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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 3 of the General Overview Questionnaire

Compilation des réponses à la Question 3 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 3.

* * *

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 3.

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 3: Overview of the implementation

Please indicate (without entering into details):

- a. the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;
- b. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;
- c. whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.

Question 3 : Aperçu général sur la mise en œuvre

Veuillez indiquer (sans entrer dans les détails) :

- a. Les principales mesures législatives ou autres pour garantir la protection des enfants contre l'exploitation et les abus sexuels conformément à la Convention ;
- b. Si votre pays a une stratégie et/ou un plan d'action d'envergure nationale pour lutter contre l'exploitation et les abus sexuels concernant des enfants. Dans l'affirmative, veuillez en préciser les principaux domaines d'intervention et les principales instances chargées de la/leur mise en œuvre.
- c. Si votre pays a des lignes directrices pour une mise en œuvre adaptée aux enfants des lois, mesures et stratégies auxquelles il est fait référence aux alinéas (a) et (b) ci-dessus. Dans l'affirmative, veuillez préciser. S'agissant des procédures judiciaires, veuillez préciser si vos propres lignes directrices se sont inspirées des Lignes directrices du Conseil de l'Europe sur une justice adaptée aux enfants.

COMPILATION

of replies / des réponses⁵

ALBANIA / ALBANIE⁶

Question a.

The domestic legislation protects and guarantees children from sexual exploitation and abuse, and the main legislative acts are:

- Constitution of the Republic of Albania”, law No. 8417, dated 21.10.1998 “The expressly provides specific dispositions on the protection of the children and juveniles. The Constitution recognizes children's rights and individual freedoms (protection of life), political, economic, social and cultural. In this context within its constitutional powers and means at its disposal, state through its legal initiatives ensures fulfilling of the needs of child welfare, upbringing, education, employment, as well as his intellectual development. Within the protection of freedoms and economic, social and cultural rights, the state has the obligation to ensure mitigation procedures for children during the trial proceedings, and to ensure the protection of children from all forms of abuse as defined namely in article 54 of the Constitution:

1. Children, the young, pregnant women and new mothers have the right to special protection by the state.
2. Children born out of wedlock have equal rights with those born within marriage.
3. Every child has the right to be protected from violence, ill treatment, exploitation and their use for work, especially under the minimum age for work, which could damage their health and morals or endanger their life or normal development.

- Criminal Code

Children’s sexual exploitation and abuse constitutes criminal offense, as provided for by the Criminal Code. At the same time the latest amendments to the Criminal Code, by the Law no. 144/2013 dated 20.05.2013 “On some amendments to Law no.7895, dated 27.1.1995 “Criminal Code of the Republic of Albania”, as amended, which focuses on the protection of the rights of the child, precisely affecting these provisions. These amendments, are leading to more severe sentences, by increasing margins (minimum and maximum) of imprisonment. Namely:

- Article 100 “Sexual or homosexual relations/intercourse with minors/children”
Having sexual or homosexual relations with children that are less than 14 years old, or with a female child, who is not sexually matured, is punished by imprisonment from seven to fifteen years

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

⁶ States which are underlined are Parties to the Convention included in the 1st monitoring round, that are, therefore, under an obligation to reply to the questionnaires. / Les Etats dont le nom est souligné sont les Etats parties à la Convention participant au 1^{er} cycle de suivi et qui doivent donc répondre aux questionnaires.

- Article 107/a “Sexual Violence”
against children aged fourteen to eighteen years, is sentenced by imprisonment from five to fifteen. When this offense is committed against a minor who has not attained the age of fourteen years or a minor who has not reached sexual maturity, regardless of whether is conducted violently or not, is sentenced by imprisonment of not less than twenty years.
 - Article 108 “Serious immoral acts”
Serious immoral acts conducted with minors under the age of fourteen are punishable by up to five years of imprisonment”.
 - Article 108/a “Sexual Harassment”
against children, is punishable by imprisonment from three to seven years.
 - Article 117 “Pornography”
Producing, delivery, advertising, import, selling and publication of pornographic materials in minors’ premises, by any means or form, constitutes criminal contravention and is punishable up to two years of imprisonment.
 - Producing, importation, offering, making available, distribution, transmission, use or possession of child pornography, as well as consciously creating access to it, by any means or form, is punishable by three to ten years.
 - Recruitment, use, coercion or persuasion of a child to take part in the pornographic show, or taking part in pornographic performances involving children is punishable by imprisonment from five to ten years.
 - Article 124/b, “Maltreatment of minors”
Coercing, exploitation, push or use of minors to work, to obtain income, to beg or to perform actions that damage his mental and/ or physical development, or his education, is punishable by imprisonment from two to five years.
- Law no.10347, dated 04.11.2010 “On Protection of the Rights of the Child”, namely:
article 21 and 24, children are protected from every form of violence, trafficking, any form of sexual exploitation and abuse”
 - Law No.9669, dated 18.12.2006 "On Measures Against Violence in Family Relations“ provides legal measures against violence and the establishment of a coordinated institutions network on the protection, support and rehabilitation of victims, mitigation of consequences and prevention of domestic violence, in particular to prevent violence against children.
 - Law no. 9205, dated 15.03.2004 "On protection of witnesses and collaborators of justice ", regulates the special measures, methods and procedures for the protection of witnesses and collaborators of justice, and the organization, functioning, competencies and partnership relations between the bodies charged with the proposal, evaluation, approval and implementation of special protection measures, by providing as well the cases when the protected person is a minor.
 - European Convention "On relations with children" (ratified by Law no. 9359, dated 24.3.2005).
 - European Convention "On the Civil Aspects of International Child Abduction", signed in The Hague (ratified by Law no. 9446, dated 24.11.2005).

- Hague Convention "On Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children", (ratified by Law no. 9443, dated 16.11.2005).
- The Optional Protocol to the Convention "On the Rights of the Child", "On the Sale of Children", "Child Prostitution and Child Pornography", ratified by Law no. 9834, dated 22.11.2007).
- Council of Europe Convention "On Protection of Children from Sexual Exploitation and Sexual Abuse" (ratified by Law nr.10071, dated 9.02.2009).
- Council of Europe Convention "On Measures against Trafficking of Human Beings" (ratified by Law no. 9642, dated 20.11.2006).

Question b.

The Approval of the Action – Plan for Children 2012 – 2015, approved by the Council of Ministers no 182, dated 13.03.2013, aims to strengthen the functioning of institutional mechanisms to promote law enforcement and encourage local government to draft comprehensive policies for children. Also in its strategic objectives, it defines the right of children to protection from violence, abuse and economic exploitation.

