c.

The answer to question 10(b) provides an account of the treatment given to sexual offenders. In connection with this treatment, the Prison and Probation Service cooperates with the social authorities in several contexts. Additionally, the Prison and Probation Service also cooperates with the regional authorities, which are in charge of running the hospitals. Sexual offenders are treated in the general treatment system in a nationwide therapeutic network.

As part of the implementation of the recommendations of a report on a pilot scheme for an intensified treatment effort towards persons convicted of sexual offences (referred to in the answer to question 12(a)), a follow-up group was appointed in 2004 with representatives from the treatment facilities, the Health and Medicines Authority and the Prison and Probation Service. This group meets every six months, and in recent years its focus has been on the continuous development and coordination of treatment initiatives for sexual offenders, including offenders sentenced for paedophilia.

The nationwide therapeutic network also has regular meetings for therapeutic staff to discuss and coordinate the development of treatment and treatment initiatives.

As for the assessment of matters of leave and release on parole concerning a person who has been convicted of a sexual offence against a minor and is to stay with persons where minors are living, or is entitled to access with minors, an opinion on the determination of conditions for leave or release on parole must be obtained from the local authority of the municipality where the offender is living or staying. This consultation of the local authority is subject to the offender's consent. In case of failure to consent, the matter of leave or release on parole cannot be considered and is therefore allowed to drop.

As mentioned in the answer to question 13(b) any person who learns or becomes aware that a child or young person under the age of 18 is being neglected or abused by his/her parents or other persons involved in his/her upbringing or is living under conditions endangering his/her health or development must notify the municipal authorities. This

duty to notify can be relevant in respect of an offender released after completion of his/her sentence if there are reasons to assume that a child or young person under the age of 18 in contact with the released person is living under dissatisfactory conditions.

As regards the day-to-day cooperation with the social authorities, according to Circular No. 9398 of 26 July 2013 on the preparation of action plans under the Sentence Enforcement Act, etc., the institutions and supervisory authorities of the Prison and Probation Service must coordinate action plans with the relevant local authorities to support long-term initiatives and ensure continuity of the cooperation in respect of their common clients.

ESTONIA / ESTONIE

At the state level, the Ministry of Justice coordinates activities under the Implementing Plan of the Development Plan for Reducing Violence. In addition, the state coordinates a human trafficking mailing list, which involves ministries, NGOs, service providers, universities and others, in order to exchange information.

Since we are a small state, it is easier to cooperate with various organizations. Cooperation is mainly ensured by cooperation agreements or by law, but also with guidelines. The cooperation between state agencies is chiefly ensured by law or guidelines; with NGOs by cooperation agreements.

FINLAND / FINLANDE

Question a.

See question 3 (b) for information about the role of the National Institute of Health and Welfare as a coordinator of the measures to prevent family violence (includes also the sexual abuse that children are experiencing in the home environment or close relations).

The police have regular meetings with authorities representing health and welfare as well as social branch. Meetings with prosecutors are held in early stage in order to decide for example on schedules of pre-trial investigations. The police have actively cooperated with different actors in order to improve the services provided to victims of crime. For instance, the police, among other authorities, are involved as an expert member in the specialist working group established by the National Institute for Health and Welfare to issue guidelines for, monitor and develop the quality of investigations into physical and sexual abuse of children nationally. This working group has started its activities in March 2010.

The National Institute of Health and Welfare is coordinating a pilot project to adopt the "Children's House/Barnahus"- model in Finland. The idea is to standardize and strengthen the cooperation between the health and social sector, the police and the prosecutor in cases of suspected sexual or other physical violence where the victim is a child.

Question b.

There is lot of cooperation between the authorities (e.g. social and health sector and the police) and NGO's. Many of the projects or campaigns have been organized in cooperation with different authorities and civil society. As an example the Family Federation of Finland

(Väestöliitto) and Safe the Children federation have done cooperation with police and social services and produced material about sexual abuse in digital media, called "Save me from everything". The material is for professionals who work with young people.

Save the Children in Finland maintains a Hotline (Nettivihje) for the public to report internet illegal content. Specific focus is on child sexual abuse material, mostly manifesting sexual abuse of a child in the circle of trust. As the consumption of child abusive content is fuel to the sexual abuse taking place on domestic circles, fighting against the distribution of it has a firm role in prevention, as well as defending the victims appearing in the images from further violations to their rights. The Hotline is part of the global network coordinated by INHOPE (International Association of Internet Hotlines) comprising of 49 Hotlines in 43 countries. The Hotline activities in Finland are funded by the European Commission through the Safer Internet Program, Finland's Slot Machine Association (RAY) and The Finnish Ministry of Transport and Communications.

If the nature of the crime indicates that it is needed the police is required to inquire from the victim if they are allowed to hand over the contact details of the victim to the victim support services (Criminal Investigations Act (805/2011), translation is not yet available). The police marks on the interrogation for that the victim has been informed about the Victim Support Finland services. The Victim Support makes sure that the victims will get help, for example psychological help, if needed.

Question c.

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FRANCE

Did not reply yet. / N'a pas encore répondu.

GEORGIA / GEORGIE

Ministry of Labour, Health and Social Affairs, Ministry of Education and Science and Ministry of Internal Affairs have elaborated Child Referral Mechanism by the joint Order N152/N-N496-N45. This mechanism provides effective tool for protection of children from all forms of violence and referring them to relevant community and state services. Aforementioned mechanism integrates the work of multiple stakeholders in coordinated manner: police officers, social service agency, schools, child institutions, day-care centers, small group homes and medical facilities.

By Decree No. 591 of 13 December 2008 and with the support of the European Commission, the President of Georgia established a Criminal Justice Reform Inter-Agency Coordination Council that has been entrusted with the elaboration and implementation of the reforms in line with the international standards, as well as with the coordination of inter-agency activities in criminal justice sphere. The members of the Council are representatives of governmental agencies, NGOs, international organizations and independent experts. Membership of the Council and its functions are prescribed by the Statute of the Council.

Objective of the Council are:

- To elaborate relevant recommendations regarding the Criminal Justice Reform in line with the principles of the rule of law and human rights protection in Georgia;
- To review and periodically revise Criminal Justice Reform Strategy;
- To coordinate intergovernmental activities in course of the elaboration of the Criminal Justice Reform Strategy;
- To elaborate proposals and recommendations regarding the issues related to penal reform, probation, juvenile justice and legal aid;
- The Sessions of the Criminal Justice Reform Inter-Agency Coordination Council takes place minimum once in every six months. Since its establishment, the nine Council sessions has been held.

The overall objective of Criminal Justice Reform (CJR) is an initiative aimed at strengthening the rule of law and developing secure environment for the community as a whole by:

- reducing the incidence of crime and delivering justice for all in line with the international human rights standards;
- increasing access to justice and assistance to victims of the crime;
- ensuring fair, speedy and equal procedure for persons charged with the crime;
- punishing guilty, while preventing them from re-offending;
- reducing prison overcrowding through use of pre and post-trial alternatives;
- addressing the causes of the crime and providing appropriate community supervision, rehabilitation and reintegration of persons who committed the crime;

GERMANY / ALLEMAGNE

Question a.

The protection of children and juveniles from (sexual) violence – which is a task for the whole of society – calls for cross-sectoral, interdisciplinary and both nationally and internationally networked coordination. Academics, practitioners and politicians need to cooperate closely and to learn from one another. Responsibility for protecting children and juveniles falls jointly to the Federation, the Länder, local authorities and civil society.

The Federal Government aims to build parents' capacities so as to ensure that children can grow up in a healthy and non-violent environment and thus also to prevent the neglect and abuse of children at the earliest opportunity. This can be done through "early intervention": relevant target groups include parents from the beginning of pregnancy up to a child's third birthday, especially those who are socially disadvantaged and those facing difficult situations in life. The National Centre for Early Intervention, which is based at the Federal Centre for Health Education in Cologne, was set up in 2007 to put in place and develop early interventions and to strengthen active child protection initiatives. The National Centre is funded by the German Youth Institute and by the Federal Centre for Health Education.

Various institutions need to cooperate very closely so as to be able to establish contact with young families before a child is born and to tap into interdisciplinary expertise. They include the child and youth welfare services and the health sector, as well as pregnancy counselling services, women's support and childcare facilities, and all other facilities that come into contact with families when they face difficult situations.

Question b.

The Federal Government's Action Plan 2011 not only sets out goals and relevant measures, it also establishes a procedure for supporting and monitoring their implementation. The monitoring provided for under the Action Plan serves to give professional support and to control optimal target achievement. The monitoring provides an overall picture of what has already been achieved and in which areas action still needs to be taken. It serves as the professionally substantiated basis for further developing the fields of action defined in the Action Plan and for planning future measures in a transparent fashion.

A working group comprising the Federal Government, the Länder and NGOs has an important role to play in this monitoring. It is tasked with continuously supporting implementation of the Action Plan. Four thematic working groups have been set up in the fields of prevention, intervention, trafficking in children/tourism and international cooperation.

In addition, the Independent Commissioner for Child Sex Abuse Issues, in cooperation with 18 civil society umbrella organisations, sought to find tailor-made solutions so that it could be ensured that at federal level, taking account of the respective organisational structures, the Round Table's recommendations could become largely binding and receive effective support during implementation. Umbrella organisations thus sign agreements with the Independent Commissioner in which they undertake to further improve the protection of children in facilities and institutions in their area of responsibility and to (further) develop and apply relevant protection concepts based on the Round Table's recommended guidelines.

Question c.

Please refer to the answer to question 10 a.

GREECE / GRÈCE

Did not reply yet. / N'a pas encore répondu.

HUNGARY / HONGRIE

Did not reply. / N'a pas répondu.

ICELAND / ISLANDE

Did not reply yet. / N'a pas encore répondu.

IRELAND / IRELANDE

Did not reply. / N'a pas répondu.

ITALY / ITALIE

Question a.

Coordination at national level is ensured through a number of committees.

The Inter-ministerial Coordination Committee for the fight against paedophilia (CICLOPE) was set up in 2002 and is in charge of “coordinating the activities of all the public administrations for the prevention, assistance, legal counselling and protection of minors from sexual abuse and exploitation” (a function attributed to the Prime Minister by art. 17 of the Law no. 269/1998). The committee acts as a liaison between the various government departments in order to integrate their intervention strategies, including the ones carried out in collaboration with the third sector and civil society as a whole.

The Law no. 38/2006 introduced two new institutions: the National centre for the fight against child pornography on the web, within the Ministry of the Interior - Postal and Communication Police Service; and the Observatory for the fight against paedophilia and child pornography, within the Presidency of the Council of Ministers (Equal Opportunities Department), now within the competence of the Ministry for Family Policies. The National centre for the fight against child pornography on the web collects all the reports – coming also from foreign polices and from public and private subjects – concerning websites containing child pornography, their administrators and the recipients of payments. At present, the afore-said Centre is the national coordination point of all the activities connected to prevention and fight against on line sexual exploitation of children. This Centre gathers the results of the operations conducted by the above-mentioned local police offices located in the 20 departments and 80 sections in the regional and provincial capital towns.

Furthermore, the Centre is the national coordination point of the information and data coming from:

- National and international NGOs, involved in protecting children and promoting the lawful and safe use of new technologies;
- Web providers and operators;
- A world coalition, led by Interpol with the participation of Europol, daily implementing international police cooperation aimed at identifying the victims of paedo-pornography;
- The national banking and financial systems, by means of the intermediation of Banca d'Italia (Italian National Bank), that make it possible to obtain information on financial transactions and illegal expenditure on the on-line market to buy photos and videos representing sexual abuse of minors (Article 14 quinquies).

The Observatory for the fight against paedophilia and child pornography, which is made up of a scientific technical group and of an administrative secretariat, monitors the activities carried out in this sector by all the public authorities and analyzes the whole phenomenon in order to elaborate strategies for the prevention and the fight against paedophilia and for the provision of support to victims. The Observatory was set up in order to overcome the fragmentation of the available information by integrating them in a more coordinated system.

The National Observatory on childhood and adolescence ensures the coordination among the relevant Ministries and bodies for the general policies on childhood and adolescence.

Moreover, it is important to recall that after the transfer of the full competences in the regulation of social policies from the Central Government to the Regions, there are coordinating structures at local and regional level in most Italian Regions. This system is not without problems since there is a risk of unequal distribution of resources among the regions.

As regards the Ministry of the Interior, the fight against sexual exploitation and sexual abuse of children carried out by the Department of Public Security involve different agencies and, in particular, some services of the Central Anti-Crime Directorate of the Italian State Police, some services of the Central Directorate for Highway, Railway and Communications Police with the State Police Special Units which are in charge also of the investigations to fight against paedophilia via the Internet. In early '60ies, the Italian State Police was the first police force to create a special, ad hoc structure, the Women's Police Corps.

As to the prevention and the fight against this phenomenon, at a central level the Central Operational Service (SCO) of the Central Anti-Crime Directorate of the Italian State Police directs and coordinates information and operations carried out by the local police offices in charge of the prevention and the fight against abuse of children.

The local police offices coordinated by the SCO are the following:

- Minors' Offices at the Local Anti-Crime Divisions, tasked with prevention;
- "Squadre Mobili" (Anti-Crime Units), tasked with investigative activities.

Minors' Offices were set up some months after the February 15, 1996 Law 66 - including "Norms against sexual violence" - was enacted within the framework of the "Rainbow Project" by Ministerial Document n. 123/A1/130/3/54, dated May 8, 1996; these special units' tasks consist not only in the protection of children, but also in protecting their families, and in being the reference and coordination points between local institutions and associations. In this way, their intervention covers the whole family environment and the gender-based and domestic violence.

Further to the August 3, 1998 enactment of Law 269, including "Norms against the exploitation of prostitution, pornography, sex tourism to the detriment of children, as new forms of slavery" - Ministerial Document n. 123/A1/183/B/15/1 of November 27, 1998 - "ad hoc" Units were set up and located at every Squadra Mobile local offices, and tasked to investigate cases of exploitation of prostitution, pornography and sex tourism to the detriment of children.

Then, the directive by the Chief of the Italian Police, n. 123/A1/193B194, dated July 16, 1999, concerning "Prevention and fight against sexual violence, abuse and violence against women and children - extended the competences of the Special Units at the "Squadre Mobili" set up in compliance with the Interior Minister's decree, pursuant to Article 17 of

269/98 Law, and entrusted the aforesaid Units with the delicate cases of gender-based violence in order to set up the one and only reference point.

Moreover, the cooperation with external institutions and private organizations is crucial in this field, since they offer the necessary logistic, legal and psychological support in case of police interventions. Such a cooperation has been strengthened by the recent provisions establishing - for some criminal offences (domestic violence, slavery, trafficking in human beings, child prostitution, paedo-pornography, sexual crimes, stalking) - the legal obligation to communicate to the victim any information concerning the presence of local Anti-Violence Centres.

Inter-institutional cooperation is aimed, on the one hand, at preventing violence against vulnerable subjects, such as women and children, on the other hand it enables the police operators to acquire info-investigative data useful to contextualize single cases.

The important institutional partnership between the “1522” anti-violence national call center phone number and the Police Forces - in compliance with the “Convention aimed at connecting the 1522 call center with the Police Services, with regard to sexual and gender-based violence” (January 12, 2011), signed in the framework of the Memorandum of Understanding entered by the Ministry of the Interior and the Department for Equal Opportunities in July 2012, establishes specific procedures of communication in case the 1522 call center number receives calls about cases to be reported to the police. The Memorandum of Understanding tool, already used at a local level in several provinces, is the most flexible way to keep the cooperation mechanisms updated within the so-called “network”. As a matter of fact, a directive by the Chief of the Police, dated July 2013, once more invited the “Questure” to sign new Memoranda of Understanding or to update the existing ones, with a view to supporting police activities.