Regarding to this, the action plan aims to achieve its strategic objectives:

1. Prevention and protection of children from violence and abuse.

This objective, it aims to reach:

- 1) Registration of all children with Albanian citizenship, born within and outside of the territory of Albania;
- 2) Establishment and functioning of institutional mechanisms at local level for the protection of children and the case management of children at risk;
- 3) Implementation of Combi program: "On a friendly school pro positive behaviours";
- 4) The establishment and consolidation of the psychological services in all pre-school education, all schools of compulsory education and general secondary education;
- 5) Safe internet for children

State Agency for Protection of Child Rights, an institution under the Ministry of Social Welfare and Youth, is responsible for monitoring the implementation of the Action Plan for Children 2012-2015

Question c.

No reply / pas de réponse

ANDORRA / ANDORRE⁷

Did not reply. / N'a pas répondu.

⁷ States which are not underlined have signed but not yet ratified the Convention. They have nevertheless been invited to reply to the general overview questionnaire. / Les Etats dont le nom n'est pas souligné ont signé pas encore ratifié la Convention. Ils ont néanmoins été invités à répondre au questionnaire « Aperçu general ».

ARMENIA / ARMENIE

Question a.

In the Republic of Armenia, the protection of children against sexual exploitation and sexual abuse is guaranteed by the Constitution of the Republic of Armenia, Criminal Code of the Republic of Armenia, as well as by the Law of the Republic of Armenia "On the rights of the Child".

Question b.

"Strategic Programme for the Protection of the Rights of the Child in the Republic of Armenia for 2013-2016" was approved by the Decision of the Government of the Republic of Armenia No 1694-N of 27 December 2012, for the implementation of which is responsible the Ministry of Labour and Social Affairs of the Republic of Armenia. "Strategic Programme for the Protection of the Rights of the Child in the Republic of Armenia for 2013-2016" and the "Timetable of measures of the Strategic Programme for the Protection of the Rights of the Child for 2013-2016" were approved by the Government of the Republic of Armenia on 27 December 2012, for the implementation of which is responsible the Ministry of Labour and Social Affairs of the Republic of Armenia. The main objective of the Strategic Programme is to ensure well-being of the child in the family and the society, whereas the main measures are carried out in the spheres of social protection, health, education, culture, as well as legal protection of minors committed an offence. According to the mentioned documents, it is envisaged to elaborate "Concept Paper and Plan of Measures for the Fight against the Phenomenon of Child Abuse". Upon the adoption of the document, the forms of fight against child abuse and this phenomenon will be defined, procedures for guiding the protection of children against abuse will be elaborated and introduced, on-going trainings for the specialists (psychologist, pedagogue, social worker, physician, policeman, etc.) engaged in issues of children will be held since 2014.

Moreover, provisions for the protection of children against sexual exploitation also exist in the "National Programme for Organising Fight against Human Exploitation or Trafficking for 2013-2015" approved by the Decision of the Government of the Republic of Armenia No 186-N of 28 February 2013.

Question c.

No reply / Pas de réponse

AUSTRIA/AUTRICHE

Question a.

1. Legislative measures:

The 10th clause of the Austrian Criminal Code (Strafgesetzbuch - StGB) contains offences against the sexual integrity and self-determination (Sections 201 to 220b).

In the Austrian Code of Criminal Procedure (CCP) (Strafprozessordnung – StPO) there are numerous provisions to protect child victims of sexual abuse and sexual exploitation during the criminal proceedings.

A means to protect children in the Austrian Code of Penal Records (Strafregistergesetz 1968 - StRegG) constitutes the right for the youth welfare service or for education authorities to obtain information from the police about convictions for sexual crimes and coherent suspensions from severe occupations related to the intended engagement of individuals at child care facilities, schools or other educational establishments (Section 9a para 2). Starting with the beginning of 2014 each employer in the field of supervision, care, training and schooling of persons under age has the right to request a criminal record including these data from every future employee. Persons in search of work therefore have the duty to cooperate to get salaried (Section 10 para 1a and 1b).

Measures to prevent dangers for the public safety and family violence are provided for in the Security Police Law (Sicherheitspolizeigesetz – SPG).

A broad range of measures in the Civil Code (Allgemeines bürgerliches Gesetzbuch - ABGB) in combination with the offers and measures in the Federal Child and Youth Service Act 2013 (Bundes-Kinder- und Jugendhilfegesetz – B-KJHG) ensures the protection of and assistance to child victims of sexual abuse and sexual exploitation.

2. Other measures:

Most of the publicly financed 400 family counselling centres in Austria give guidance for men, women and young people on how to live responsible sexuality and they also support parents in sexual education of their children.

Projects conducted by NGOs to prevent sexual abuse such as trainings for teachers, pupils and youth workers on pornography on the internet are financially supported.

There is information in order to support sexual education for parents, teachers and young people themselves: Brochures like "Love; Sex and so..." (<http://m.bmwfj.gv.at/Jugend/Gesundheit/Documents/Love%20Sex%20und%20so%202012.Pdf>), "Sexuality on the internet" (a brochure for parents; <http://m.bmwfj.gv.at/Jugend/Gesundheit/Documents/Elternratgeber%20Sexualität%20u.%20Internet.pdf>); "No safe place - (K)ein sicherer Ort. Sexuelle Gewalt an Kindern" (a brochure on sexual violence is widely distributed among teachers, child minders, youth workers etc.; <http://www.gewaltinfo.at/uploads/pdf/KSO-2013.pdf>); "Gewalt gegen Kinder und Jugendliche. Leitfaden für die Kinderschutzarbeit in Gesundheitsberufen" these guidelines for doctors should support to detect any form of violence on children). There is also information on websites (of the Federal Ministry of Economy, Family and Youth) (www.familienberatung.gv.at; www.eltern-bildung.at) about sexuality and on sexual violence within the family or via internet on (www.gewaltinfo.at). Remedial work with young sexual offenders is financed through the youth welfare system and by the criminal justice system.

Question b.

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. One working group (PG 7) is dedicated to the further repression of any violence against children and infringements of their sexual integrity.

Question c.

1. On 1 January 2013 the Youth Check (outcome-oriented impact assessment) went into effect. The law stipulates that all new legislative and regulatory proposals be evaluated for the potential consequences they could have for children, young people and young adults. Subject of the evaluation is inter alia whether the legislative or regulatory proposal essentially affects children's protection, support to health, progress and development (for further details see:

<http://www.bmwfj.gv.at/Jugend/Jugendstrategie/Jugendcheck/Seiten/default.aspx>).

2. For the last years the focus of the attention has been the adoption of child-friendly legislative and other measures, such as the increase of penalties for offences against the sexual integrity of children or for violent crimes, the introduction of provisions to support children as victims of criminal offences during the criminal proceedings (e.g. psychosocial and legal assistance to victims).

AZERBAIJAN / AZERBAÏDJAN

Question a.

National Action Plan on Human Rights that was approved by the Decree of the President of the Republic of Azerbaijan of December 28, 2006, provided strong impetus to efficient realization of children's rights. This Action Plan highlights the importance of full implementation of obligations enshrined in the Convention on the Rights of the Child along with other Conventions and of provision of guarantee to full compliance with those documents.