One of the most recent national initiatives is the panel discussion started in October 2012 at the Central Directorate of Criminal Police to cooperate with the Authority for Childhood and Adolescence and develop intervention strategies aimed at ensuring the full respect and protection of minors’ rights and interests. On December 10, 2012 the cooperation between the Department of Public Security and the Authority for Childhood and Adolescence was made official by means of a specific Memorandum of Understanding including the following tasks:

- a) To analyze the issues concerning minors who are offenders, victims or witnesses of a crime, and their right to be heard;
- b) To identify the best practices to harmonize the police intervention patterns at a national level with regard children and, in particular, the identification and approach procedures in relation to unaccompanied minors who stay in our Country;
- c) To define the guidelines to harmonize the police intervention modes also in relation to the activity of other operators of the childhood and adolescence sector;
- d) To share the information and the analysis criteria with regard to the phenomena concerning minors;

- e) To identify and evaluate the issues and problems posed by the relevant legislation and/or by the enforcement of it, in order to promote new specific legislative interventions at a national and international level;
- f) To promote the education to legality and information campaigns.

The aforesaid tasks are fulfilled thanks to the Technical Group chaired by the Head of the Crime Analysis Service of the Central Directorate of Criminal Police, and made up of the representatives from the Central Anti-Crime Directorate of the Italian State Police – Central Operational Service, Central Directorate of Highway, Railway, Communications Police and Special Units of the State Police – Postal and Communications Police, Immigration Central Directorate, Customs Police – the Bureau of General and Juridical Affairs of Carabinieri and Guardia di Finanza, as well as the Authority for Childhood and Adolescence supporting the panel discussion.

Finally, as regards the Ministry of Justice, coordination is ensured at national level through the participation of the Directorate General for the Enforcement of Judicial Provisions to inter-institutional working tables such as the Inter-Ministerial Committee for Human Rights (CIDU) established within the Ministry of Foreign Affairs, the National Observatory Childhood and Adolescence within the Ministry of Labour and Welfare, and the Equal Opportunities working table within the Prime Minister's Office.

At local level, the Centres for Juvenile Justice and the Social Services Offices of the Juvenile Justice Department promote and participate to coordination, planning and training activities.

Concerning the activities of the Regional Ombudspersons for children and adolescents, a number of coordination activities are listed below.

The Ombudsperson of Calabria notes: Children's Ombudsman coordinates local institutions and agencies (Prefectures, Juvenile Courts, local Health Units, Municipalities) in order to build agreements to protect also abused children. Those agreements create provincial equipes that work –with a multidisciplinary approach- for a physical and psychological recovery of abused children to supply at human resources shortage of district's health services. Concerning the field of coordination between judicial Authorities there is a very important agreement between all the judicial authorities of Reggio Calabria judicial territory to fight against sexual abuse of children.

The Ombudsperson of Tuscany notes that Coordination at a regional level is ensured through the settlement of a coordination body – named Codice rosa interinstitutional task force – with the representation of judiciary offices, police forces, social and health public services, NGO's. This body is in the charge of the protection of the victims of sexual exploitation and sexual abuse all along the different phase of the procedures.

Another mechanism of coordination is ensured in the municipality of Florence by the development of a local network between judicial authorities and local security offices aimed to give prompt protection to victims of sexual abuse.

The Ombudsperson of Emilia Romagna notes that there is a long lasting cooperation and coordination among local authorities to combat and prevent sexual exploitation. In this framework it is worth mentioning that since 2003 the region has implemented a regional list of “Safe travel agencies” that ask the clients to subscribe an informative form with information on the phenomenon of sexual exploitation in the visited country, the relevant laws on this issue and the health risks related. Furthermore, the region has implemented a programme (Oltre la Strada) of integrated social and health services to contrast sexual exploitation. The main areas of intervention include health prevention through street units, health prevention in the protected spaces, personal care intervention for protection and social integration, professional trainings and community awareness raising and social mediation. The most recent act promoted by the Region of Emilia Romagna are the regional Guidelines on care and foster and community care of children victim of violence and abuse that will be officially presented at the end of February 2014. The Guidelines have been set up by an interdisciplinary and inter-institutional group that included also NGOs working in the field of children protection.

The Ombudsperson of Puglia notes that at Regional level the “Social Plans Area” provides for a strong coordination among different institutions. In particular, there is an integrated equipe (multidisciplinary and multi-professional) to contrast sexual abuse against women and children that works in connection with the municipality social services and with the other services involved in child protections measures, thus ensuring a unified and effective framework of services for children and women victims.

- Its “access points” are the different health services (general family doctors and paediatricians, prevention department, etc.)
- It relates with an inter-institutional network of local services (social services, schools and education system, NGOs, courts, lawyers, etc.) that relate to the problem in order to share the aims and methodology of the intervention and act in a synergic way.

The professionals included in the equipe are social workers, psychologists, paediatricians, neuro-psychiatrists, gynaecologists, legal doctors, etc. The Regional law provides also for the monitoring of the phenomenon.

Question b.

Italian coordination bodies, both the general ones and the ones specialized in child abuse, constitute a meeting point for the government, the local administrations and the NGOs, associations and professional organizations which advocate the respect of children’s rights or which play an important role for the implementation of national strategies (for instance, the associations of Internet providers play a decisive role in the fight against child pornography on the web).

Representatives of the civil society sit in the National Observatory on childhood and adolescence, bringing their knowledge, suggestions and criticisms of the actions taken by government at a national and at a regional level.

The central Administration promotes dialogue with the civil society through the dissemination of information, the involvement in consultative or planning bodies and the

funding of laws which support the activities of the third sector and of civil society in general.

The collaboration with NGOs and the civil society does not involve solely the Observatory: in fact, some national organizations, such as “Telefono Azzurro” (child helpline) and the Italian Coordination Committee of centres and services against child abuse and maltreatment, participated in a national working group which was formed in 2001 to implement a training and information campaign on the issues of child abuse and maltreatment. The collaboration with these and other third sector organizations specialized in the field helped carry out some of the researches described in the following paragraphs and launch national services such as the emergency phone number for minors (114).

Furthermore, the Italian parliamentary committees can also send for experts or representatives of national organizations, as happened for instance during the debate of bills or of specific surveys in the Bicameral Committee on childhood.

An important stimulus for action is provided by the Working Group on the Convention on the rights of the child (made up of 62 organizations coordinated by Save the Children - Italy). In 2001, the working group presented its own report on the implementation of the Convention to the UN Committee. Since then, the group has undertaken to continue the monitoring by drafting an annual report which constitutes an opportunity for a constructive exchange of views with the institutions in charge of childhood policies. The results of the annual report have been presented publicly also in the presence of the Ministers involved; the contents of the 2007 Report have been recently discussed during a special hearing at the Parliamentary Committee on childhood.

The representatives of local authorities, professional and voluntary associations and NGOs dealing with children’s issues and the prevention of violence are regularly consulted to draft the National Reports on the condition of children and adolescents in Italy and the periodical Reports on the implementation of three important Laws regarding the protection of children and the promotion of their well-being: the Law no. 269/1998, the Law no. 149/2001 and the Law no. 285/1997

As regards the Ministry of Justice, an example of cooperation is the National Memorandum of Understanding between the Directorate General for the Enforcement of Judicial Provisions and the Roberta Lanzino Foundation of Rende (Cosenza, Italy) concluded in 2013 and aimed at : providing legal aid to minors victims of sexual offences, testing paths to “mediation in criminal cases” and / or “messa alla prova” for juvenile sex offenders, sheltering victims of domestic violence and people suffering from abuse-related uneasiness thanks to the “La Casa Roberta Lanzino” Project.

Question c.

There are programmes for persons convicted of offences related to the Convention. They are developed mainly inside the prisons and they are established with the cooperation of social services, health services and NGOs working in the field of child protection. See question 10 for further details.

As regards the Ministry of Justice, in order to implement operational strategies shared among all the governmental and non-governmental stakeholders, and specifically among the local health care services (which have been responsible for penitentiary health care since 2008), within a permanent table on penitentiary health care established at the State-Regions Conference, the Department for Juvenile Justice promoted the need for specific local intervention programmes to be implemented in order to meet the requirements related to the development of children who committed sexual offences, including those who are not chargeable yet, with a view to treating their problems, with special focus on their sexual behaviour.

LATVIA / LETTONIE

Question a.

Each institution has a statutory clearly defined competence. Taking into account that an effective and comprehensive protection of children's rights is possible only if all the competent authorities and organizations cooperate, the cooperation principle is secured in the law determining it as an obligation. While the Ministry of Welfare and the subordinate body - the State Inspectorate for Protection of Children's Rights - coordinate and supervise the cooperation.

Protection of the Rights of the Child Law Section 6. Principle of Protection of the Rights of the Child

(3) Protection of the rights of the child shall be realised in collaboration with the family, State and local government institutions, public organisations and other natural and legal persons.

Protection of the Rights of the Child Law Section 62. Competence of the Ministry of Welfare

(1) The Ministry of Welfare shall:

- 1) in co-operation with the Ministry of Education and Science, the Ministry of the Interior, the Ministry of Justice, the Ministry of Culture and the Ministry of Health, as well as other State and local government institutions and non-governmental organisations, develop draft long-term State policies in the field of the protection of the rights of children, including draft State policies in the field of alternative care for orphans and children left without parental care;
- 2) organise and co-ordinate the supervision of the observation of the regulatory enactments in the field of the protection of the rights of children;
- 4) co-ordinate the co-operation of State and local government institutions in issues related to the protection of the rights of children and family law within the competence thereof;

Protection of the Rights of the Child Law Section 62¹. Competence of the Ministry of Health

The Ministry of Health shall:

- 1) formulate State policy projects in the field of child health care, including in the field of medical rehabilitation; and
- 2) organise and co-ordinate child health care in conformity with the State programme, laws and other regulatory enactments.

Health care facilities in providing medical care for children, where appropriate, cooperate with law enforcement authorities if there is reason to believe that the child is a victim of abuse, due to lack of care and supervision or violation of other children's rights.

Medical Treatment Law Section 56¹

(1) If a health care facility is providing assistance to a patient and there is reason to believe that the patient is a victim of abuse, the health care facility immediately, but not later than within 12 hours inform the State Police about the finding.

(2) If a health care facility is providing assistance to a patient and there is reason to believe that the patient is a victim of lack of sufficient care or violation of other children's rights, the health care facility immediately, but not later than within 12 hours inform the State Police about the finding.

Protection of the Rights of the Child Law Section 63. Competence of the Ministry of Education and Science

(1) The Ministry of Education and Science shall:

3) in co-operation with the Ministry of Welfare, formulate educational programmes in the field of protection of the rights of the child;

Protection of the Rights of the Child Law Section 64. Competence of the Ministry of the Interior

The Ministry of the Interior shall:

1) in co-operation with the Ministry of Welfare and other responsible institutions, ensure that a draft programme is developed for a three-year period for the prevention of child crime and for the protection of the child from crime, and shall co-ordinate the implementation of such programme;

Protection of the Rights of the Child Law Section 64¹. Competence of the Ministry of Justice

(1) The Ministry of Justice shall organise the training of judges with respect to issues regarding the rights of the child.

(2) The Ministry of Justice shall ensure that court work is organised so that priority consideration shall be applicable in the adjudication of matters associated with the protection of the rights and the best interests of the child.

Protection of the Rights of the Child Law Section 64³ Competence of the Office of the Prosecutor General

The Office of the Prosecutor General shall organise training for prosecutors with respect to issues regarding the rights of the child and shall ensure that the rights of the child are observed during pre-trial investigations.

Protection of the Rights of the Child Law Section 65¹ Competence of State Inspectorate for Protection of Children's Rights

The State Inspectorate for Protection of Children's Rights shall supervise and control compliance with regulatory enactments in the field of protection of the rights of the child.

Protection of the Rights of the Child Law Section 65² Competence of the Ombudsman Bureau

The Ombudsman Bureau shall:

2) examine complaints regarding violations of the rights of the child, paying particular attention to violations committed by State or local government institutions and the employees thereof;

3) submit proposals, which promote the observance of the rights of the child.

Protection of the Rights of the Child Law Section 66. Competence of Local Governments in Regard to Protection of the Rights of the Child

(1) A municipality local government and a town local government shall analyse the situation in the field of observance of the rights of the child, and shall develop and implement a programme for the protection of the rights of the child in the administrative territory of the municipality or the city.

(5) The local government shall involve the public in ensuring the rights of the child and shall co-ordinate the activities of public organisations.

Protection of the Rights of the Child Law Section 68. Competence of Child Care, Educational and Other Institutions

(1) Child care, instructional, cultural and educational institutions (kindergartens, children's homes, shelters, schools, health care institutions, camps and the like) shall ensure the rights of the child within the scope of their competence as determined in their articles of association or by-laws.

Law On Social Services and Social Assistance Section 4. Basic Principles for the Provision of Social Services

(3) In providing social services, the institutions shall ensure inter-professional and inter-institutional co-operation.

Law On Social Services and Social Assistance Section 9. Duties of Local Governments in the Provision of Social Services and Social Assistance

(2) If a local government has received information from natural persons or institutions regarding a person who might require a social care or social rehabilitation service or social assistance, the local government has a duty in accordance with the procedures specified in the Law On Social Security to verify the received information, to evaluate the needs of the person for social services and social assistance and to inform this person or his or her lawful representative of the rights and possibilities of receiving social services and social assistance, as well as the procedures by which social services or social assistance may be received.

(3) If a person requires social services in a night shelter or a crisis centre, he or she shall turn directly to the service provider who takes a decision on the provision of a service. If necessary, the local government, in the territory in which a person without a home is located, shall ensure the person with night shelter or shelter, information and consultations, as well as one-time material assistance.

Law On Social Services and Social Assistance Section 12. Duties and Rights of Local Government Social Service Offices

(21) If the municipal social service office has grounds to believe that a child is a victim of abuse resulting from abuse of rights of a parent, guardian or foster families, due to lack of proper care and supervision or violation of other children's rights, it immediately, but no later than the next working day shall inform the Orphan's Court and the State Police about the fact.

Law On Social Services and Social Assistance Section 4. Basic Principles for the Provision of Social Services

(3) In providing social services, the institutions shall ensure inter-professional and inter-institutional co-operation.

The Ministry of Welfare annually hosts methodically informative meetings with employees of Social service offices to talk and discuss topical issues in the field of social services and social assistance. Representatives from various institutions having cooperation with social services, are invited to participate at these methodical meetings. At the last meetings organized, a discussion arose with the State Inspectorate for Protection of Children's Rights regarding cooperation of social service with Orphan's courts.

Quarterly meetings of Cooperation Council of social work specialists take place. The Council is an advisory body, it is comprised of representatives of state authorities, higher education institutions, local governments and non-governmental organizations whose professional activities are directed to ensure and promote development of professional social work, education and provision of social work specialists. Thereby contributing to involvement of society representatives in development of social work policy.

The policy planning document "Professional Social Work Development Guidelines for 2014 - 2020" contains several intended measures aimed at inter-professional and inter-institutional cooperation through developing of collaborative models/ guidelines between:

- social service, social workers and health care facilities, health care practitioners;
- social service, social workers and educational institutions, educators;
- social service, social workers and State Probation Service and its officials, law enforcement authorities and police officers;

- social service, social workers and Orphans' Court and its employees, as well as the developed cooperation models are intended to pilot in social services, where necessary, improving the regulatory framework.

Guidelines are designed to improve professional skills of social work practice with different customer target groups, including abusers/victims of violence; families with children/families with children, young people with disabilities (to avoid falling into a social care service); minors/young parents with reduced child care skills; young people who do not study, work, with behavioral problems, lacking basic skills for independent living; long-term (over one year) unemployed persons; long-term welfare recipients at working age; ex-prisoners; psychoactive substance addicts and compulsive gamblers, etc.