National Program for Action approved by the Decree of the country President of 27 December 2011, #1938 to raise effectiveness of the protection of human rights and freedoms in the Republic of Azerbaijan enshrines specific provisions regarding sexual exploitation and abuse against children. Provision 1.2.5 of the Plan provides elaboration of proposals to ensure the compatibility of the legislation with international legal standards in order to prevent the sexual exploitation of children.

Basic legislation to protect children from sexual exploitation and sexual abuse are the laws "Children's rights", "Against Human Trafficking" and Criminal Code.

Question b.

In order to protect children from sexual exploitation and sexual abuse by Order № 133 of the President of Azerbaijan Republic dated February 6, 2009 was confirmed the “National Action Plan on Combating Trafficking in Human Beings in the Republic of Azerbaijan” (2009-2013 years). Ministry of Internal Affairs of the Republic of Azerbaijan is responsible for the implementation of the National Action Plan.

Question c.

No reply / Pas de réponse

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.**

The legislative framework ensuring the fulfilment of the purpose of this Convention is provided by the CA in which the said criminal offences are laid down in:

- Title IX – Crimes against Humanity and Human Dignity⁸,
- Title XVI – Criminal Offences against Sexual Freedom⁹, and
- Title XVII – Criminal Offences of Sexual Abuse and Sexual Exploitation of Children¹⁰.

In addition to the above criminal offences directly relating to child sexual abuse, mention should be made of criminal offences against child exploitation¹¹.

⁸ The said title of the CA contains the criminal offences of “Slavery” (Article 105 of the CA) and “ Trafficking in Human Beings” (Article 106 of the CA).

⁹ The said title of the CA contains the following criminal offences: “Non-Consensual Sexual Intercourse” (Article 152 of the CA), “Rape” (Article 153 of the CA), “Lewd Acts” (Article 155 of the CA), “Sexual Harassment” (Article 156 of the CA), “Prostitution” (Article 157 of the CA). It should also be pointed out that Article 154, paragraph 1, point 2, and paragraph 2, of the CA provides for more severe punishment of the criminal offences of “ Non-Consensual Sexual Intercourse”, “Rape”, and “Lewd Acts” (Articles 152, 153 and 155 of the CA) where the victim of the said criminal offences is particularly vulnerable due to his/her age. This category of “victim vulnerable due to his/her age” most certainly also includes the child within the meaning of Article 87 of the CA.

¹⁰ By which the following criminal offences are meant: “Child Pandering” (Article 162 of the CA), “Exploitation of Children for Pornography” (Article 163 of the CA, “Exploitation of Children for Pornographic Performances” (Article 164 of the CA), and the criminal offence of “Introducing Pornography to Children” (Article 165 of the CA). With respect to prevention of, fight and protection against sexual exploitation and abuse, special criminal-law protection is provided to children under the age of 15 years. These criminal offences include the following: “Sexual Abuse of a Child under the Age of Fifteen” (Article 158 of the CA), “Satisfying Lust in the Presence of a Child under the Age of Fifteen” (Article 160 of the CA) and “Child Enticement for the Purpose of Satisfying Sexual Needs” (Article 161 of the CA). Article 166 of the CA also provides for special, so-called aggravated forms of particular criminal offences termed “Serious Criminal Offence of Child Sexual Abuse and Exploitation” (Article 166 of the CA).

Furthermore, in order to eliminate circumstances enabling or conducive to the commission of a new criminal offence, the court has the possibility, under the CA, to impose upon the perpetrator, in addition to a penalty, safety measures or special obligations¹².

The Act on the Legal Consequences of Conviction, the Criminal Record and Rehabilitation¹³ which is currently in force in the Republic of Croatia regulates issues such as the legal consequences of conviction, the organisation of the criminal record, its keeping, access to the record, entry of data onto and their deletion from the record, international exchange of the data on the criminal record, and rehabilitation. The criminal record also includes a record of persons convicted by a final judgment for criminal offences of child sexual abuse and child sexual exploitation. The courts, public authorities and institutions engaged in procedures for the protection of the rights and interests of children and procedures of entrusting certain tasks and activities in the field of child-related work may be provided, upon their reasoned request and in the form of a special certificate, with data on the persons convicted by a final judgment for the criminal offences of sexual abuse and sexual exploitation of children. When taking somebody on to do a job that involves regular contacts with children or entrusting somebody with tasks that involve such contacts, the employer may, subject to consent from the person on whom this information is requested, ask for the issuance of a special certificate.

The rehabilitation period for perpetrators of the criminal offences of child sexual abuse and exploitation is twice as long as that for any other criminal offence. Criminal records data are transmitted to all other EU Member States electronically through the use of a criminal records database connected to the European Criminal Records Information System (ECRIS) and to third countries in accordance with the provisions of international treaties.

Question b.

With a view to enhancing the protection of children against all forms of violence, the Government of the Republic of Croatia has adopted a number of strategic documents, such as: the 2006-2012 National Action Plan for the Rights and Interests of Children, the 2009-

¹¹ This group of criminal offences includes the criminal offence referred to in Article 106 of the CA, namely "Trafficking in Human Beings". Pursuant to paragraphs 2 and 3 of the said Article, the said criminal offence, when committed against the child, is punishable (paragraph 2: "... whoever recruits, transports, transfers, harbours or receives a child, or exchanges or transfers control over a child for the purpose of exploiting his or her labour by means of forced labour or services, slavery or a relationship similar thereto, or for the purpose of exploitation for prostitution of the child or of other forms of sexual exploitation, including pornography, or of contracting an illicit or forced marriage, or of illegal adoption, or of taking parts of a child's body, or of using the child in armed conflicts.", while paragraph 3 provides for a more severe penalty: "If the criminal offence referred to in paragraph 1 was committed against a child or the criminal offence referred to in paragraphs 1 or 2 of this Article was committed by a public official in the performance of his or her duties, ...").

¹² Safety measures include the following (Articles 65 to 76 of the CA): mandatory psychiatric treatment, mandatory addiction treatment, mandatory psychosocial treatment, prohibition from holding a particular office or engaging in a particular activity, prohibition from driving a motor vehicle, prohibition from approaching a person, removal from shared household, prohibition from accessing the Internet, and protective supervision upon having served a full prison sentence. Some special obligations that are of relevance to the subject matter of this Convention include the following: "refraining from frequenting certain establishments, ...", "undergoing individual or group psychosocial treatment at a youth counselling centre" or "prohibition to approach or harass the victim".

¹³ Official Gazette 143/12.

2013 National Youth Programme, the 2009-2012 National Strategy for the Prevention of Behavioural Disorders among Children and the Youth, and the 2011-2016 National Strategy for Protection against Family Violence. Also, 2004 saw the drafting of the Violence Prevention Programme for Children and Youth, and the Family Violence Protocol (2006 amendments), which Protocol sets forth the procedures to be followed by the competent authorities where an act of violence has been committed, making special reference to children.