In-person meetings of various specialists are also regularly organised. For example, youth affairs specialists and youth officials are invited to participate at methodical meetings of youth workers to talk about children/ youth safety and security matters. The Youth Policy Guidelines for 2009 - 2018 provide a number of measures for promotion of children safety and inter-ministry cooperation in this field. Methodically informative meetings are held twice a year, organised by the Ministry of Education and Science in line with the Youth Law - the ministry is responsible for provision of methodical guidance. The Youth Policy Guidelines for 2009 - 2018 Section 6.3.4 "Legal aspects of youth behaviour and the reduction of violence against youth" and Section 6.3.5 "Youth social protection" provide measures to promote the children/youth rights protection through cooperation of the competent authorities. At the end of 2012, an informatively methodical meeting was organized and attended by a representative from the Net-Safe Latvia Safer Internet Centre, informing about malicious, including sexual, abuse of children/youth in the Internet environment and how to avoid it.

We would like to draw your attention to the fact, that for promotion of cooperation and effective exchange of information, a special information system has been also established:

Protection of the Rights of the Child Law Section 67². Minor Persons Support information System

(1) Minor Persons Support Information System is a constituent element of the national information system "Integrated Interior Information System", which includes information necessary for the protection of the rights of the child through the integration of information of the state and local government institutions, as well as information of health care professionals about the minors in need of assistance, and, for events where preventive measures shall be taken for the protection of the child's rights.

(2) Minors Supporting Information System is designed to promote protection of children's rights and interests by providing processing of the necessary information and facilitating inter-institutional cooperation in the following matters:

- 1) protection of the minor's rights and interests;
- 2) surveillance of provision of the minor's rights and interests;
- 3) preventive work;
- 4) provision of social assistance and social services;
- 5) prevention and disclosure of criminal offences and other violations of law;
- 6) search of a minor;
- 7) ensuring of enforcement of the administrative penalties, criminal sanctions, security measures and coercive educational measures;
- 8) implementation of settlement and preparation of evaluation reports on a probation client.

Question b.

Protection of the Rights of the Child Law Section 5. Persons and Institutions Protecting the Rights of the Child

- (1) The protection of the rights of the child in the State shall be ensured by:
- 1) the parents (adopters), foster family and guardians of a child;
 - 2) educational, cultural, health care and child care institutions;
 - 3) State and local government institutions;
 - 4) public organisations and other natural or legal persons whose activities are associated with the provision of support and assistance to children;
 - 5) employers.

Protection of the Rights of the Child Law Section 6. Principle of Protection of the Rights of the Child

(3) Protection of the rights of the child shall be realised in collaboration with the family, State and local government institutions, public organisations and other natural and legal persons.

Protection of the Rights of the Child Law Section 66. Competence of Local Governments in Regard to Protection of the Rights of the Child

(5) The local government shall involve the public in ensuring the rights of the child and shall co-ordinate the activities of public organisations.

Protection of the Rights of the Child Law Section 69. Participation of Social and Religious Organisations in Ensuring the Rights of the Child

(3) Within budget limits, the State and local governments shall provide financial support to public organisations for the realisation of programmes devoted to the interests of the family and children.

Law On Social Services and Social Assistance Section 4. Basic Principles for the Provision of Social Services

(3) In providing social services, the institutions shall ensure inter-professional and inter-institutional co-operation.

Law On Social Services and Social Assistance Section 12. Duties and Rights of Local Government Social Service Offices

(21) If the municipal social service office has grounds to believe that a child is a victim of abuse resulting from abuse of rights of a parent, guardian or foster families, due to lack of proper care and supervision or violation of other children's rights, it immediately, but no later than the next working day shall inform the Orphan's Court and the State Police about the fact.

Under the Cabinet Regulation No 291 of 3 June 2003 "Requirements for Social Service Providers" Clause 7.4, a social worker of a municipal social service who is working with families with children have acquired knowledge and skills in order to assess the risks for families with children, while the Clause 8.6. provides that a social worker of a municipal social service, before commencement of social work, carries out risk assessments in the families with unfavourable conditions for the development of a child. The social worker has to re-assess risks six months after commencement of social work in a family.

Law On Social Security Section 14. Duties of Social Service Providers

(2) Social service providers shall co-operate with other institutions in the interests of social service recipients.

The Ministry of Welfare, within its competence, develops sectoral policy planning documents, which, among other things, provide mechanisms for strengthening of inter-sectoral cooperation. The Guidelines for development of social services for 2014-2020 should be mentioned as one of the policy programming documents where one of the lines

of action is an effective social service management. The above mentioned guidelines include also a number of measures for cooperation between different institutions as well as for strengthening of government administration and non-governmental cooperation for ensuring more effective and efficient organisation of social services, including clarification of cross-sectoral collaboration and competence frameworks in the social field (2017).

In line with the National program for improvement of a child's and a family's condition for 2014, the State Inspectorate for Protection of Children's Rights has prioritized for the 2014 the assessment of observation of rights of children in special boarding schools institutionalised in foster care facilities and children with special needs.

Question c.

In line with the State Probation Service Law Section 3 "Principles of Probation", the work of the State Probation Service shall be organised based on the following principles - co-operation, optimisation, social integration. The principle of co-operation determines that the basis of probation work is the organisation and promotion of co-operation between institutions for the purpose of optimally and in conformity to a common policy to involve and utilise the resources of the State, local governments and public organisations for the implementation of probation;

State Probation Service Law Section 3. Principles of Probation

The work of the State Probation Service shall be organised based on the following principles:

- 1) the principle of co-operation – the basis of probation work is the organisation and promotion of co-operation between institutions for the purpose of optimally and in conformity to a common policy to involve and utilise the resources of the State, local governments and public organisations for the implementation of probation;
- 2) the principle of optimisation – probation work shall be organised in such a way that it rationally utilises the functions of probation, delegating them to the relevant local governments and public organisations and reserving the right to determine the criteria for the performance of such functions and to control the performance of these functions;
- 3) the principle of social integration – performing the supervision of probation clients and the correction of their social behaviour, shall ensure the integration into society of such clients.

At the same time it must be noted that the State Probation Service implements the programs only to those individuals who have been convicted of offences against morality and sexual liberty. Individuals who have not committed sexual offences yet or against whom no criminal proceedings have been initiated, do not get involved in such program .

See the answer to the question 6b.

LIECHTENSTEIN

Did not reply. / N'a pas répondu.

LITHUANIA / LITUANIE

Question a.

While assessing the provisions of Paragraph 1 of Article 10 of the Convention, Resolution No. 194 of 6 February 2003 of the Republic of Lithuania "On the Assignment of the Field of Protection of Children's Rights to the Competence of the Ministry of Social Security and

Labour” should be mentioned. Pursuant to this resolution, the Ministry of Social Security and Labour is responsible for the field of child’s rights protection. The Government established that the Ministry of Social Security and Labour forms and implements the policy of child rights protection, and, together with other state and municipal institutions and enterprises, ensures proper protection of children’s rights as well as, together with the Ministry of Health, Ministry of Education and Science, Ministry of Justice and Ministry of the Interior, ensures accessibility of services to children and other matters.

Provisions of the Ministry of Social Security and Labour approved by Resolution No. 892 of 17 July 1998 of the Government of the Republic of Lithuania specify that the ministry coordinates the implementation of the policy of protection of children from various forms of violence, including sexual exploitation and abuse, and the international children’s rights protection policy.

The above resolution stipulates that the Ministry of Education and Science is responsible for the implementation of educative measures aimed at protecting children from all forms of physical and psychological violence and other infringements of children’s rights. The Ministry of the Interior, within its competence, drafts and implements programmes on child crime, violence against children, trafficking in children and other issues related to the prevention of violations of children’s rights. The Ministry of Justice implements measures aimed at ensuring the provision of state guaranteed legal support to children. The Ministry of Health guarantees the accessibility of health care services to children, etc.

It should be noted that the system of children’s rights protection institutions at state, municipal and non-governmental levels and general provisions with regard to institutions comprising this system are stipulated in Articles 58–62 of the Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child:

“Article 58. Institutions for Protection of the Rights of the Child and Organisation of Their Activities

1. In the Republic of Lithuania, protection of the rights of the child is ensured by:
 - 1) the state and its institutions;
 - 2) municipal institutions;
 - 3) public organisations, whose activity is linked to protection of the rights of the child.
2. The state and municipal institutions shall encourage and support voluntary activity by public organisations and also by traditional and state-recognised religious communities, in the sphere of protection of rights of the child.
3. The state and municipal institutions shall establish and fund institutions (services) for protection of the rights of the child, and organise their activity,

Article 59. State Institutions and Protection of the Rights of the Child

1. Within their competence established by the Constitution of the Republic of Lithuania, the Seimas of the Republic of Lithuania, ministries, courts, the Prosecutor’s Office, other state institutions shall implement the measures for protection of the rights of the child and in the realm of their defence.
2. In the field of protection of the rights of the child, the Government of the Republic of Lithuania shall:
 - 1) draft laws and other legal acts and submit them for deliberation of the Seimas and approve programmes;
 - 2) implement this Law and other legal acts;
 - 3) pursuant to the established procedure, assign a field of child right protection to the competence of one ministry;
 - 4) establish the competences of other ministries;
3. In the field of protection of the rights of the child, the Government of the Republic of Lithuania shall:

- 1) form and implement the policy of the child rights protection and, together with other state and municipal institutions, ensure proper protection of children's rights;
 - 2) provide methodological support to municipal institutions and establishments;
 - 3) implement other functions specified in the laws, legal acts and provisions of ministries;
4. The Ombudsperson for Children's Rights, within his competence, shall be responsible for control and monitoring of the implementation of laws and other legal acts regulating protection of children's rights".

Article 60. Municipal Institutions and Protection of the Rights of the Child

1. Protection of the rights of the child shall be guaranteed by the appropriate municipal board, municipal executive institutions, child rights protection institutions (services), police inspectors in charge of minors' (youth) affairs, and also schools and other institutions, which prepare and implement measures for protection of the right of the child, and prevention of violations of children's right.
2. Corresponding laws and other legal acts shall establish the activity and competence of the institutions cited in part one of this Article.

Article 61. Public protection of the Rights of the Child.

1. Public protection of the rights of the child shall be implemented through co-operation of public organisations with state and municipal institutions while observing provisions of this Law, as well as other legal acts, which regulate protection of the rights of the child.
2. Child rights protection councils of municipality communities operate under councils of municipalities. These councils are composed and their provisions are approved by councils of municipalities. Childs rights protection councils of municipality communities are comprised of representatives of local self-governance institutions, child rights protection institutions (services), inspectors in charge of minors' (youth) affairs, representatives of education and child care institutions. These councils may also include representatives of child (youth) organisations or/and school councils, public organisations operating in the field of children's rights protection and/or traditional and state recognised religious communities and other institutions and organisations.
3. In the territory of municipalities, children's rights protection councils of municipality communities, within their competence, offer proposals to local governance institutions with regard to communities' policy on children's rights protection, the strategy formation and priority setting, with regard to the preparation and implementation of measures in the field of prevention of violations of children's rights as well as implement other functions specified in the regulations of these councils.
4. Child rights protection councils of municipality communities are entitled to receive information from state institutions and local self-governance institutions and municipal institutions in order to fulfil the functions specified in this Law and their regulations.

Article 62. Coming Into Effect and Implementation of the Law.

The Republic of Lithuania Law on the Procedure for Implementation of the Law on Fundamentals of Protection of the Rights of the Child shall establish the coming into force of paragraph 1 of Article 10, paragraph 3 of Article 13, Paragraph 3 of Article 21, Articles 23 and 25, Paragraph 2 of Article 35, Article 37, Paragraph 2 of Article 44, Paragraph 2 of Article 45, Articles 46, 47, 49, 53 and paragraph 3 of Article 59 and the procedure for implementation of the Law."

The key municipal institutions responsible for protection of the rights of the child at the municipal level are child rights protection divisions of municipalities. These institutions are delegated to ensure protection of children's rights and lawful interests and implementation of legal acts regulating children's rights and interests within the limits of their competence; to represent children's rights and lawful interests and protect them in courts, families, state, municipal and other institutions and organisations; to organise the implementation of protection of children's rights in municipal territories, and etc. The above provisions are regulated by Resolution No. 1983 of 17 December 2002 of the Government of the Republic of Lithuania "On the Approval of General Regulations of Child Rights Protection Divisions". Other state and municipality institutions, enterprises and public organisations (education, health care and social services institutions, police, etc.) in

the territory of a given municipality, within the limits of their competence, also participate in the process of solving problems related to protection of children from sexual exploitation and sexual abuse.

Every school has a local school commission on children's wellbeing (Order No. V-579 of 11 April 2001 of the Minister of Education and Science "On the Establishment of Commissions of Wellbeing of Children in Schools and Approval of the Description of the Procedure for Organisation of Works of Commissions"), the purpose of which is to organise and coordinate preventive work, provision of education support, creation of a safe environment friendly for development of the child, and to perform other functions related to the wellbeing of children. One of the functions of these commissions is to ensure early identification of perils related to children's safety at schools, to analyse violations of children's behaviour rules, cases of violence, bullying, substance addiction, violations of law and order, to offer schools to implement measures and programmes aimed at developing skills for life, prevention, health strengthening, employment, and to organise crisis management measures.

Each municipality administration has a commission on children's wellbeing, which is comprised of representatives of structural divisions of municipality administration, local police, territorial prosecutor's office, social services, health care and other institutions participating in preventive activities. These commissions are delegated to coordinate the implementation of social education, rehabilitation, prevention and other programmes in the municipality; to coordinate the implementation of cooperation of local institutions in the field of preventive work and activities of school commissions on children's wellbeing; to provide methodological and advisory support in the field of organisation of preventive work in schools and, together with police, health care and child rights protection institutions, pedagogical and psychological services, to establish measures by engaging business representatives, confessional and local communities, non-governmental organisations, children's lawful representatives, politicians, public figures into the organisation of preventive work; to evaluate the progress of implementation of preventive measures in education, health care, social services institutions; to control the efficiency of preventive work.

In implementing projects of the European Union structural funds, the Ministry of Education and Science, cooperates with non-governmental organisations working in the field of prevention of sexual abuse and provision of support to victims. In 2013, the Ministry of Education and Science, while implementing the measures of the Programme of the Government of the Republic of Lithuania and cooperating with the non-governmental sector, drafted a preventive Programme on Sexual Exploitation and Sexual Abuse of Children. This programme will be aimed at providing information to teachers and students' parents on forms of sexual exploitation, risks, preventive factors and consequences as well as at instructing on prevention of sexual exploitation and abuse of children and the ways to react in the event of sexual exploitation.

Question b.

As far as provisions of Paragraph 3 of Article 10 of the Convention on encouragement of cooperation between various sectors in order to better prevent sexual exploitation and

sexual abuse of children and combat manifestations thereof are concerned, it should be mentioned that general legal acts as well as legal acts regulating activities of specific institutions stipulate general provisions with regard to cooperation with state, municipal and public institutions, enterprises and organisations, society, etc.

The above mentioned Resolution No. 194 of February 2003 of the Government of the Republic of Lithuania "On the Assignment of the Field of Protection of Children's Rights to the Competence of the Ministry of Social Security and Labour and Other Ministries" specifies that the Ministry of Social Security and Labour together with other state and municipal institutions and enterprises shall ensure proper protection of children's rights, organise cooperation of municipal and state institutions and enterprises in the field of protection of the rights of the child, and, together with the Ministry of Health, Ministry of Education and Science, Ministry of Justice and Ministry of the Interior, take care of the accessibility of services to children, etc.

The regulation of the Ministry of Social Security and Labour specifies that, pursuant to the procedure established in legal acts, the ministry shall organise the cooperation of state and municipal institutions and enterprises in the field of protection of the rights of the child.

In order to improve the coordination of activities of state and municipal institutions and enterprises and their cooperation with non-governmental institutions, an Interdepartmental Council for Wellbeing of the Child is established by order of the Minister of Social Security and Labour. The Council consists of representatives of the Ministry of Social Security and Labour, Ministry of the Interior, Ministry of Education and Science, Ministry of Health and Ministry of Justice, State Child Rights Protection and Adoption Services under the Ministry of Social Security and Labour and the Association of Local Authorities, the Ombudsperson for Children's Rights, representatives of child rights protection divisions of municipalities, public organisations working in the field of protection of child rights and the Lithuanian School Students' Parliament.

Seeking more efficient cooperation in the field of protection of children's rights and lawful interests and representation of their interests in criminal proceedings, on 27 January 2011, the Prosecutor General's Office, the Ministry of Social Security and Labour and the Institution of the Ombudsman for Children Rights signed a cooperation agreement No. 17.3-40/D4-45/11-1. Having regard to the obligations stipulated in this agreement, the Prosecutor General, on 3 March 2011, adopted Order No. N-3 "On the Assurance of Child Rights in Criminal Proceedings" and, on 18 March 2011, by Order No. A1-138, the Ministry of Social Security and Labour approved Recommendations for Cooperation between Child Rights Protection Divisions and Local Prosecutors' Offices in the Field of Child Rights Protection.

The Republic of Lithuania Law on the Ombudsman for Children stipulates that the Ombudsperson for Children's Rights, when implementing this law, shall cooperate with Lithuanian and foreign institutions, enterprises and organisations as well as with international organisations and other physical and legal persons. It also specifies that the Ombudsperson for Children's Rights shall encourage and support initiatives by natural

persons and legal entities as well as public initiatives, which help implement protection of child rights and lawful interests.

The Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child specifies that state and local municipal institutions shall encourage and support volunteer activities of public organisations in the field of protection of the rights of the child, establish and finance child rights protection institutions and organise their activities. The provisions of this Law governing public protection of the rights of the child specify that this protection is implemented through the cooperation of public organisations with state and local municipal institutions.

It should be noted that on 13 September 2013 the Ministry of Justice organised a sitting of cooperating institutions on possibilities for complex on-spot examination of victims of sexual abuse. Representatives of the Ministry of Social Security and Labour, Ministry of Health, forensic experts, Ministry of the Interior and the Prosecutor General's Office participated in the sitting, during which it was decided to take measures ensuring that persons, including children, who have suffered from sexual abuse, receive prompt medical aid and at the same time a complex examination of victims is performed.

In implementing projects of the European Commission and UBS Optimus Foundation, the non-governmental organisation "Children Support Centre" provides support for children, who have suffered from sexual violence and abuse "Under One Roof". Implementing the projects and seeking more efficient support for children who have suffered from sexual exploitation the Children Support Centre develops a wide network of social partners and encourages cooperation: Institution of the Ombudsman for Children Rights, ministries, municipalities. In implementing the project "Safe Home – Safe Children", the Children Support Centre implemented the programme of prevention of sexual exploitation in 24 child care houses: the staff was trained, specialists were trained to teach children of safety, all children were trained on safety skills, i.e. how to identify and secure oneself from sexual and other types of violence. In the course of implementation of the project "The Child – a Witness with Special Needs" law enforcement specialists were trained on how to perform examinations of children, informative and methodological material was prepared, and a social campaign "The Child – a Witness with Special Needs" was accomplished. A research of court cases was performed in order to analyse the practice of children examination in cases of sexual abuse in Lithuania. The results of the research were presented at international conferences. In the course of the implementation of the project "Assurance of the rights of children victims of crimes to psychological assistance and friendly examination", a social campaign aimed at protecting children from sexual exploitation "Bad Touch" was implemented. Children who have suffered from sexual exploitation want to stay invisible. Methodological publications for specialists and information material for parents and children were produced. In the course of implementation of the project "Prevention of sexual exploitation of children and intervention", specialists were trained to provide support to victims of sexual violence, consultations were provided to specialists in regions, interdepartmental and interdisciplinary meetings of specialists took place, a social campaign "You Never Know What is There on the Other Side" aimed at preventing children from sexual abuse on the Internet was implemented. For nine years the Children Support Centre has been

implementing a project "Childhood Without Violence" supported by the OAK foundation. Annual professional supervisions are provided to psychologists on how to provide support to children who have suffered from sexual exploitation, methodological publications are issued, foreign experts are invited to conduct trainings and supervisions for Lithuanian specialists, and the annual conference "Childhood Without Violence" is organised. The Children Support Centre has created a specialised Internet website www.vaikystebesmurto.lt, where specialists, parents and children can find all the necessary information, and citizens can report about suspicions with regard to exploitation and abuse of children.

Question c.

The criminal procedure pays a great deal of attention to the assurance of protection of children's rights and lawful interests. For closer cooperation of prosecutors and workers of Child Rights Protection Services aimed at assurance of proper representation of children in a criminal proceedings as well as seeking to ensure children's rights and legal interests, on 27 January 2011, the Prosecutor General, the Ministry of Social Security and Labour and the Institution of the Ombudsman for Children Rights of the Republic of Lithuania signed a cooperation agreement.

See Question 7.

LUXEMBOURG

Did not reply yet. / N'a pas encore répondu.

MALTA/MALTE

Did not reply yet. / N'a pas encore répondu.

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Question a.

In 2010 a cooperation agreement on the project "Ensuring children's right to protection of family violence, abuse and neglect" was signed between the Ministry of Labour, Social Protection and Family and the Association "Partnerships for Every Child".

The overall project goal is to improve the access to qualitative services of social protection, including prevention and protection systems from separation of family, violence, abuse, neglect and exploitation for a number of 100 000 vulnerable children in Moldova.

Under this project in the district Făleşti during the year 2013 were piloted:

- the instructions for intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation, trafficking and,
- the free telephone support service for children.

Chapter VI of the Law No 140 of June, 14, 2013 on special protection of children at risk and children separated from their parents describes the cooperation in the field of child protection.

Local and regional tutelary authorities from various administrative territorial units are bound to cooperate in child protection by obtaining and transmitting information and documents required for identification, assessment, assistance and determining the status of children.

Employees of the central public authorities and local authorities, structures, institutions and services within and their subordination that operate in areas of social assistance, education, health, law enforcement bodies have to:

- a) submit complaints to the competent supervisory authority on children at risk as well as those of case of abuse, neglect or exploitation of children placed in care of social services, health, educational, cultural institutions;
- b) participate in the activity of multidisciplinary teams in the process of initial and comprehensive evaluation of the child when it is required by the local tutoring authorities and to develop and implement customized care plans;
- c) carry out measures to prevent risk situations for children.

Instructions on intersectorial cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation, trafficking, which are in the process of finalization are aimed to assure the application a sectoral mechanism for effective cooperation based on international and national legislation, for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation, child trafficking. Instructions for the central public authorities, 1st and 2nd level local authorities, that must cooperate to prevent violence, neglect, exploitation, child trafficking, and combating them through social services, education, public order and medical services.

In order to implement provisions of the Law Nr. 45-XVI of 01 March 2007 on the prevention and combating domestic violence, the Ministry of Health has developed and approved the "Instruction on medical institutions intervention in cases of domestic violence" (Order No. 155 of 24.02.2012 " which include the following sections:

- Responsibilities of medical institutions in cases of domestic violence,
- Instructions on identifying cases of domestic violence related to:
 - psychological violence;
 - psychical violence;
 - sexual violence;
 - violence against children-baby syndrome shaken baby syndrome beaten;
 - violence against pregnant women;
- Instructions on completing the medical literature,
- Instructions on counselling victims of violence in the family,
- Tasks of the legal medicine service in the case of domestic violence.

In this context, the procedure of intervention of employees of medical institutions in cases of violence, the powers of medical-sanitary institutions in the framework of intersectoral collaboration mechanism with social welfare authorities and the police, including the reporting of cases of violence has been described.

Question b.

Yes, it is.

In this regards, several examples: The Center for Combating Trafficking in Persons of the Ministry of Internal Affairs concluded memoranda of cooperation with the following partners: CNPAC, International Center "La Strada", the ILO and the Ministry of Labour and Social protection, stipulating various forms of assistance to victims of trafficking, including child victims of violence and sexual abuse, which have basic objectives of legal and psychological assistance and protection of victims of trafficking in human beings especially children, development of social partnership, ensuring access to quality services trafficking victims and prevention of victimization, developing tools and procedures for identification, referral, assistance and protection of victims of trafficking, strengthening professional capacities of human resources, development financing mechanism of protection and assistance to victims of trafficking, victim assistance in setting procedures for returns, etc.

In September 2011 a Memorandum of collaboration for implementation of the project "Free, powerful and protected - towards a better system of child protection in Moldova" was signed between the Ministry of Labour, Social Protection and Family, Ministry of Education, Ministry of Health, Ministry of Internal Affairs, Leova and Orhei District Councils, (NGO) the National Center for Prevention of Child Abuse and (NGO) the Center for Information and Documentation on Child Rights.

One of the objectives of the project is to develop, pilot and promote intersectoral cooperation mechanism and monitoring assistance to child victims and potential victims of abuse, neglect, exploitation and trafficking. Since the beginning of the second semester of 2012 the piloting instructions on institutional cooperation mechanism for monitoring, prevention and support child victims of violence, abuse, exploitation, neglect and potential victims in 10 villages in two districts of the country began.

In order to reduce vulnerability among children, the Ministry of Health in January 2014 signed a Memorandum of cooperation NGO Children, Community, Moldova Family which aims to increase the capacity of the family environment (educational, social, referral/intervention/service provision etc.) to prevent the separation of children, mostly of children at risk and the placement in the Temporary Placement Center and Rehabilitation for children, Balti municipality.

Also, the Ministry of Health has requested technical assistance from the National Center for Child Abuse Prevention, UNICEF, in order to continue the adjusting of the legal framework for the prevention, intervention, and monitoring of cases of abuse, neglect, exploitation and trafficking children.

Question c.

The Center for Combating Trafficking has signed Memorandum of cooperation with the following partners:

- CNPAC, International Centre "La Strada", ILO, Ministry of Labor and Social Protection regarding various forms of assistance to victims of trafficking, including child victims of violence and sexual abuse, which have as their objective the protection and psychological and legal assistance to victims of human trafficking, especially of children, development of social

partnership, ensuring access to quality services for trafficking victims and prevent victimization, developing tools and procedures for identification, referral, assistance and protection of the victims of trafficking, strengthening professional capacities of human resources, development of funding mechanisms to protect and assist victims of trafficking, support victims of the trafficking in the repatriation procedures etc.

MONACO

Did not reply. / N'a pas répondu.

MONTENEGRO

Question a.

In order to improve the practice and delivery of quality services to children who are victims of violence, the Ministry of Labour and Social Welfare, in partnership with UNICEF and UNHCR, started the implementation of a Programme to protect children from abuse and neglect in 2002. Multidisciplinary teams were formed in the social welfare centres.

Operational Multidisciplinary teams are composed of: a lawyer, a psychologist, educationist and social worker (social welfare), a psychiatrist and a paediatrician (health care), inspector (police), prosecutor, judge, educationist (education), representative of the NGO Helpline for Women and Children victims of violence. The coordinator of all activities is the Social Welfare Centre, which accommodates the seat of the team as well.

This model has proven to be very successful, which is confirmed by an evaluation of the project made by UNICEF. It is in line with the practice of child protection within the framework of social and child protection in Montenegro.

Within the project, a large number of seminars for education of professionals of all sectors working within the multi-sector model of protecting children from abuse and neglect were organised. Approximately 350 professionals were educated.

The involvement of professionals from other systems is increasing the level of knowledge and professional competence not only in the social welfare centres but also in institutions of other systems. UNICEF and UNHCR provided financial support to this project until the end of 2008.

The Law on Protection from Domestic Violence legally completed the procedure of protecting victims of violence and providing them with better protection. The Law on Protection from Domestic Violence, the first specialized law regulating domestic violence came into force in August 2010. This law defines domestic violence as "any act or omission of a family member which endangers the physical, psychological, sexual or financial integrity, mental health and peace of another family member, regardless of the place in which it occurs".

The Law governs the protection of victims of violence in the misdemeanour proceedings and provides for five types of protective measures as misdemeanour sanctions: removal

from the apartment, the restraining order, prohibition of harassment and stalking, the obligatory treatment of addiction and obligatory psychosocial treatment.

In addition, the principle of urgency is envisaged in proceedings relating to protection from violence. Article 4 stipulates that domestic violence victims have the right to psychosocial and legal assistance, as well as to social and medical care. Also, Article 5 stipulates the obligation of the police, misdemeanour bodies, the public prosecutor's office, the social welfare centre or other social and child protection institution, health institutions as well as other bodies and institutions involved in the protection, to provide complete and coordinated protection to victims of domestic violence. Furthermore, in the procedures relating to the protection, bodies and institutions are obliged to act urgently, bearing in mind that the interests and welfare of the victim, especially if the victim is a child, elderly person, person with a disability and a person who is not capable of taking care of himself / herself, are the priority in these proceedings.

Article 11 stipulates that the social welfare centre shall set up an expert team consisting of representatives of this institution, bodies and agencies of local government, police, non-governmental organisations and experts dealing with the family issues, with a view to establish victim assistance plan and to coordinate activities in the process of helping victims, according to their needs and choices.

According to this Law, multidisciplinary teams have been formed within 10 social welfare centres, whose jurisdiction was extended to include all victims of domestic violence, not just children. The teams provide a complete and coordinated protection of victims of domestic violence. When it comes to social protection, the Law stipulates that social protection for victims includes tangible and intangible assistance, housing and social services, in accordance with the law governing social and child protection, as well as free legal aid, exercised in accordance with the Law on Free Legal Aid.

In accordance with the Law on Protection from Domestic Violence, the Strategy for Protection from Domestic Violence was passed, which includes the assessment of the situation and identifying key issues in social and other protection, as well as the targets and measures for the improvement of social and other protection. The Strategy was adopted by the Government, in July 2011.

In November 2011, the Protocol on procedures in domestic violence cases was signed. Signatories to the Protocol are: The Supreme Court, Ministry of Justice, Supreme Public Prosecutor's Office, Ministry of Education, Ministry of Health, Ministry of Labour and Social Welfare, Police Administration and the Misdemeanour Council. The objective of the Protocol is to establish and foster the establishment of multi-disciplinary cooperation with clearly defined procedures for each system.

The protocol has been prepared in such a manner to respect the fundamental principles arising from all conventions and laws referred to in the Strategy for Protection from Domestic Violence, encompassing the comprehensive protection of the family from violence. The Protocol regulates the joint work of all systems in the implementation of laws and conventions, and provides the obligation to take the necessary measures to

ensure organisation, equipment and education of a sufficient number of specialized professionals dealing with domestic violence.

The Law on Protection from Domestic Violence also provides for the drafting of the Rulebook regulating the manner of implementation of the protective measure of obligatory psychosocial treatment of violence perpetrators. Soon, with the support of UNDP, training of professionals who will conduct the psychosocial treatment will be carried out.

The Office for the Fight against Trafficking in Human Beings is an umbrella institution when it comes to the fight against trafficking in human beings in Montenegro. The primary role of the Office is reflected in the coordination of the activities of governmental, non-governmental and international institutions and organisations involved in the fight against trafficking in human beings / children by consolidating all positive forces involved in addressing this phenomenon. In addition, through the activities of the Working Group for Monitoring the Implementation of the National Strategy for the Fight against Trafficking in Human Beings, monitoring and improvement of activities of the relevant institutions in the implementation of the Strategy for the Fight against Trafficking in Human Beings is conducted. In the future period, the intention is to form a coordination body that will be responsible for monitoring and evaluating the implementation of the Agreement on Cooperation, with a view to better cooperation in the fight against trafficking in human beings in practice, through prevention, education, criminal prosecution of perpetrators and protection of victims and potential victims of trafficking in human beings, especially women and children.