The 2006-2012 National Action Plan for the Rights and Interests of Children sets out measures aimed at protecting children against all forms of abuse and neglect. Segments “The Role of the Family in Child-Raising and Upbringing” and “Abused and Neglected Children” encompass a whole range of goals and measures that in the first place include the strengthening of the prevention of and protection of children against all forms of abuse, including sexual abuse and exposure to abuse via the Internet. The “Abused and Neglected Children” segment of the National Plan contains 15 measures aimed at prevention. The goals of this Segment include the following: systematic raising of public awareness of the importance of protecting children against abuse and neglect, raising professional awareness in the performance of activities relating to the protection of children against abuse and neglect, strengthening prevention and timely identification of child abuse and neglect cases, strengthening prevention and protection of children against all forms of neglect and exposure to abuse via the Internet. The measures are being implemented by all relevant state administration authorities at the national level and at the level of local and regional self-government. As the basic strategic document in the area of children's rights, the National Plan, in the part relating to the protection of children against violence, corresponds to a great extent with the content and values promoted by Recommendation CM/Rec(2009)10 of the Committee of Ministers to member states on integrated national strategies for the protection of children from violence, of which the Council of Europe Guidelines on integrated national strategies for the protection of children from violence are also an integral part.

Moreover, currently being developed is the new 2013-2020 National Strategy for the Protection and Promotion of the Rights of Children in the Republic of Croatia. Its strategic aim – the elimination of all forms of violence against children – will include several goals and measures relating to all forms of violence against children.

Question c.

Measures aimed at promoting and implementing the Council of Europe Guidelines on Child-Friendly Justice in the Republic of Croatia are included in the draft proposal of the 2013-2020 National Strategy for the Protection and Promotion of the Rights of Children in the Republic of Croatia, namely segment 3.1.1. Child-Friendly Justice – with the aim of making the judiciary more child-friendly and facilitating children's access to justice and the legal system. Likewise, all measures and activities listed under this segment of the said strategic document are in line with documents constituting the international framework.

CYPRUS / CHYPRE

Question a.

Laws

The Violence in the Family (Prevention and Protection of Victims) Laws of 2000 and 2004 prohibit any form of violence against children in the family.

The Law for Combating Trafficking and Exploitation of Human Beings and for the Protection of Victims [L.87(I)/2007], came into force on 13/07/2007 replacing the Combating of Trafficking in Human Beings and Sexual Exploitation of Children Law of 2000 [L. 3(I)/2000. The Law has special provisions for children (articles 36, 37, 38 and 39), including unaccompanied minors and provisions against child pornography; it further provides for a national coordinator and for the establishment of a multidisciplinary group with the task to take all necessary measures for combating trafficking and exploitation of human beings and to protect. The law is in the process of being amended, incorporating Directives 2011/36/EU and 2011/92/EU.

The Law 95(1)/2001 on the Protection of Witnesses, establishes provisions for the protection of witnesses during criminal proceedings.

The Republic of Cyprus has signed and ratified the UN Convention on the Rights of the Child in 1991 as well as the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2006.

Other measures

Cooperation between government agencies and NGOs 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.

The Cyprus Police has issued the Operational Guide for Police Officers for Trafficking in Human Beings and the Manual for Recognizing Victims of Trafficking.

Mobilisation of NGOs concerning the prevention and handling of violence in the family is very important. Through the De Minimis Aid Scheme according to the Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid, financial support is provided by the Social Welfare Services to the Association for the Prevention and Handling of Violence in the Family, for the operation of a Crisis Centre, the Shelter and other support services.

The Advisory Committee for the Prevention and Combating of Violence in the Family was established in 1996, which consists of 11 members from governmental departments, professional bodies and NGOs. The Committee has prepared a National Action Plan for the Prevention and Combating of Violence in the Family for the period 2008-2013, including the promotion of a Code of Ethics concerning children victims of family violence, which has been approved by the Council of Ministers on 03/12/2009. The main strategic goals are:

- Monitoring of the problem of family violence,
- Prevention of the problem of family violence,
- Taking measures for information and awareness of the public and professionals,
- Implementation of the relevant legislation,
- Support and protection of victims,
- Coordination and evaluation of the implementation of the action plan.

Question b.

There exists no specific national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. However the National Action Plan on the Prevention and Combating of Domestic Violence (2010-2013) and the Action Plan for Combating Trafficking in Human Beings 2013-2015 include provisions for child victims.

(I) National Action Plan on the Prevention and Combating of Domestic Violence (2010-2013) of the Advisory Committee on the Prevention and Combating of Domestic Violence

Strategic Target 1: Monitoring of the problem of Domestic Violence

Strategic Target 2: Prevention of Domestic Violence

Strategic Target 3: Sensitization and training of professionals and the public

Strategic Target 4: Application of the law

Strategic Target 5: Protection of the victims of Domestic Violence

Strategic Target 6: Coordination and Assessment of the Action Plan

Bodies responsible for the implementation of the National Action Plan:

- Social Welfare Services, Ministry of Labour and Social Insurance
- Ministry of Justice and Public Order
- Ministry of Health
- The Ministry of Education and Culture (Services for Educational Psychology)
- Attorney General's Office
- The Police
- Association for the Prevention and Handling of Violence in the family
- Cyprus Family Planning Association
- Cyprus Association of Psychologists
- Pancyprian Welfare Council
- Pancyprian Association for the promotion of the mental health of children and adolescent people
- Pancyprian Volunteerism Coordinative Council

(II) ACTION PLAN AGAINST TRAFFICKING IN HUMAN BEINGS 2013-2015

The multi-disciplinary coordinating group to combat trafficking in human beings has adopted the "National Action Plan 2013 – 2015" which aims to submit a framework, in which real goals and specific actions are set out in order to confront Trafficking in Human Beings and all its forms of exploitation. It consists of 9 chapters, concerning co-ordination, prevention, victims' identification, victims' support and protection, suppression, information

gathering, education, international coordination, and evaluation. The main stakeholder responsible for its implementation is the “National Coordinator” who is the Minister of Interior, and the actions included in the Action Plan are approved by the members of the multi-disciplinary coordinating group, which are representatives of the Attorney General of the Republic, the Ministry of Justice and Public Order, the Police, the Ministry of Foreign Affairs, the Labour Department of the Ministry of Labour and Social Insurance, the Social Welfare Services of the Ministry of Labour and Social Insurance, the Ministry of Health, the Ministry of Education and Culture, the Civil Registry and Migration Department and the Asylum Service, the National Machinery for Women’s Rights and four Non-Governmental Organisations.

The Republic of Cyprus is also taking part in the European Campaign “One in Five”.

Question c.

Cyprus Police has issued child-friendly brochures, ensuring the appropriate information reaches children and young people regarding sexual offences and what they can do if they are at risk of being victims of such offences:

- Child Rights Charter (targeted at children ages 9-12)
- Youth Rights Charter (targeted at children and young people aged 13-18)
- Surfing with safety (targeted at children and young people aged 10 and over)

CZECH REPUBLIC / REPUBLIQUE TCHEQUE*

Has not yet signed the Convention / N’a pas encore signé la Convention.

DENMARK / DANEMARK

Question a.

As regards criminalisation, reference is made to the answer to question 16. As regards protective social measures, the main legislative measure is the Act on Social Services.

Question b.

In May 2011, the Government published a national strategy to prevent and combat sexual abuse of children. The strategy (in Danish) is available via this link: http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2011/Handling_bag_ord.pdf . The following summary is available in English: “The strategy aims to achieve fewer cases of child abuse, better preventive measures, stronger cooperation between the relevant authorities and solid knowledge as the foundation of a focused effort. The strategy brings attention to the prevention of sexual abuse of children, the handling of a suspicion concerning sexual abuse of a child and the subsequent measures directed at both victims and perpetrators – short-term as well as long-term. The strategy is being implemented by a number of ministries, including the Ministry of Social Affairs, Children and Immigration, the Ministry of Education, the Ministry of Justice, the Ministry of Health and the Ministry of Culture.”

In May 2013, the plan “Coordinated measures to protect children against abuse” was adopted. The plan focuses primarily on prevention and early treatment of violence and sexual abuse against children. It consists of an Act of Parliament which entered into force in October 2013 and of several specific projects in local social authorities to strengthen their ability to detect and treat violence and abuse against children.

Denmark recognises children as being particularly vulnerable to human trafficking. This is also acknowledged in the 2011-2014 action plan to combat human trafficking. In order to raise awareness of trafficking of children the Centre against Human Trafficking has conducted extensive training for outreach workers and social workers in close cooperation with major municipalities, social organisations, trade unions, the police, the Prison and Probation Service, Immigrations Services and asylum centres.

Question c.

The Director of Public Prosecutions has issued guidelines for handling cases concerning sexual abuse of children (Rigsadvokatens meddelelse nr. 2/2007 (rettet September 2012)).

In the autumn of 2013, the National Council for Children published three booklets about children’s rights. The booklets focus on children’s rights prior to a placement outside the home and during the placement. The language used in the booklets is child-friendly and adapted to children and young persons aged 8-11 years, 12-17 years and 18-22 years, respectively. The main objective of the booklets is to inform children about their rights in relation to placement outside the home pursuant to the Act on Social Services. While explaining the legal framework for placing children outside the home, the booklets focus on the children’s right to be heard in the judicial process, their right to be given reasons for all decisions and their right to appeal.

ESTONIA / ESTONIE

All crimes stated in the Convention are punishable in Estonia, according to our Penal Code.

The Ministry of Justice has prepared „Development Plan for Reducing Violence for Years 2010-2014“.

The plan aims to reduce and prevent violence in its various forms. Strategic priorities are fighting in the juvenile violence, domestic violence and human trafficking.

The Ministry of Justice coordinates the implementation of the development Plan. Other participants in the implementation of the development plan are the Ministry of Education and Research, the Ministry of the Interior, the Ministry of Social Affairs, the Ministry of Foreign Affairs with their government agencies, local governments, and non-profit organizations.

The Ministry of Justice has also prepared „Guidelines for Development of Criminal Policy until 2018“, which considers the fight against serious offences, particularly sexual crime, against minors, as one of its priorities. Also the priority in crimes committed by minors and against minors, is to ensure that such crimes would receive quick pre-trial proceedings.

The Ministry of Social Affairs in cooperation with the local governments and NGOs, should ensure that there is a sufficient number of shelters across Estonia. The police should inform the target audience on how to obtain help, and to direct people in need to victim support workers.

In 2005, the Minister of Justice and the Minister of Interior signed "Laulasmaa declaration" on crime fighting priorities, under which the ministers deem necessary to cover the Prosecutor's Office and the police forces share a common priority in fighting crimes committed by minors and crimes and organized crime against minors. The text of the declaration has been reviewed and revised several times, but the section about the minors has remained in all versions.

Development Plan for Reducing Violence for years 2010-2014 is available here: http://www.just.ee/orb.aw/class=file/action=preview/id=52311/Development_Plan_for_Reducing_Violence_for_Years_2010-2014.pdf. The Implementation Plan for the Development Plan for Reducing Violence for years 2010-2014 is available here: http://www.just.ee/orb.aw/class=file/action=preview/id=52232/Implementing_Plan_of_the_Development_Plan_for_Reducting_Violence_for_Years_2010-2014.pdf.

Necessary measures and activities:

4. measure Better protection of children against sexual offences

Activities

- 4.1. Systematizing legal regulation of restrictions related to working with children
- 4.2. Supervision of observance of the restrictions related to working with children and assessment of the efficiency thereof
- 4.3. Establishment of the treatment system for adult and minor sexual offenders
- 4.4. Development of a more efficient system for supervision over sexual offenders

Impact of measure 4: there are fewer possibilities that persons with background unsuitable for working with children are employed in such positions; the rehabilitation.

Necessary measures and activities

5. measure Development of the possibilities for supporting children who have fallen victim to crimes of violence

Activities

- 5.1. Specification of the obligation to report on a child in need of support
- 5.2. Provision of the child helpline service
- 5.3. Preparation and implementation of an in-service training program for specialists working with children
- 5.4. Development of the national support system for child victims

Impact of measure 5: all the specialists working with children are uniformly informed of the ways of reporting on a child in need of support and the ways of intervention and of the persons who shall be informed and who are the possible cooperation partners - this way the uncertainty of the specialists upon reporting on an abused child (including in the case of suspicion of sexual abuse) will decrease. Provision of support to child victims has become more systematic and it helps to prevent a victim becoming an abuser.

6. measure Improvement of the investigation of cases of violence against children

Activities

- 6.1. Establishment of child protection services, which are specialized in child abuse matters, in the police prefectures
- 6.2. Launching of the virtual police project
- 6.3. Monitoring of the terms for the proceedings of criminal offences against persons with child victims
- 6.4. Creation of child-friendly interrogation possibilities
- 6.5. Regular training of bodies conducting proceedings of offences who deal with minors
- 6.6. Updating instructions for treatment of children and preparation of various methodological materials for the performance of acts (including interrogations) related to processing of offences concerning children.

Impact of measure 6: identification of the cases of violence against children is improved and the duration of pre-trial proceedings thereof shortens; the treatment of child victims in criminal proceedings is more child-friendly.

4. measure	Better protection of children against sexual offences				
Activities	Indicators	Term	Responsible	Resources	Explanations
4.1. Systematizing legal regulation of restrictions related to working with children	A draft concerning the extension of restrictions has been submitted to the Government of the Republic.	2011	MJ (in cooperation with MSA and MER)	Operating expenses of the relevant authorities	The restrictions shall be extended to all sexual offences, including elements of criminal offences and it shall be analyzed whether the restrictions are sufficient to cover also the volunteers working with children and the staff of child care institutions. For the extension of the restrictions it is necessary to amend several Acts in the area of responsibility of MJ, MSA, and MER.
4.2. Supervision of observance of the restrictions related to working with children and assessment of the efficiency thereof	The study has been carried out and a study report has been published.	2012	MJ	Operating expenses of MJ	The study analyses the awareness of people of the restrictions relating to working with children, how the restrictions are observed and what the results have been.