The fact that representatives of the National Team of the campaign “One in Five” for Montenegro included all segments of the society grouped in a multidisciplinary team, as stated in the answer to question 3b, ensures that coordination is provided in a straightforward manner, and that it stems from the structure and the manner of work of the National Team. Each of these institutions was represented in the National Team. A Team member represented, organised and implemented the campaign activities on behalf of the institution he / she represented. Activities were designed so that as many members of the Team participate in the implementation of a specific activity, as an organiser and co-organiser. This fostered teamwork, cooperation and coordination of social factors with a view to more efficient fight against sexual violence against children. The Team members were invited to attend all campaign activities. The text below lists the implemented activities of the National Team of the campaign “One in Five” for Montenegro. They serve as evidence of effective coordination and cooperation between social actors at national and local level, and between the various agencies responsible for the protection, prevention and the fight against sexual exploitation and sexual abuse of children.

In order to protect children from sexual abuse, the Government of Montenegro joined the Council of Europe Campaign “One in Five” and formed a National Team for the implementation of the campaign. The National Team for participation of Montenegro in the campaign includes a broad structure of social factors, in accordance with the proposal of the Council of Europe: starting from the Parliament of Montenegro, through the relevant Government departments, prosecution offices and the judiciary, NGOs, to foreign

and national partners. In accordance with the campaign, several surveys were conducted by the Institution of the Ombudsman, Ministry for Information Society and Telecommunications and NGO sector. The campaign “One in Five” aims to conduct surveys on this topic. (www.ombudsmandjeca.co.me)

The activities include, among other things, roundtables, panels, workshops with adults and children and lectures as forms of education in the fight against child abuse, coordinated efforts of relevant departments in the field, the study of this problem in Montenegro, distributing informational materials and a media campaign on this problem. The Team will also make an informative website on the Montenegrin participation and conduct promotion via electronic and print media.

Question b.

The new Law on Non-Governmental Organisations, adopted in 2011, significantly enhanced the normative and legal framework for the development and operation of non-governmental sector in terms of further alignment with the provisions of international instruments and jurisprudence of the European Court in the exercise of the right to freedom of association. The Law regulates the conditions for the establishment of NGOs and the manner of keeping a registry of organisations in electronic form; establishes a unique manner of public funding and policy criteria for the allocation of funds to non-governmental organisations and the financing of projects and programmes. In addition, the Decree on the manner and procedure for exercising cooperation between state authorities and non-governmental organisations and the Decree on the manner and procedure for conducting public discussions in the preparation of laws were adopted. This is the first time in Montenegro that this area is regulated through legislation, and through the process, the cooperation between the Government and NGOs in the consultative process of preparing legislation is regulated in a clear, open and democratic manner.

Also, the procedure for selection and appointment of representatives from the NGO sector at the ministerial level is identical to that carried out at the national level. Procedures for membership at the ministerial level include issuing public calls for proposals and the list of candidates for the selection of representatives. In this manner, a greater degree of transparency of the whole procedure is ensured.

In the previous period, there has been a significantly increased participation of civil society organisations in a systematic dialogue with the Government, through regular presentations and exchange of important documents and information, while the number of initiatives in different areas aimed at improving sectoral policies also increased.

NGO representatives were members of a significant number of working groups for the preparation of laws and by-laws, consultative and advisory bodies, such as: the Council for Cooperation between the Government of Montenegro and Non-Governmental Organisations, the Council for Protection from Discrimination, the Council for Children’s Rights, the Commission for Allocation of Revenues from Games of Chance, the Commission for Monitoring the Results in the Fight against Organised Crime and Corruption, the National Council for Sustainable Development and others.

In the previous period, in cooperation with the OSCE Mission and the Office for the Fight against Trafficking in Human Beings, the Ministry of Sustainable Development and Tourism held several roundtables and trainings. In addition, the Code of Conduct for the Protection of Children against Sexual Violence in Travel and Tourism was signed. The Code of Conduct was signed by 200 representatives of hotels, travel agencies and transport companies.

The Project of “Cooperation between the Public and Private Sector in the Prevention of Trafficking and Sexual Exploitation of Children in Travel and Tourism”, was presented at the roundtable in 2005, and referred to the introduction of a Code of Conduct for the protection of children from violence.

The roundtables were aimed at instructing staff of the relevant tourism and hospitality industry companies how to identify the victims of violence and how to respond appropriately. Every hotel, travel agency, nominated one or two people who have continued to inform the staff on the topic within their company, i.e. to ensure that the principles of the Code are implemented.

In terms of prevention, the Project aimed to raise awareness of the public, especially tourists and travellers through Montenegro, with a view to the prevention of sexual exploitation of children in tourism by obliging tourism operators to comply with the Code.

The readiness of the institutions of Montenegro to cooperate with a view to effective fight against trafficking in human beings was confirmed through the signing of an Agreement on Cooperation between State Institutions (the Supreme Public Prosecutor’s Office, Supreme Court, Ministry of Education, Ministry of Labour and Social Welfare, Ministry of Health, Ministry of Interior - Police Administration, Office for the Fight against Trafficking in Human Beings, Center for Child and Family Support Bijelo Polje, the Red Cross and six non-governmental organisations, “Montenegrin Women’s Lobby”, “Women’s Safe House”, “Helpline for Women and Children Victims of Violence – Nikšić”, “Helpline for Women and Children Victims of Violence – Podgorica”, “House of Hope”, “Institute for Social Inclusion”). The purpose of this Agreement is the cooperation on: prevention, identification, training, reporting and criminal prosecution of perpetrators and protection of potential victims of trafficking in human beings, with full respect for their human rights, with a view to securing the physical, psychological, medical, social and child protection and to facilitate their integration into new society, or reintegration in the case of voluntary return to their country of origin. The Agreement makes concrete the legally defined obligations of the institutions through operating procedure that signatories to the Agreement implement in addressing the specific case of trafficking in human beings. At the same time, special emphasis is placed on actions in relation to women and children victims of trafficking in human beings.

In order to strengthen the cooperation with the private sector and generally improve the standards built in protection and assistance to child victims of sexual exploitation, the Office for the Fight against Trafficking in Human Beings, together with the Ministry of Tourism, with the support of the OSCE Mission to Montenegro, implements the Project “Code of Conduct for Protection of Minors from Sexual Exploitation in Travel and Tourism”. In terms of prevention, the Project is aimed at raising awareness of the public,

especially tourists and travellers through Montenegro, with a view to the prevention of sexual exploitation of children in tourism. The parties to this Agreement are committed to comply with the Code, which implies:

- Adoption of common ethical principles in the fight against commercialisation of sexual exploitation of children;
- Training of staff in the countries of origin and travel destinations;
- The introduction of a clause in contracts with suppliers, which includes a common renunciation of sexual exploitation of children;
- Providing information to travellers through catalogues, brochures, movies, travel maps, web-pages, as well as to local “key persons” at the place of destination.

Shelters for victims of domestic violence and victims of trafficking in human beings have been established in several municipalities by the NGO sector, but a part of their activities is financed from the budget.

Question c.

Partnership is still not established, nor is the adequate cooperation between the competent authorities to implement the intervention programmes and measures for persons in criminal proceedings or convicted of any of the criminal offences established in accordance with the Lanzarote Convention.

NETHERLANDS / PAYS BAS

Question a.

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Question b.

Cooperation between authorities, as well as with private entities / NGO's is one of the ultimate goals of new action plan to tackle child abuse, which focuses on preventing, terminating and providing after-care for victims of child abuse and of child pornography as a form of sexual violence. Reference is made to the answer 3.b. Between all parties (governmental and non-governmental) there are regular meetings to ensure close and effective cooperation.

The Netherlands is carrying out a project in which Youth Care is being decentralized, including the effectuation of the tasks involved. This will positively influence a more concrete help to children and families in need. At a local scale it will prove to be more easy to establish client oriented and multitiered assistance. Care that will respond to the actual needs of children and families.

Question c.

The cooperation between judicial authorities and public health authorities also aims at the intervention programmes for persons who are convicted because of their involvement in child sexual abuse.

NORWAY / NORVEGE

Did not reply. / N'a pas répondu.

POLAND / POLOGNE

Did not reply. / N'a pas répondu.

PORTUGAL

Coordination is ensured between the different competent entities in charge of the protection of children and of the prevention and the fight against sexual exploitation and sexual abuse of children at local level, which covers the whole of the national territory.

Following several recommendations of the United Nations Committee on the Rights of the Child, Portugal adopted in 1999 the Law on the Protection of Children and Juveniles in Danger (LPCYD) and the Law on Educational Guardianship. Both Laws guarantee several principles enclosed in the Convention of the rights of Children. The LPCYD is the framework of the National Protection System of Children and Juveniles at Risk (NPSPPCR). There is a group of legal instruments which address other aspects concerning child' rights such as adoption, parental responsibilities regulation and civil godfather measure.

The NPSPPCR is aimed at the accomplishment of core child's rights which are foreseen in the Article 4 of the LPCYD, such as the superior interest of the child, prevalence of family, hearing and compulsory participation.

The NPSPPCR is a system of shared and subsidiary responsibilities in a pyramid structure with three successive levels of intervention: a) the entities closest to civil society and to the child parents/family (all the community), b) the Commissions for the Protection of Children and Youngsters (CPCY) and c) the courts. Only the CPCY and the courts can apply protection measures. The professional work at any CPCY is foreseen by the LPCYD as being a priority towards the work each professional has in the service from where he/she originally belongs to (Article 25 of the LPCYD).

The functioning of local CPCYs started in 2001 and they are municipality based. In 2014 the system has 308 CPCY covering all districts and the autonomous regions of Madeira and Azores.

Through the CPCY, the NPSPPCR has a very innovative role concerning child's rights and society role. The CPCYs are non judicial and autonomous institutions in their functions and have a local priority and responsibilities not only at tertiary or indicative prevention (Article 21 of the LPCYD - removing the child from danger), but also at secondary (selective) and primary (universal) prevention (Article 18 of the LPCYD). It also implies an active role of citizenship both at an individual level as well as at a collective level.

Since 2010 the NCPCYR has been promoting the implementation of local prevention systemic projects monitored and evaluated at local and central levels, which have given, raise to Social Child Observatories. This is also considered a Child' Right, meaning that the child has the right to be guaranteed a permanent communication between science and research in all matters that concern her/his rights. It is a new vision that empowers the child' rights.

The CPCY have a specific and innovative intervention at tertiary level, closer to the child and parents/careers, less stigmatizing for the child (different from court) and for the parents/careers, with a child friendly centered and parents capacity building approach, with shorter and faster interventions and with the obliged mobilization of all the local community entities for putting in place the needed resources to remove the child from the danger situation (Articles 13 and 25 of the LPCYD). The CPCY can only intervene with the express consent of each parent and with the non opposition of the child with or more than 12 years old or less age if his/her maturity level will permits her/him to understand the meaning of the intervention (Articles 9 and 10 of the LPCYD).

The two main protection measures applied by CPCY are measures in the natural living environment (intervention in a short period of time e.g. 6-12 months, maximum 18 months) and placement measures.

The NCPCYR was created by Decree-Law nr. 98/98, of 18 April, which attributes to NCPCYR the responsibility for planning state intervention and for coordinating, monitoring and evaluating the performance of public entities and the community in protecting children in danger and to propose measures concerning children's rights, as well as to follow support and assess the CPCY annual activity and to train and supervise their staff. The NCPCYR is under the Ministry of Justice and of the Solidarity and Social Security. Both ministries are responsible for nominating the President of NCPCYR and the Solidarity and Social Security Ministry is responsible for the annual NCPCYR budget.

Annual CPCY activity reports are published since 1991. The activity reports are always been accomplished and is also associated to public discussions on several important issues related to Child Culture. Since 2013, the periodicity of the CPCY activity assessment by the NCPCYR has been done every 3 and 6 months period, promoting and allowing a better and detailed evaluation of local, regional and national reality which has been mirrored on the detection and analysis of Domestic Violence (DV) situations reflected in the National Intervention Plans for DV.

Given the close relationship between the protection Commissions and the Public Prosecution Service – this latter in charge of the follow up of the former's activity, the supervision of the protective measures adopted by them and of promoting the adequate judicial proceedings -, there is a mechanism that provides an adequate cooperation and coordination between the different entities. Such cooperation has been strengthened with protocols in order to improve proceedings and good practices at local level.

At national level, it should be highlighted a protocol celebrated between the National Commission for Children and Juveniles at Risk and the Attorney General's Office on 23 June 2009. This Protocol foresees, among other proceedings, situations of sexual abuse, whereby the Promotion and Protection Commission must immediately and simultaneously (a) inform the Attorney General's Office so that a criminal inquiry be opened, (b) communicate to the competent prosecutor the opening of a promotion and protection proceeding, (c) this latter must immediately interact with the judge in charge of the criminal inquiry so that a quick coordination between the interventions (in the protection and in the criminal scope) is put in place.

On the other hand, the services of judicial authorities – in particular when, at local level, they comprise prosecutor’s units or judges allocated to this specific type of crime – have celebrated protocols in order to obtain a quick and integrated response, designed to reduce the risk of secondary victimization. These protocols have increased in number and involve, as a rule, the health services, forensic offices, private associations, Commissions for the Protection of Children and Juveniles at Risk, the Attorney General’s Office and law enforcement agencies. Non formal and quick communication and routing channels are thus established as well as service structures and coordinated responses.

It should be referred, for instance, the 2010 commitment to good practices between the DIAP/Porto - Department for Criminal Investigation and Prosecution in Porto (similar others were carried out in Évora, Setúbal, Almada and Amadora) on domestic violence, ill treatment and against the children’s freedom and sexual self-determination, that has involved DIAP next to the Family and Minors Court of Porto, the DIAP next to the Criminal Court of Porto, the Commission for the Protection of Children and Juveniles at Risk – Central, the East, West and North Delegations of the National Institute for Legal Medicine and Forensic Sciences.

The commitment entered into by the parties, whenever there is a suspicion of the commission of the crimes above referred to, aim to obtain (i) a combined and coordinated inter-institutional approach, through quick communication channels and focal points in different institutions; (ii) to improve the approach to the situations, in order to guarantee a better and adequate protection to child-victims; (iii) to avoid the secondary victimization of the child, by coordinating and streamlining procedures at two levels – to protect the child and inquiries of a criminal nature; (iv) to ensure an effective swiftness and to efficiently obtain evidence at criminal level, considering that at stake are facts that constitute crimes that require priority investigations, bearing in mind the protection of specially vulnerable victims.

Regarding cooperation with the civil society (cooperation arrangements), the Portuguese context is characterized by the fact that most social services are developed by Private Institutions of Social Solidarity (IPSS) or equivalent (NGO, associations, etc.) and not directly by the state.

This cooperation model between the state and such entities has been carried out since 1992 and is reflected in the establishment of protocols signed between both parties.

A cooperation agreement establishes a legal relationship for the provision of social services by non-profitable institutions. The state, through Social Security District Services, provides technical and financial support to the entities.

The cooperation model currently in place relies on a number of principles in which the institutions complement the state's responsibilities in the protection of citizens, as for example:

- Institutions, by their nature, have greater proximity to the community, thereby ensuring greater availability and responsiveness, particularly in emergency situations;
- Institutions may implement a rational management of resources.

The selection of entities is carried out by the Social Security Institute based on the experience on the provision of social services of each entity and the assessment of community needs.