4.3. Establishment of the treatment system for adult and minor sexual offenders	1) Treatment guidelines have been prepared and approved.	2011	MSA	Operating expenses of MSA/external resources (300 000)	The abovementioned activities are the prerequisite for the implementation of the treatment system of sexual offenders: the treatment guidelines include the requirements for treatment and rehabilitation and are intended primarily for health care professionals for the assessment of therapeutic needs and the provision of treatment;
	2) The draft enabling treatment has been submitted to the Government of the Republic.	2010	MJ	Operating expenses of MJ	
	3) The availability of the rehabilitation program for sexual offenders is ensured in the prison system.	2011	MJ	Operating expenses of MJ	the Penal Code shall be amended in order to enable treatment and the availability of psychosocial intervention shall be ensured both, in the prison system and outside the prison, in order to provide complex treatment. Professionals shall be trained for the provision of intervention and treatment.
	4) Professionals have been trained for the provision of treatment.	on an ongoing basis	MJ	Operating expenses of MJ/external resources 5 000 000 (1 000 000 a year)	
4.4. Development of a more efficient system for supervision over sexual offenders	1) A risk assessment instrument which takes into account the specificities of sexual offenders has been taken into use in the prison system.	2011	MJ	Operating expenses of MJ	Amendment of risk assessment used in the prison system in order to improve making decisions on the imposition of imprisonment after serving the sentence, releasing a prisoner before the prescribed time, etc.. It shall be analyzed whether the current legal regulations are sufficient to ensure departmental supervision over sexual offenders.
	2) The need to amend legal regulations has been assessed.	2012	MJ	Operating expenses of MJ	
5. measure	Development of the possibilities for supporting children who have fallen victim to crimes of violence				
Activities	Indicators	Term	Responsible	Resources	Explanations
5.1. Specification of the obligation to report on a child in need of support	1) The draft for amendment of the Republic of Estonia Child Protection Act has been submitted to the Government of the Republic.	2012	MSA	Operating expenses of MSA	The obligation of specialists and ordinary citizens to report on a child in need of assistance shall be specified in the Republic of Estonia Child Protection Act.

	2) Instructions for action for specialists working with children (including the network) have been prepared and approved*.	2011	MSA	Operating expenses of MSA, 100 000	The instructions provide an overview for specialists (including the support network) of who shall be informed of an abused child and how information shall be provided, in which cases and how one shall intervene and with whom and how one shall cooperate.
5.2. Provision of the child helpline service	A contract for the provision of the helpline service has been entered into*.	2010-2014	MSA	Operating expenses of MSA/funds of MER	Provision of a national child helpline service for both, children and adults, which is available 24 hours a day and where to one can report on a child in need of assistance and from where one can also ask for advice.
5.3. Preparation and implementation of an in-service training program for specialists working with children	1) Analysis of the curricula of the specialities having contact with children has been carried out and proposals have been made for the improvement of basic training and in-service training*.	2012	MSA, MER	Operating expenses of MSA and 100 000, operating expenses of MER	It shall be analyzed whether the curricula of child protection officials, social workers, social educators, health care professionals, school psychologists and other specialists treat adequately the topic of abuse of children and support of child victims and the rights of the child.
	2) The terms of reference of an in-service training program for child protection officials of local governments and social workers dealing with issues concerning children and the program have been drawn up and piloted*.	2013	MSA	Operating expenses of MSA and 300 000	The terms of reference should provide an overview of the content of the in-service training program for specialists working with children and the period after which the training shall be completed anew. In addition to the topic of violence, the in-service training program shall include the topics of unaccompanied and trafficked children (see clause 17.4.5.).
	3) The in-service program has been implemented*.	2014	MSA	Operating expenses of MSA	

5.4. Development of the national support system for child victims	1) The terms of reference have been drawn up for the establishment of the support system, the model of the support system has been developed and tested*.	2013	MSA	Operating expenses of MSA (it is necessary to apply for additional resources from the SBS 2013-2016)	The terms of reference should provide an overview of the services provided by the state to child victims all over Estonia. In the framework of the analysis the viewpoint of children concerning the availability of current services can be analyzed.
	2) The support system has been implemented*.	2014	MSA	Operating expenses of MSA/external resources	

The Ministry of Social Affairs has also prepared Development plan for children and families 2012-2020; one of its strategic priorities is the protection of children's rights and the development of an effective child protection system. 2 different events with the aim to involve children were carried out during the preparations of the development plan. In these discussions, children were able to raise their concerns about issues that, in their view, require more state support. Additionally, the preparation process for the development plan involved more than 100 experts and NGO representatives, victim services organizations among them.

FINLAND / FINLANDE

Question a.

There were several legislative amendments made when Finland ratified the Convention. The Criminal Code provisions relating to sexual abuse and exploitation were amended to meet the requirements of the Convention. The Child Welfare Act was amended at the same time so that there is now a requirement for certain professionals working with children to report directly to the police if it is suspected that a child has been a victim of sexual abuse or exploitation.

Question b.

There is no national action plan adopted in Finland. However the National Institute of Health and Welfare (Terveyden ja hyvinvoinnin laitos) is coordinating the measures to prevent family violence and this includes also the sexual abuse that children are experiencing in the home environment or close relations.

The National Institute of Health and Welfare is also coordinating a pilot project to adopt the "Children's House/Barnahus"- model in Finland (see more details, question 22).

Question c.

The National Institute of Health and Welfare has guidelines for the health and social sector on how to deal with situations where it is suspected that that a child has been a victim of sexual abuse or exploitation (Lastensuojelun käsikirja, lapsen pahoinpitelyn ja seksuaalisen hyväksikäytön epäilyn selvittäminen, <http://www.sosiaaliportti.fi/fi-FI/lastensuojelunkasikirja/tyoprosessi/pahoinpitelyjahyvakaytto/>).

The police have also guidelines on how to handle cases where a child has been a victim of sexual or other physical violence (Poliisihallituksen ohje LAPSEN KOHTAAMINEN POLIISITOIMINNASSA JA ESITUTKINNASSA 2020/2011/1610).

FRANCE

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

GEORGIA / GEORGIE

At present "Convention on the Protection of children against sexual exploitation and sexual abuse" is presented to the Parliament of Georgia for ratification. However, Georgia has amended relevant legislative acts to reflect its provisions and share its aims in domestic legislation.

Chapter XXII of Criminal Code of Georgia (CCG) contains crimes against Sexual Freedom and Inviolability. Among them are: Rape (Article 137); Sexual Abuse under Violence (Article 138); Coercion into Sexual Intercourse or Other Action of Sexual Character (Article 139); Sexual Intercourse or Other Action of Sexual Character with One under Sixteen (Article 140); Perversion (Article 141).