The operation of these social services is subject to a periodic monitoring where agreements are reviewed and when necessary, reviewed or ceased.

The cooperation model is established in partnership between the State and the three national bodies representing the institutions (Confederação Nacional das Instituições Particulares de Solidariedade Social, União das Mutualidades Portuguesas e União das Misericórdias Portuguesas) which, jointly, represent approximately 4,700 institutions on a much participated debate.

Every year the state and the national bodies representing institutions meet to discuss the annual Protocol.

The table below shows the total expenditure from 2008 to 2012 of cooperation arrangements in the area of childhood and youth. The figures show that there is a positive trend in the expenditure.

Expenditure 2008-2012

	2008	2009	2010	2011	2012
Cooperation agreements in the area of childhood and youth	478.176.746 €	498.525.245€	504.146.899€	498.842.443€	512.368.132€

Source: ISS, Social Security Institute, Cabinet for Planning and Strategy, 2013.

ROMANIA / ROUMANIE

Question a.

Law No. 272/2004 concerning the protection and fostering of children's rights sets out in art. 101 – 106¹⁸ the institutions and services which are competent in this field.

¹⁸ CHAPTER 7

Institutions and offices having duties in the field of child protection

SECTION 1 Institutions at central level

ART. 100

Monitoring of the respect of the principles and rights established by the present law and by the Convention of the United Nations on the Rights of the Child, ratified by Law No. 18/1990, republished, as well as the

coordination and control of the activity of protection and fostering on children's rights is performed by the Ministry of Labour, Family, Social Protection and Elderly.

ART. 101

The protection of children's rights and liberties in their relationship with public authorities with the aim of promoting and improving children's situation is also performed by the institution of the Ombudsman.

SECTION 2 Institutions and offices at local level

ART. 102

The authorities of the local public administration shall guarantee and promote the respect of the rights of children in the administrative-territorial units, ensuring the prevention of the separation of the child from its parents, as well as the special protection of the child, who is deprived, temporarily or not, by the care of his/her parents.

ART. 103

(1) The authorities of the local public administration shall involve the local community in the process of identification of the community needs and of solving at local level the social needs referring to children.

(2) To this purpose consulting community structures can be created, containing, without restricting however, to local business people, priests, teachers, physicians, local counsellors, police workers. The role of these structures is both the solving of concrete cases, as well as to respond to the global needs of the respective community.

(3) The mandate of the consulting community structures shall be set out by acts issued by the authorities of the local public administration.

(4) In order to fulfil the role for which they have been created, the consulting community structures shall benefit of training programs.

ART. 104

(1) The district council and the local councils of the sectors of Bucharest have in their subordination the commission for child protection as their specialized body, with no legal capacity, having the following main duties:

- a) settlement of the level of disability and school orientation of the child;
- b) opinion, according to the legal provisions, concerning proposals about establishment of a child special protection measure;
- c) processing applications for the issuance of the certificate of foster parent;
- d) other duties as established by law.

(2) The organization and methodology for the functioning of the commission for child protection shall be provided for by Government's decision.

(3) The president, vice-president and the members of legally established commissions for child protection, as well as their secretary, shall be entitled to a meeting fee in an amount equivalent to 1% of the fee of the president of the district council or of the sector mayor of Bucharest, respectively.

(4) The fee shall be paid from the budget of the district or of the sector of Bucharest, respectively, within the limit of the budget approved for this type of expenses and not exceeding the maximum threshold for staff expenses as established by law.

ART. 105

(1) The specialized child protection public service within district and local councils of Bucharest, as well as the social assistance public service within districts and the sectors of Bucharest shall be restructured as a general direction for social assistance and child protection.

(2) The general direction for social assistance and child protection is a public institution with legal personality subordinated to the district council and the local councils of the sectors of Bucharest, which takes over the duties of the social assistance public service within the district and the duties of the social assistance public service within the sectors of Bucharest.

(3) The institution provided for in para. (2) shall exert in the field of the protection of children's rights the duties provided for in the present law, as well as in other legal instruments in force.

(4) The organizational structure, number of staff and the financing of the general direction for social assistance and child protection shall be approved by decision of the district council or of the local council of the sector of Bucharest, which establishes it, so as to ensure the appropriate fulfilment of its duties, as well as the full realization and effective use of children's rights.

(5) The duties and the framework-regulation for organization and functioning of the general direction for social assistance and child protection shall be approved by Government's decision at the proposal of the Ministry of Labour, Family, Social Protection and Elderly.

ART. 105¹

The general direction for social assistance and child protection shall exert the following main duties in the field of the protection and fostering of children's rights:

- a) coordination of the activities of social assistance and protection of family and children's rights at the level of the district or of the sector of Bucharest;
- b) coordination, at district level, of the activities and measures for the implementation of the objectives of the district strategy in the field of the protection and fostering of children's rights;
- c) ensures the methodological guidance of the activities carried out by the social assistance public services;
- d) ensures, at district level, the unitary application of the provisions of the legislation in the field of the protection and fostering of children's rights;
- e) monitors and analyses the respect of children's rights at district/sector level and proposes measures for situations in which they are infringed;
- f) monitors the activity authorized according to art. 87¹ performed by children in cultural, artistic, sports, publicity and modelling field, in its territorial jurisdiction;
- g) requests information and documents, according to the legislation, from any public or private legal person or from natural persons involved in its field of competence, whereas they shall make them available within 10 calendar days from the date of request.

ART. 106

(1) Social assistance public services organized at the level of municipalities and towns, as well as persons with social assistance competences from the own staff of communal local councils shall have the following duties in the field of child protection:

- a) monitor and analyse the situation of children in the respective territorial unit, as well as the way children's rights are respected, ensuring the centralization and summarization of relevant data and information, based on a monitoring form approved by order of the minister of labour, family, social protection and elderly;
- b) perform the activity of preventing separation of the child from its family;
- c) identify and evaluate the situations which require the allocation of services and/or allowances for the prevention of the separation of the child from its family;
- d) elaborate the documentation necessary for the allocation of services and/or allowances and grants these services and/or allowances according to the legislation;
- e) ensure the consulting and information of families with children on their rights and obligations, on children's rights and on services available at local level;
- f) ensure and follow the application of measures for the prevention and fight of alcohol and drug consumption, for the prevention and fight of domestic violence, as well as of criminal behaviour;
- g) visit regularly at their home the families and children which benefit of services and allowances and follow the way the allowances are used, as well as the families which care for children whose parents work abroad;
- h) submit proposals to the mayor in case a certain measure for special protection is needed, according to the legislation;
- i) follow the development of the child and the way in which its parents exert their rights and fulfil their obligations concerning the child who was subject to a measure of special protection and was reintegrated into its family;
- j) cooperate with the general direction for social assistance and child protection in the field of child protection and forward to it all data and information requested from this field;
- k) follow the implementation of the decisions of the commission for child protection/guardianship court concerning the performance of actions or works of local interest, according to art. 63 para. (2).

(2) At the level of the sectors of the city of Bucharest, the duties under para. (1) are exerted by the general direction for social assistance and child protection.

(3) The methodology concerning the cooperation between the general directions for social assistance and child protection and the social assistance public services, as well as the standard model of the documents elaborated by them shall be approved by Government's decision at the request of the Ministry for Labour, Family, Social Protection and Elderly, in cooperation with the Ministry for Regional Development and Public Administration.

Law No. 304/2004 concerning judicial organization provides in art. 63 lit. g, among other duties of the General prosecution Office, for the duty to ensure through prosecutors the protection of the legitimate interests of minors.

Also Law No. 211/2004 concerning some measures for ensuring the protection of victims of offences and Law No. 682/2002 concerning witness protection provide for institutions in charge with protecting the rights of children victims rights (the probation services, The National Agency against trafficking in human beings within the Ministry of Administration and Interior).

At national level the activity is coordinated via the DPC-MMFPSPV. Furthermore, in the context of the monitoring of the activity, it should mention that the following has been achieved so far:

- National Committee for the Prevention and Fight of Child Exploitation through Labour (CND), created based on the Government's Decision No. 617/2004, decided to extend its duties to all forms of violence on children and domestic violence in 2009.
- By the Government's Decision No. 1156/2012 for the approval of the National Strategy for the Prevention and Fight of Domestic Violence for the period 2013-2017 and of the Operational Plan for its implementation, the extended CND was recognized.
- A draft Government's Decision for the organization and functioning of the extended CND was elaborated and approved by the current CND.
- In December 2013 the first meeting of the extended CND took place.

The extended CND is made up of the relevant ministries, including institutions which are subordinated to them (Ministry of Labour, Family, Social Protection and Elderly MMFPSPV, Ministry of Health, Ministry of National Education, Ministry of Internal Affairs and Ministry of Justice), the civil society (associations of the district councils, General Direction for Social Assistance and Child Protection DGASPC, NGOs, universities) and international organizations (UNICEF).

At local level, the Local Intersectorial Team for the prevention and fight of violence on children and domestic violence (EIL), provided for in Government's Decision No. 49/2011, Annex 1, by extending the duties of the EIL for the prevention and fight of child exploitation through labour, ensured the coordination of actions in this field, including the prevention and fight against sexual exploitation and abuse of children. To date the extended EIL are functional in 19 districts and 2 sectors of Bucharest. We would like to remind you of the fact that sexual exploitation is one of the most serious forms of child labor, hence the relevance of the classical EILs meaning that these are operational in 25 districts and 3 sectors of Bucharest.

- The minimum consistency of the EIL for the prevention and fight of child exploitation through labour: DGASPC, the territorial labour inspectorate, the police inspectorate, the school inspectorate, the public health agency and NGOs;
- The minimum consistency of the extended EILs includes, additionally to letter a), the gendarmerie inspectorate.

According to the Government's Decision No. 1142 from 27.11.2012 for the approval of the National Strategy Against Trafficking in Human Beings for the period 2012-2016 and of the Action Plan 2012 – 2014 for the implementation of this Strategy, as well as of the Government's Decision No. 1238/10.10.2007 concerning the approval of the National specific standards for specialized services of social assistance and protection of victims of trafficking in human beings, the guidelines, general objectives and specific objectives have been set out, as well as the national network of services of protection and assistance of victims of trafficking in human beings in which the competent institutions are involved, namely: the National Agency against trafficking in human beings within the Ministry of Administration and Interior, the General Inspectorate of the Romanian Police, the General Inspectorate of Border Police, General Inspectorate for Immigration, the Prefect, the Office for crime prevention within the Ministry of Justice, Ministry of Labour, Family and Social Protection, Ministry of Education, Ministry of Foreign Affairs, Ministry of Health and the General Prosecution Office.

There are programs of inter-institutional assessment and the direct contact between the institutions in charge in the field, in concrete current cases.

On 31.10.2013 a protocol of cooperation was enforced between the Ministry of National Education, the Ministry of Justice, the General Prosecution's Office and the Superior Council of Magistracy, the objective of this protocol being the promotion of legal education in schools and high schools, from the starting age of the mandatory education, by facilitation of the access of pupils to elementary legal knowledge.

- As regards the National Agency Against Trafficking in Human Beings, its vital role – as a structure subordinated to the Ministry of Internal Affairs, is of coordination of activities focused against trafficking

According with art.6 of the Government's Decision No. 460/2011 concerning the organization and functioning of the National Agency Against Trafficking in Human Beings, the initial assessment of the situation of the victims of trafficking in human beings, aimed at the identification of the needs of specialized assistance, is carried out through the 15 ANITP regional centres at national level, which have been established in counties where there are courts of appeal.

At inter-institutional coordination level regional centres organize, regularly, meetings of the county inter-institutional anti-trafficking teams aimed at enhancing the visibility of the ANITP at local level and the consolidation of connections previously established with institutions involved in the field of the trafficking in human beings.

ANITP regional centres also organize and support training sessions for specialists who have contact with victims / potential victims of trafficking in human beings. The above mentioned sessions have been and are organized both at the initiative of the ANITP and upon request of partners, public institutions and / or non-governmental specialized organizations.

Mention should also be made of the cooperation of the criminal investigation bodies with the structures which are active in the field of the fight against organized crime, of the Security Department and the Romanian Intelligence Service meant to collect information about paedophilia cases, especially concerning foreigners and their connections to different towns in Romania, with a view to the prevention and fight against sexual exploitation and abuse on children.

As regards the existing cooperation between the criminal investigation bodies and structures in the education sector the following activities are envisaged: ensuring a permanent exchange of information with a view to finding out the family situation of some pupils; organization of preventive actions in schools, dormitories, assistance centres, etc., with the participation of some representatives of the school inspectorate and teachers; participation in the elaboration and implementation of some joint measure plans; information of school inspectorates about circumstances which can favour offences of sexual exploitation and abuse on children.

A special relevance has the cooperation of police structures in the country with the General Directions for Social Assistance and Child Protection at county level in the field of reporting the cases of minors in difficult situations; to this effect a permanent exchange of information is maintained concerning changes which occur in their family or school situation. Mention should also be made of the cooperation with prefects and municipalities for the performance of the following activities: (quarterly) analysis of crime rate among minors and of their victimization, of causes and favouring factors, with a view to the establishment of joint preventive measures; provision of data for the elaboration of some documentary materials meant to contribute to making the public aware about the favoring factors of crime and juvenile victimization, anti-crime education of children; joint organization, based on semester measure plans, of actions for making the current legal framework in the field of the protection of children rights and not only better known, as well as the way the family can prevent the sexual exploitation and abuse on children.

Health care facilities cooperate with the relevant police structures and have the obligation to report to the police authorities which have jurisdiction in the area they are located any case in which a minor is the victim of sexual exploitation or abuse.

We would also like to mention the cooperation of the county gendarmerie inspectorates with the authorities of the relevant local public administration and the representative civil society, whereas partnership activities are carried out on a regular basis in the field of child protection against abuse, negligence and exploitation, as well as in the field of raising the awareness of the parents or of the persons who are legally liable about children about their responsibility in relation to the exercise of their parental rights and obligations, respect of the child's right to freedom of opinion, to equality of chances and non-discrimination.

In applying art. 31 of the Government's Emergency Ordinance No. 44/2004¹⁹, the General Inspectorate for Immigrations subordinated to the Ministry of Internal Affairs in its quality as institution coordinating the activities concerning the integration of foreign citizens who acquired international protection in Romania, organizes quarterly meetings for the coordination with central and local authorities which are competent in the field of integration. Based on art. 32 of the same legal instrument, the General Inspectorate for Immigration submits to the Ministry of National Education, the Ministry of Labor, Family, Social Protection and Elderly, the National Agency for Employment, the Ministry of Health and the National Health Insurance Company a report on the estimated number of persons which shall be subject to integration activities in the next year.

As concerns judicial authorities, there are within prosecution offices attached to local courts, regional courts and courts of appeal specially designated prosecutors who deal with and participate in the investigation of criminal and civil files which relate to rights and interests of minors.

Question b.

- As shown under point 6a, the civil society is involved both at central level and local level. Additionally, for the EILs the Government's Decision Nr. 49/20011, Annex 1, also recommends the involvement of the representatives of municipalities, trade unions, employer's associations, churches, probation offices, forensic units, emergency reception units and regional centers with the National Agency Against Trafficking in Human Beings within the Ministry of Internal Affairs. The participation of the private sector, namely of the business environment, is set out in the Government's Decision No. 49/2011, Annex 2, the chapter referring to community consultative structures.

- As regards the audio and visual media, we would like to mention some examples:

- a. The CNA partnership with the General Inspectorate of the Romanian Police, the General Prosecution Office and the Romanian Centre for Missing and Sexually Exploited Children – FOCUS. For further details search the National Alert System for kidnapped / missing children available under:
<http://www.cna.ro/article3085,3085.html> .
- b. The partnership agreed in March 2013 by the CNA with the Ministry of Education and with the School Inspectorate of Bucharest for the media education of children.

Given the specificity of the audio and visual media in the member states, mention should also be made at this point of the international cooperation - which is very important also in cases in which minors are victims of sexual exploitation and / or abuse – among all regulatory authorities in this field, both directly and via the contact committee created under the auspices of the European Commission according to art. 29 of the Audiovisual Media Services Directive. We would like to mention in this respect the cooperation partnership concluded by the CNA with similar authorities from the Czech Republic, Hungary, Poland, Serbia, Slovakia within the Central European Regulatory Forum (CERF), the one at regional level with the regulatory authorities in the field of audio and visual

¹⁹ concerning the social integration of foreign citizens who have acquired a form of protection or a right of residence in Romania, as well as of the citizens of the member states of the European Union and of the European Economic Space, with subsequent amendments and supplements

media in the Black Sea states – within the Broadcasting Regulatory Authorities Forum, as well as the membership of CNA starting 2000 in the European Regulatory Authorities Forum (BRAE) which currently reunites 52 members, but also the membership in the REFRAM alongside with other 22 similar bodies in Europe, Africa and Canada, within the Réseau Francophone des Régulateurs des Médias.

- At the level of probation services:

With persons who are subject to criminal prosecution or on trial for offences of the type provided for in the Lanzarote Convention, probation officers have the possibility to cooperate with community specialists, according with the provisions of art. 7 para. (2) of the Regulation for the implementation of the provisions of the Government Ordinance No. 92/2000 concerning the organization and functioning of the probation services: any time it is deemed necessary, the probation service shall request the competent authorities to designate specialists with a view to the elaboration of the evaluation report. These specialists can be psychologists, sociologists, teachers, doctors or any other specialists whose opinion is considered to be necessary.

With persons convicted for the offences provided for in the Lanzarote Convention who have been released on parole there is the possibility to cooperate with different community institutions, non-governmental organizations with a view to the inclusion of these persons into intervention or counselling programs, according with the provisions of art. 46 para. (1) of the Regulation for the implementation of the provisions of the Government Ordinance No. 92/2000 concerning the organization and functioning of the probation services: „within 20 working days from the reception of the written application of the person released on parole by which the person requests assistance and counselling the probation service can take the necessary measures for the inclusion of the respective person into a specialized intervention program, adapted to the needs of the respective person, when possible. The activity provided for in para. (1) can be carried out based on a protocol of cooperation with institutions or organizations which provide social reintegration services”.

Question c.

- See partnerships mentioned under point b).
- At the level of the ANITP cooperation protocols and action plans have been concluded with local partners. The cooperation protocols existing at the level of the ANITP, initiated and monitored both at central and regional level, aim at the implementation of activities of prevention of trafficking in human beings and at assisting the victims of this offence. The action plans concluded at local level with institutional partners, like for example county gendarmerie inspectorates, county police inspectorates, directions for public health, county school inspectorates, etc., aim at the coordination of the preventive activities carried out by the partners, separated and jointly, as well as of the training sessions for specialists who have contact with victims of the trafficking in human beings.
- A number of protocols / partnerships of inter-institutional cooperation have been concluded between the main actors involved in the field, namely: county gendarmerie inspectorates, county police inspectorates, county school

inspectories, directions for public health at county level, general directions for social assistance and child protection, regional ANITP centres, county agencies for employment, county centres for anti-drug prevention, assessment and counselling, territorial labour inspectorates, probation services attached to regional courts.

- Based on the above mentioned partnerships, a number of preventive and educational campaigns have been organized at local level, of which we would like to mention just some which have been carried out by the county gendarmerie inspectorates:
- Campaigns for information, prevention and social dialog „Youth against violence” (carried out in the period 03.01.2013-31.12.2013) and „Stop to violence and discrimination in schools” (in the period 01.09.2013-31.12.2013), carried out by the County Gendarmerie Inspectorate (IJJ) Arad in partnership with the County School Inspectorate;
- Educational Partnership Program „We all say NO to violence” (school year 2012-2013) and Educational Partnership Program „Too rebel to be led” (school year 2012-2013), carried out by the County Gendarmerie Inspectorate (IJJ) Braila in partnership with the County School Inspectorate;
- Educational and preventive campaigns: „Violence kills – Kill violence” (in the period 21.01.2013 – 28.02.2013), „Be aware, Not violent” (in the period 11.03.2013 – 30.04.2013), „Violence doesn’t make you stronger” (in the period 15.05.2013 – 15.07.2013), „A safe school together with the Gendarmerie” (in the period 12.09.2013 – 20.12.2013), carried out by the County Gendarmerie Inspectorate (IJJ) Mehedinti in partnership with the County School Inspectorate;
- Information campaigns: „Safety in school – a priority”, „Stop to violence in schools! Indifference hurts” and „Together for the safety of the children of today and grown-ups of tomorrow”, carried out in the school year 2013-2014 by the County Gendarmerie Inspectorate (IJJ) Prahova in partnership with the County School Inspectorate;
- Educational campaigns: „Your school is safe”, „From violence to offence is just one step!” și „My anti-drug message”, carried out by the County Gendarmerie Inspectorate (IJJ) Timiș;
- „Program for the prevention of juvenile crime and trafficking in human beings” and „Stop to violence and discrimination in schools”, carried out by the County Gendarmerie Inspectorate (IJJ) Vâlcea.
- At the level of the General Prosecution Office: there are protocols of cooperation with the county directions for social assistance and child protection and the probation services attached to regional courts;

RUSSIAN FEDERATION / FEDERATION DE RUSSIE²⁰

Did not reply yet. / N’a pas encore répondu.

²⁰ The Russian Federation became a State party after the 1st monitoring round was launched. As all Parties it has to reply to the General Overview Questionnaire. Its reply should be received by 31 July 2014 at the latest. / La Fédération de Russie est devenue Etat Partie après le lancement du 1^{er} cycle de suivi. Comme toutes les Parties, elle doit répondre au Questionnaire « Aperçu Général ». Ses réponses doivent être reçues au plus tard le 31 juillet 2014.

SAN MARINO / SAINT-MARIN

Did not reply yet. / N'a pas encore répondu.

SERBIA / SERBIE

Question a.

Ministry of Justice:

Under Article 64 of the State Administration Act (Official Gazette of RS 79/05, 101/07 и 95/10), State administration authorities shall cooperate on all common issues and to submit to each other data and information necessary for their operations. State administration authorities shall establish joint bodies and project groups in order to execute tasks whose nature requires involvement of several state administration authorities. Establishment and work of joint bodies and project groups shall be prescribed in detail by a regulation of the Government. Also, under Article 19 of the Criminal Procedure Code, all public authorities are required to render necessary assistance to the public prosecutor, courts or other authorities conducting proceedings, as well as to the defendant and his defence attorney at their request with the aim of collecting evidence.

NGO Atina:

Institutions and civil society organizations involved in the protection of (children) victims of human trafficking:

Ministry of the Interior, Ministry of Labour, Employment and Social Politics, Ministry of Justice and Public Administration, Ministry of Health, Ministry of Finance and Economy, Security Information Agency, the Republic Public Prosecutor, judicial authorities of the Republic of Serbia, Social Welfare Centres, Centre for the protection of the victims of human trafficking, NGO Astra, NGO Atina, as well as other associations and other civil society organizations. In April 2012, pursuant to the Law on Social Care ("Official Gazette of RS", No. 24/2011), the Government established the Centre for the Protection of Human Trafficking Victims which comprises two organizational units: The Agency for the Coordination of Protection of Victims of Human Trafficking and Reception Centre for Victims of Trafficking. To this day, only one unit is operational, The Agency for the Coordination of Protection of Victims of Human Trafficking.

The necessary specialized forms of support and reintegration of victims' programmes have previously been provided by civil society organizations through project funds and donations, such as: shelter Safe House (accommodation and support), reintegration programmes for victims of human trafficking - NGO Atina, Helpline for victims of human trafficking, and a separate Helpline was introduced for missing children – NGO Astra.

Activities of prevention, protection of victims and prevention of human trafficking have been performed, largely, with the support of civil society organizations.

Within the project Local Communities in the Fight Against Human Trafficking, which was implemented in 2013 by NGO Atina, with the support of Social Inclusion and Poverty

Reduction Team of the Government of the Republic of Serbia, Local Networks to support victims and prevent human trafficking were established in seven cities in which the project was implemented (Novi Sad, Subotica, Sremska Mitrovica, Kragujevac, Kraljevo, Nis and Vranje). Members of these networks (representatives of the Prosecution, the Police, Social Welfare Centers, Civil Society Organizations, Health Care, educational institutions, local authorities, National Employment Agency, Red Cross, etc.) signed Memorandums on collaboration, which defined operational details necessary for the functioning of Networks, as well as roles and responsibilities of all the parties, and the relationship and framework of this collaboration.

NGO Astra:

We have no information that there is a coordinating body at the level of educational / law enforcement system. Serbia has a Coordinator for Combating Human Trafficking, but he is part of the Interior Ministry and has no jurisdiction over other state agencies, i.e. he could only schedule meetings of the former National Team for Combating Human Beings (last time on May 2012).

A significant change in the National mechanism for the identification, assistance and protection of victims of human trafficking is the transformation of the Agency for Coordination of Protection of Trafficking Victims. After the adoption of the Regulation on the network of social protection, the Government of the Republic of Serbia has founded the Center for the Protection of victims of trafficking on April 13, 2012. The new centre was established as an institution of social protection and is supposed to coordinate the activities of providing social protection to victims, cooperate with the social welfare centres, institutions that provide accommodation to victims, as well as with other institutions and non-governmental organizations. It was established as a separate organizational unit within the Ministry of Labour, Employment and Social Policy. It is financed from the budget of the Republic of Serbia and by international organizations through the project activities.

Centre for Child Rights:

General Protocol for the Protection of Children from Abuse and Neglect adopted in 2005 recognises the importance of inter-sectoral cooperation in the protection of children from violence and of involvement of individuals and institutions from various systems in the process of protection (healthcare, education, social welfare, police, justice, etc.) A centre for social work, as a basic service for protection of children, which simultaneously acts as guardianship authority, is designated as a focal point of multi-sectoral protection of children from violence.

After the adoption of the General Protocol for Protection of Children from Abuse and Neglect, special protocols were adopted in all the sectors with the objective to ensure more efficient treatment, follow-up and regulation of internal procedures within the system and individual institutions and establishments (Special protocol for the protection of children and students from violence, abuse and neglect in educational institutions – 2007, Special protocol in social welfare institutions from abuse and neglect – 2008, Special

protocol on the conduct of judiciary authorities in protection of children from abuse and neglect-2009, Special healthcare protocol for the protection of children from abuse and neglect - 2009, Special protocol on conduct of police officers in the protection of children from abuse and neglect - 2006.)

However, although legislation has been advanced in this field and General Protocol has been adopted, as well as special protocols, the efficiency of inter-sectoral cooperation has still been challenge, in particular at local level, which is why it is necessary to invest efforts in promotion and improvement of mechanisms of inter-sectoral cooperation at local level. One of the challenges is a process of reform of social welfare and adoption of the system of case management in 2008 as well as Social Welfare Law in 2011, which is why it is necessary to strengthen capacities of professionals in centres for social work to respond efficiently in situations of violence against children.

One of examples of good practice is the project of the Centre for the Right of the Child, implemented in partnership with the UNICEF Belgrade Office with the aim to promote protection of children from violence by putting in practice General Protocol for the Protection of Children from Abuse and Neglect in four biggest cities in Serbia - Belgrade, Novi Sad, Kragujevac and Nis. The specific objectives of this project have been to strengthen capacity of professionals in centres for social work for efficient response to cases of violence against children and to advance inter-sectoral cooperation by developing mechanisms for implementation of the General Protocol.

The project was implemented from July 2012 to October 2013, and as a result Agreements on Inter-sectoral Cooperation in Protection of Children from Abuse and Neglect have been developed or improved. The inter-sectoral cooperation in practice has been significantly improved, and over 100 professionals in centres for social work have been successfully trained about interventions of centres for social work in protecting children from abuse and neglect.

Question b.

Ministry of Interior:

To advance coordination and cooperation of state authorities, civil society organisations (CSO's) and citizens in the field of protection of children from all forms of violence, General protocol for protection of children from abuse and neglect was developed and adopted in 2005.

In November 2013, at the closing conference of the EU - supported Project Protection of Children from Violence in the South –East Europe” organised by the Belgrade UNICEF Office, Republic Institute for Social Protection and citizen’s association “Centre for Children’s Rights”, in addition to other project results, Memorandum on intersectoral cooperation towards implementation of the General protocol for protection of children from abuse and neglect were presented, which is expected to be signed by the end of 2013 in Belgrade, Novi Sad, Nis and Kragujevac.

Ministry of Justice:

Under Article 64 of the State Administration Act (Official Gazette of RS 79/05, 101/07 и 95/10), State administration authorities shall cooperate on all common issues and to submit to each other data and information necessary for their operations. State administration authorities shall establish joint bodies and project groups in order to execute tasks whose nature requires involvement of several state administration authorities. Establishment and work of joint bodies and project groups shall be prescribed in detail by a regulation of the Government. Also, under Article 19 of the Criminal Procedure Code, all public authorities are required to render necessary assistance to the public prosecutor, courts or other authorities conducting proceedings, as well as to the defendant and his defence attorney at their request with the aim of collecting evidence.

NGO Atina:

Serbia is expected to adopt a new Strategy for the fight against human and children trafficking 2013-2018. As it relates to the period from 2013 to 2018 the question of timeliness of the Strategy implementation arises, as 2013 has already passed, and there was no separation of special budget funds for 2013 nor was there planning of separation of budget funds for 2014.

The future National Strategy to prevent and suppress trafficking in persons, especially women and children 2013-2018, through state analysis, mapped certain response areas as undeveloped, as well as other areas that need continuous and further improvement:

- System of institutional and operative coordination which is still not sufficiently functional;
- A joint and comprehensive system for collection and analysis of data related to human trafficking is non-existent;
- Formalized partnerships in response to human trafficking at local, national and international level are still not completely established;
- Uneven level of professional skills and sensitization of experts who work in the field of prevention, protection of victims and suppression of human trafficking is present;
- System of identification, protection and support to human trafficking victims, especially in regard to children is insufficiently developed;
- The system has not yet developed specialized support programmes for vulnerable groups in regard to the prevention of human trafficking and support to the victims of human trafficking;
- The system does not yet have the necessary human and material resources to provide for substantial support to the victims of human trafficking;
- The mind set of people and the media in regard to the human trafficking issue still needs to be changed;
- Competencies of the employees, in regard to identification and prosecution of human trafficking cases, have not been sufficiently developed;
- There is a lack of permanent budget funds in the field of prevention, protection of victims and suppression of human trafficking;
- The Trust Fund for the victims of human trafficking has not yet been established;

- Victim's compensation claim process has proven to be very complicated and inefficient within the civil procedure, and does not allow for adequate compensation to the victims of human trafficking.

Reception Center envisaged for referral of urgent cases of human trafficking, established within the Center for the Protection of Human Trafficking Victims, is still not functional and hasn't set clear objectives and goals for improvement in this area.

NGO Astra:

Cooperation between state institutions and the civil society organizations is still unsatisfactory and leaves room for improvement. This cooperation is reflected primarily in the inclusion of CSO's in preparation of draft policy documents, but even then the suggestions and critics of the CSO's are rarely adopted. The cooperation is most productive in the area of prevention, where state authorities usually respond and participate in activities organized by the CSO's, which are supported by foreign donations (workshops, seminars, trainings, exhibitions....). The degree of cooperation is lesser when it comes to support and protection in direct work with victims of human trafficking. CSO's are still perceived as competitive organizations, rather than as colleagues who work on the same task. Institutions of the system that work with victims of human trafficking rarely inform their users on the services offered by civil society organizations that have years of experience in working with victims. Cooperation between CSO's and institutions is in a small number of cases regulated by signing a bilateral memorandum. Social responsibility of the private sector in Serbia is in its beginnings and it only sporadically cooperates with the government and CSO's on these issues.