According to Article 137, paragraph 1, rape is sexual intercourse through violence, threat of violence or abusing the vulnerability of the victim. Paragraph 3(d) of the same Article aggravates liability for the crime if rape is committed against juvenile. Responsibility shall be harsher if the act is committed against person under 14 years, - as it is envisaged by paragraph 4(c).

Article 138, paragraph 1, states that sexual abuse under violence shall be sexual contact committed in distorted manner under violence, threat of violence or abusing the vulnerability of the victim. In accordance with paragraphs 3(d) and 4(c) - the same action committed against juvenile shall be aggravated crime and responsibility shall be more severe if the act is committed against person under 14 years.

Article 139, paragraph 1, criminalizes coercion into sexual intercourse or other contact of sexual character under the threat of disclosing defamatory information or damaging property or by using one's material, official or other dependency. According to paragraph 2 of the Article aggravated circumstance shall be the commission of the act against juvenile.

Adult's sexual intercourse or other contact of sexual character as well as perversion without violence with one under 16 years is prohibited by Article 140 and Article 141 respectively.

Crimes against Public Health and Morality are envisaged by Chapter XXXII of CCG. Among them are: Engaging in Prostitution (Article 253), Illicit Production or Sale of Pornographic Piece or Other Object (Article 255), Engaging of Juvenile in Illicit Production or Sale of Pornographic Piece or Other Object (Article 255¹), Proposal of Meeting to a Person under Sixteen for Sexual Purposes (Article 255²).

According to Article 253, paragraph 1, engaging of someone in prostitution under violence, by threatening to use violence or destroy property, by blackmail or deception is prohibited. Paragraph 2 of the Article aggravates responsibility for such act if it is directed against juvenile. The same paragraph prohibits receiving of benefit from the engaging of juvenile in prostitution.

Article 255, paragraph 2 and paragraph 3, criminalize purchase, storage, proposal, proliferation, advertising, or making accessible of child pornographic piece or its usage, as well as its production or sale.

Article 255¹ prohibits engaging of juvenile in illegal production of pornographic piece or other object, as well as in proliferation or advertising of such item or receiving benefit from such activities.

Article 255² criminalizes proposal of a meeting to a person under sixteen through information and communication technologies for purpose of commission of crime stipulated by Article 140 or Article 255, paragraph 3, of CCG.

According to CCG not only perpetrator shall be responsible for the commission of crime, but also his/her accomplices. Article 23 states that complicity in the crime shall mean intentional joint participation of two or more persons in the perpetration of intentional crime. Article 24 defines types of complicity:

- organizer shall be the one who staged the crime or supervised its perpetration as well as the one who established the organized group or supervised it;
- instigator shall be the one who persuaded the other person to commit the offense;
- aider shall be the one who assisted perpetrator in the commission of the offence.

Article 376 of CCG criminalizes non-reporting of crime by the one who actually knows that any grave or especially grave crime, as well as crimes under Article 255, paragraphs 2 and 3, 255¹ or 255² is being prepared or has been committed.

Apart from above-mentioned crimes, Article 143² CCG criminalizes trafficking of juveniles, namely – purchase, sale, any other illegal transaction, as well as recruitment, transportation, transfer, harbouring or receipt of juveniles with the aim of exploitation. Article has number of aggravated circumstances, among them are: when crime has been committed repeatedly or against two or more victims; when crime has been committed by organized group or has caused death of juvenile or other grave result; etc.

CCG establishes liability for inchoate crimes. Article 19 gives definition of attempted crime and principle of liability: attempted crime shall be intentional act that was designed to perpetrate a crime but the crime was not completed. Criminal liability for attempted crime shall be determined under the relevant article of CCG which provides for liability for completed crimes, by giving reference to this article.

Besides, according to Article 18 of CCG preparation of crime is punishable act as well: preparation of crime shall be intentional creation of conditions for the perpetration of crime and criminal liability shall be imposed on person for the preparation of grave or especially grave crimes. Crime categories are given in Article 12 of CCG.¹⁴

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 in order to monitor the Criminal Justice Reform in line with the principles of the rule of law and human rights protection in Georgia.

Inter-Agency Coordination Council has elaborated Criminal Justice Reform Strategy and the Action Plan (AP). AP represents a guiding policy document that was adopted by the Council through the active involvement of all relevant stakeholders and NGO sector.

Strategy underlines the challenges existing in criminal justice spheres and aims to develop comprehensive sectorial approach to such complex issues as **juvenile justice**, prison overcrowding, system of alternatives, development of linkage between penitentiary and probation, importance of the National Preventive Mechanism under OPCAT and proper implementation of the new Criminal Procedure Code of Georgia.

The New Criminal Justice Reform Strategy and its respective Action Plan comprises following chapters:

- Criminal Legislation
- Juvenile Justice
- Penal System Reform
- Probation
- Legal Aid Service
- Prosecution
- Police
- Judiciary
- Legal Education
- Office of the Public Defender.

Strategy and action plan on Juvenile Justice envisages chapter on “Child-Friendly environment”.

Juvenile justice related issues have been given primary consideration in Criminal Procedure Code of Georgia (CPCG). Therefore, it contains a number of safeguards and guarantees for fair trial, ensuring that juveniles in conflict with the law are tried in accordance to their age, needs and maturity.

¹⁴ Grave intentional crime is crime that is punishable by imprisonment for term of 5 to 10 years; especially grave crime is intentional crime that is punishable by imprisonment more than 10 years or life imprisonment.

GERMANY / ALLEMAGNE

Question a.

In March 2010 the Federal Government set up a Round Table on the Sexual Abuse of Children in Relationships of Dependency and Power in Private and Public Institutions and within the Family (“Round Table”) with the objective of further promoting the protection of children in Germany. The goals of the Round Table included putting in place measures “to raise awareness among and train experts in diverse professions to recognise as well as to prevent and intervene in the event of sexualised violence being perpetrated against girls and boys.” The Round Table published its recommendations in a final report in December 2011.

The new Federal Child Protection Act (Bundeskinderschutzgesetz, BKiSchG) entered into force on 1 January 2012. Its main purpose was to implement the results of the Round Table. Thus, the Federal Child Protection Act provides that those authorised to do so must notify the youth welfare office where there is a suspicion of considerable threats to a child’s best interests. Another important element of the Federal Child Protection Act is the obligation those working in child and youth welfare on a full-time or voluntary basis are under to present an enhanced police clearance certificate (the latter by agreement with the respective organisation). The aim behind the new section 72a in Social Code Book (Sozialgesetzbuch, SGB) VIII is to stop those with previous convictions for sexual offences working in child and youth welfare. Please refer to the answer to question 9 a for further details.

The Federal Child Protection Act also contains provisions on establishing participatory and complaints procedures as a key professional benchmark in regard to the protection of children and juveniles in institutions and facilities; these participatory and complaints procedures are a minimum requirement for the issuance of an operating licence. In addition, the Federal Child Protection Act creates a very basic right to counselling for children and juveniles in emergency and crisis situations.