NGO Centre for Children Rights:

In January 2011, the Government of the Republic of Serbia opened the Office for Cooperation with Civil Society, as an institutional mechanism of support and for development of civil dialogue between government institutions and civil society organisations. The significance and role of the Office for Cooperation with Civil Society is reflected in coordination of cooperation between the government institutions and CSO's in the process of creation and introduction of clear standards and procedures for involvement of CSO's at all levels of decision-making. Within its remit, the Office is supposed to provide support to CSO's in the process of defining and implementing laws and policies, as well as monitoring effectiveness of such enforcement and implementation, and consequently of exerting positive pressure on the authorities. However, to date such cooperation has not been focused to maximisation of prevention and fight against sexual abuse and sexual exploitation of children.

Question c.

Ministry of Justice:

Under Article 64 of the State Administration Act (Official Gazette of RS 79/05, 101/07 и 95/10), State administration authorities shall cooperate on all common issues and to submit to each other data and information necessary for their operations. State

administration authorities shall establish joint bodies and project groups in order to execute tasks whose nature requires involvement of several state administration authorities.

Establishment and work of joint bodies and project groups shall be prescribed in detail by a regulation of the Government. Also, under Article 19 of the Criminal Procedure Code, all public authorities are required to render necessary assistance to the public prosecutor, courts or other authorities conducting proceedings, as well as to the defendant and his defence attorney at their request with the aim of collecting evidence.

Ministry of Science and Education:

The General Protocol for Protection of Children against Abuse and Neglect was adopted (2005), followed by special protocols for social protection institutions (2005), educational system (2007) and the police (2007), respectively.

SLOVAK REPUBLIC / REPUBLIQUE

Did not reply. / N'a pas répondu.

SLOVENIA / SLOVENIE²¹

Did not reply yet. / N'a pas encore répondu.

SPAIN / Espagne

Question a.

The Ministry of Health, Social Services and Equality coordinates three interregional forums and the Spanish Observatory on Children brings together representatives of national, regional and local public administrations and civil society as well.

The Working Groups are a key tool for the functioning of the Observatory. The group on child abuse is very active, as explained above. There are two more working groups coordinated by other Ministries: the group on internet and children (Ministry of Industry, Energy and Tourism) and the group on child legislation, composed by representatives of the Ministry of Justice and the Ministry of Health, Social Services and Equality.

Question b.

See answer above.

Question c.

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²¹ Slovenia became a State party after the 1st monitoring round was launched. As all Parties it has to reply to the General Overview Questionnaire. Its reply should be received by 31 August at the latest. / La Slovénie est devenue Etat Partie après le lancement du premier cycle de suivi. Comme toutes les Parties, elle doit répondre au Questionnaire "Aperçu Général". Ses réponses doivent être reçues au plus tard le 31 août 2014.

SWEDEN / SUEDE

Question a.

Combating men's violence against women/girls, including prostitution and human trafficking for sexual purposes, are top priorities in the Government's gender equality work. During the 2011–2014 period the Government is intensifying its efforts to prevent and combat sexual violence and other sexual abuse. A fundamental part of this is following up and assuring the sustainability of previously implemented measures. Several Government agencies have therefore been given (renewed) tasks which are deemed strategically important for creating the conditions for cooperation, knowledge development and good dissemination at the national and regional levels.

The coordination responsibility within the Government Offices for matters pertaining to the sexual exploitation of children lies with the Ministry of Health and Social Affairs. The Ministry of Education and Research coordinates gender equality policy and efforts to combat violence in close relationships.

The Stockholm County Administrative Board has been tasked for the period 2011-2014 with coordinating, at the national level, work carried out by agencies against prostitution, human trafficking for sexual purposes and with promoting improved cooperation between Government agencies, non-governmental organisations and other actors in the area. Following the expiry of the Action Plan in 2013 this mandate was extended and broadened to include measures to combat trafficking for the purpose of removal of organs, involvement in armed conflicts and forced labour, as well as strengthening co-operation with NGOs. The extended mandate also added a special focus on children as victims of human trafficking.

Question b.

According to the Action plan to combat prostitution and trafficking in human beings for sexual purposes (2008-2010), commissioned by the Swedish government, The County Administrative Board of Stockholm has been mandated to improve national co-operation against trafficking in human beings (THB) for sexual exploitation and prostitution for the period 2008-2014. The County Administrative Board of Stockholm was designated to co-ordinate co-operation among the key state actors. All National County Boards have been tasked during the period of 2011-2014 to support measures to combat prostitution and human trafficking for sexual purposes which includes cooperation within, and between, the counties.

In 2012 the Government announced its appointment of a Swedish Domestic Violence Coordinator. The Coordinator will work to improve collaboration between the relevant actors, contribute to greater consensus on how domestic violence can best be prevented and combated and, in consultation with the actors, and contribute to spreading insight into this area.

Grooming: With the introduction of the offence "contact with a child for sexual purpose" (grooming) in 2009, an intelligence operation was also launched. The purpose was to obtain an overall view of the phenomenon. Several hundreds of persons were identified

on the Internet behaving in a way that demonstrated an interest in sexual contacts with in particular adolescent girls. The success of this intelligence operation was much depending on cooperation with the private entities running social websites where grooming occur.

National Image Database: This database is a national tool similar to the ICSE-database at Interpol. It is operated at national level by the National Bureau of Investigations and contains today files well over a million (images and film sequences). The database is fed through criminal investigations, international exchanges, the ECPAT Sweden-hotline and some other sources. Each image in the database is given a unique digital code after classification as child sexual abuse material in an investigation. An image recognition software can on this basis sort out images in future investigations which saves work hours on classification. The software can also match series of images, for instance to find missing images in a series. The Swedish software company Netclean is drawing on the digital codes of this database for its filters. More than 400 000 licenses have been sold in Sweden alone.

Financial Coalition against Child Pornography on the Internet: In 2007 a Financial Coalition against Child Pornography on the Internet was established in Sweden. It brings together actors from the payment industry (Swedish Bankers' Association, more than 25 banks and credit card companies), ISP's, software and telecommunication companies, NGO's (ECPAT Sweden) and the National Bureau of Investigation. The Ministry of Justice, Ministry of Finance and the Financial Inspection are observers. The Financial Coalition has through its collaborative approach been able to stop payments for child pornography and today it is difficult to purchase child sexual abuse material by means of credit cards from Sweden. A sub-group of the Financial Coalition is undertaking efforts to see how other means of payment than by credit card for child sexual abuse material can be blocked. Over the past few years, there has been an explosion of payment methods. Furthermore, the National Bureau of Investigation is actively working within the European Financial Coalition under the auspices of Europol and the Coalition as such will enhance its work at European level.

Cooperation on blocking: In Sweden, a legal obligation to block websites would conflict with the Swedish constitutional protection of the freedom of expression and information, i.e. the freedom to disseminate, procure and receive information and otherwise to acquaint oneself with the utterances of others. This is due to the fact that it is not technically possible to block only the illegal information that is the aim of the measure, but that also legitimate information that anyone has the right to procure would be blocked at the same time. For this reason, blocking of websites with a child pornographic content in Sweden is carried out in voluntary cooperation between the Police and the Internet Service Providers. Over 90 percent of subscribers to the Internet in Sweden are covered in this voluntary cooperation.

The cooperation operates in the following way: The Police receives information on child pornographic websites from different channels such as Europol, Interpol, child right organisations or the general public. Information is also collected by the Police in its daily work on acting against child pornography on the Internet.

The information is verified and then shared with the Internet Service Providers who make the technical arrangements for blocking at the level of the end user. This means that

anyone trying to access the website in question instead will see a message saying that this site is blocked due to its child pornographic content. The formal borders of the EU do not make any difference as to whether an ISP in cooperation with the Swedish police will block a website or not. In other words websites with child pornographic content will be blocked and made not accessible in Sweden regardless of whether the site is located within or outside the EU.

In the procedure to verify that the website contains child pornographic material, the Police also check the location of the website. In connection with the blocking and on that basis, information is sent to the appropriate judicial or law enforcement authority in the country where the website is located. This information informs the authority that a website located on its territory contains illegal material. However, no further steps are taken since it might interfere with for instance an ongoing investigation in that country. The message is displayed between 30000 to 70000 times each day, however with great variation depending on the day of the week (for instance Sundays being more frequent than Mondays). The figure does not say anything on the number of individuals attempting to get access; it merely states the number of displays of the message and includes therefore, most likely, series of attempts from one individual and side effects of "pornsurfing".

Question c.

No reply / Pas de réponse

SWITZERLAND / SUISSE

Did not reply. / N'a pas répondu.

"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-REPUBLIQUE YUGOSLAVE DE MACEDOINE"

Did not reply yet. / N'a pas encore répondu.

TURKEY / TURQUIE

Question a.

According to the provisions of "the Decree Law numbered 633 on the Organization and Functions of the Ministry of Family and Social Policies" and Regulation on Execution of the Protective and Supportive Measures under the Child Protection Law", all of the coordination related with execution any kind of protective and supportive measure, including the measures protecting the child against sexual abuse and exploitation, and with defining policies and strategies on social services intended for children is conducted by the Ministry of Family and Social Policies. Secretariat services of the coordination are carried out by the Directorate General for Children Services of the Ministry of Family and Social Policies.

To that end, "Central Coordination Board" has been established under the chairmanship of the Undersecretary of the Ministry of Family and Social Policies or a Deputy Undersecretary assigned by the Undersecretary and with the participation of the Deputy Undersecretaries from the Ministry of Justice, the Ministry of Interior, the Ministry of National Education, the Ministry of Health, the Ministry of Labor and Social Security and the General Directors of

Directorate General for Children Services and Directorate General for Penal Affairs of the Ministry of Justice.

In accordance with the article 20 of the mentioned Regulation, the coordination in the provinces with regard to execution of the measure is carried out under the chairmanship of the governor or deputy governor and with the participation of the Chief Public Prosecutor or the Deputy Chief Public Prosecutor or another Public Prosecutor assigned by him and Director of Provincial Police Department, Provincial Gendarme Commander, Director of Provincial National Education Directorate, Director of Provincial Health Directorate, Mayors of Metropolitan Municipality, Provincial Municipality and Central District Municipality, Regional Director of the Ministry of Labor and Social Security, where not available, Provincial Director of Turkish Labor Institution, Director of Provincial Directorate of Youth and Sports, Provincial Director of the Ministry of Family and Social Policies, General Secretary of Provincial Special Administration or their deputies assigned by them, and Branch Manager of probation and support centers and a representative from the Bar Association. In the districts, the coordination is carried out by the district governorships.

In this framework, in order to plan the services intended for children effectively and implementing these services, it aimed to strengthen the coordination between institutions and organization and therefore a coordination system was established in central, provincial and district level. Therefore, "Guideline on Working Principles and Procedures of Central, Provincial and District Coordination Established for Execution of the Protective and Supportive Measures Taken according to Child Protections Law" is issued. A training program is established for the training of the operational personnel who are assigned for the execution of the protective and supportive measures and the coordination members. The aim of this program is to render effective service by the coordination boards. This program is implemented within the framework of "Justice for Children Project" financed by European Union and supported by UNICEF. This training program is decided to be conducted by developing a multi-sectoral training program in provincial level and making this program for 400 provincial coordination board members in 20 provinces.

The mentioned training program is expected to be conducted with the participation of deputy governor, judge of juvenile court, judge of family court, chief public prosecutor, director of provincial police department, provincial gendarme commander, director of provincial national education directorate, director of provincial health directorate, mayors of municipality or his/her representative and other representatives from the other public institutions and non-governmental organizations. These trainings started on 23 September 2013 and after training of the trainers, the training are still ongoing. As of the date of 26 December 2013, the trainings for 20 provinces were completed.

In the Justice for Children Project, it is aimed to develop software which is compatible with the activity of Extending of Coordination Strategy in the Child Protection Services and National Judiciary Informatics System which is used in the court houses for the recording and monitoring of security measures and protective and supportive measure intended for children. In this sense, developing software program is still ongoing called "Information System on Interlocutory Injunctions" which is compatible with UYAP and intended for monitoring the protective and supportive interlocutory injunctions. Therefore a Workshop

was organized on 16 - 17 December 2012 for evaluating the business flow and work analyze with the Ministry of Family and Social Policies and related judicial and administrative organization and exchange opinions concerning the substructure of the software to be developed. This program is about to be put into practice.

In addition to this, "Strategy Document on Coordination in Child Protection Services and Implementation Plans" prepared by the Ministry of Family and Social Policies was approved at the 12th Central Coordination Meeting organized on 27/11/2013. Thus the mechanism has been established for all of the public institutions to work in coordination within the scope of prevention of violence against children.

Question b.

"Directive on the Works Principles and Procedures of Central, Provincial and Sub-Provincial Coordination Initiatives Adopted in order to Execute the Protective, Supportive Measures under the Child Protection Law" gives particular importance to the participation of the non-governmental organizations to this works. Accordingly, it stated under the articles 10 and 20 of the Directive that working groups may be established among public institutions, non-governmental institutions, universities, representatives from trade bodies and experts in the subjects such as education, training, research and planning within the scope of protecting the children against any kind of exploitation.

Article 11 of this Directive states that public institutions will coordinate and support the projects prepared by non-governmental organizations, universities and other initiatives so as to develop services intended for children.

In this respect, technical support has been taken from UNICEF for ensuring the cooperation between non-governmental organizations and private sector. Within the scope of the common communication web which is conducted by the UNICEF together with non-governmental organizations, "National Action Plan on Combating Violence against Children" is shared with the non-governmental organizations.

Moreover, in 2013, with technical support of UNICEF and with the contributions of the Ministry of Development, the Ministry of Family and Social Policies, the Ministry of National Education, the Ministry of Health, the Ministry of Youth and Sports and the Ministry of Labor and Social Security, "Instrument for Child Well Being" has been prepared. By this instrument, it is aimed to deal with the policies of Turkey intended for children in a way to increase the children well-being and in this respect to prepare "Indications of Children Well Being in Turkey". Therefore, "Children Well Being Conference" was organized on 25 April 2013 and a workshop was carried out on 12 – 13 December 2013 with the participation of the representatives from non-governmental organizations and private initiatives.

Question c.

No information has been received from the relevant governmental bodies on this question yet.

UKRAINE

Question a.

The coordinating body tasked with protection of children from cruel treatment, including sexual exploitation and abuse, is the State Service for Children. The regulatory frameworks that ensure coordination include:

- Instructions as to collaboration of departments (units) for family, youth and sports, services for children, social service centres for family, children and youth and relevant units of the Ministry of Internal Affairs to take measures to prevent domestic violence;
- Instructions as to departments of the State Service for Children on registering children currently facing harsh life circumstances;
- Instructions as to operating the Unified electronic database of children currently facing harsh life circumstances;
- Instructions as to locating the families (individuals) currently facing harsh life circumstances, provision of relevant social services and social support to such families (individuals);
- Instructions as to collaboration of various institutions providing social support to families (individuals) currently facing harsh life circumstances;

Question b.

According to Article 3 of the Law of Ukraine “On Social Work with Families, Children and Youth”, the bodies undertaking such work are: specially authorized entities, which provide social work for families, children and youth; professionals in social work for families, children and youth; civil society public associations, charity and religious organizations.

Question c.

Indeed, on-going support to development of cooperation and partnerships is provided.

UNITED KINGDOM / GRANDE BRETAGNE

Did not reply. / N’a pas répondu.