As well as establishing the Round Table, the Federal Government on 24 March 2010 appointed Dr Christine Bergmann, a former federal minister, as Independent Commissioner to Investigate the Sexual Abuse of Children. By Cabinet decision of 7 December 2011, Johannes-Wilhelm Rörig was appointed as Independent Commissioner for Child Sex Abuse Issues. The Round Table tasked him with continuing a telephone hotline, developing an online portal, and supporting and assisting implementation of the Round Table’s recommendations.

Question b.

The Federal Government’s intention in adopting the Action Plan 2011 to Protect Children and Young People against Sexual Violence and Exploitation is to continuously improve the protection of children and juveniles against sexual violence and exploitation. It is an update of the first Action Plan, which was adopted in 2003, and draws together all available measures to protect children and juveniles against sexual violence and exploitation under one overall strategy.

The main objective is to protect children and juveniles in the real world and in online social networks and to combat sexualised violence and exploitation. In adopting the Action Plan 2011 the Federal Government is implementing measures elaborated following the Third World Congress against Sexual Exploitation of Children and Adolescents held in Rio de Janeiro in November 2008, as well as in the two follow-up conferences held in Germany in March and June 2009. It also takes up the results and recommendations of the Round Table and recommendations made by the Independent Commissioner to Investigate the Sexual Abuse of Children.

Children and juveniles were actively involved in elaborating the Action Plan. It focuses on the priority areas of prevention, intervention, research, international cooperation on sexualised violence and exploitation in the digital media (incl. child pornography), and combating trafficking in children and juveniles for the purposes of sexual exploitation and sexual exploitation of children and juveniles by travelling sex offenders.

Question c.

Over and above numerous legal provisions that serve the protection of children, the Guidelines also provide for procedural modalities aimed both at protecting children and juveniles (e.g. no. 19) and guaranteeing that, regardless of their age, victims who are already suffering psychological strain are dealt with as sensitively as possible (no. 19a), especially the victims of sexual offences (nos 220 and 222a); they also require that a specific approach be adopted when it is children who are the victims of sexual offences (nos 221 and 222). No. 19a of the Guidelines provides that a victim must be shown particular empathy and consideration during an examination if it is clear that hearing him/her as a witness, and thus as the injured party, may cause significant psychological stress.

As regards rules on protecting child and juvenile witnesses, the aforementioned Guidelines of the Council of Europe on Child-friendly Justice have not given rise to any legislative initiatives, since the provisions applicable in Germany already meet the requirements set out in those Guidelines.

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 / IRLANDE

Did not reply. / N'a pas répondu.

ITALY / ITALIE

Question a.

Ratification of relevant international conventions:

- Law no. 148 of 25 May 2000, Ratification of the ILO Convention no. 182 on the worst forms of child labour;
- Law no. 46 of 11 March 2002, Ratification and implementation of the Optional Protocols to the Convention on the rights of the child, regarding the sale of children, child prostitution and child pornography as well as child involvement in armed conflicts, drafted in New York on 6 September 2000;
- Law no. 77 of 20 March 2003, Ratification and implementation of the European Convention on the exercise of children's rights, drafted in Strasbourg on 25 January 1996"
- Law no. 146 of 16 March 2006, Ratification and implementation of the UN Convention and Protocols against transnational organized crime, adopted by the General Assembly on 15 November 2000 and 31 May 2000." The aim of the two protocols is, firstly, to prevent, repress and punish trade in people, specifically women and children, and secondly at fighting the trafficking of migrants.
- Law n. 172 of 1 October 2012 ratifying the Lanzarote Convention.

National legislation:

- Law no. 66 of 15 February 1996, "Rules on sexual assault", that stems from deep social and cultural change in Italian society, since for the first time sexual crimes are considered as crimes against the person and not against public decency;
- Law no. 269 of 3 August 1998, "Provisions against the exploitation of child prostitution, pornography, and sex tourism as new forms of slavery", which accepts some of the main indications made on the occasion of the World Congress in Stockholm against sexual exploitation.
- Law 154 of 5th April 2001, Measures on violence in family relationships
- Law no. 228 of 11 August 2003, Rules against the trafficking in human beings
- Law no. 38 of 6 February 2006, "New provisions on the sexual exploitation of children and child pornography, also through the Internet", which introduces numerous new criminal events and regulates the crime of pornography on the Internet, thus adjusting the rule to the provisions included in Council Framework Decision 2004/68/JHA (Justice and Home Affairs) of the European Union, on combating the sexual exploitation of children and child pornography.
- Law n. 119 of 15th October 2013 containing urgent norms to fight gender violence. The law also contains measures giving priority in trials to sexual acts with minors and corruption of minors.

Question b.

In 2002 the First national plan for the prevention and fight against paedophilia was adopted by the CICLOPE Committee. The plan contains indications for the elaboration of a systematic and coordinated strategy for the fight against paedophilia. The proposed initiatives focus on the aspects of repression, prevention and support to victims, through the definition of some strategic lines: collection of data, strengthening of laws in force, development of communication and awareness campaigns targeted at the public opinion,

at children, families and workers in the field, creation of the emergency phone number 114. Some of the initiatives recommended in the Plan were actually carried out thanks to the stimulus provided by the CICLOPE Committee: the passing of a bill reforming and integrating regulations on paedophilia (the Law no. 38/2006); the setting up of the 114 Service and of two new institutions focusing on the fight against child abuse (art. 20, Law no. 38/2006).

Moreover, the National action plan for the protection of the rights and development of children and adolescents (requested by art. 2 of the Law no. 451/1997) has always included a specific part on child abuse and exploitation. The Plan is drafted by the National Observatory on childhood and adolescence and is therefore the result of the collaboration of representatives of the Ministries, of the local authorities and of the civil society. In view of the drawing up of the document, the National Centre carries out a systematic review on the activities promoted by the central administration, the Regions and the main NGOs, with the aim to assess the degree of implementation of the guidelines contained in the expiring Action Plan and to provide the Observatory with useful information for the elaboration of the new one.

In this framework, the issue of child abuse is dealt with as an important component of a broader action plan which, in line with the provisions of the CRC, must cover all the aspects of a child's life (family, school, spare time).

The Third national biannual plan "Actions and interventions for the protection of rights and for the development of minors" was approved by the Government by Presidential Decree 21.1.2011 and published on the Official Gazette no.106 of 9.5.2011. <http://www.lavoro.gov.it/Strumenti/Normativa/Documents/2011/20110121 DPR.pdf>.

A monitoring and summary report was also drawn up with respect to this Action Plan http://www.lavoro.gov.it/md/AreaSociale/InfanziaAdolescenza/Documents/Pianoinfanzia2011_Rapportodisintesi.pdf. The National Plan includes two specific actions related to the subject of child abuse and sexual exploitation, namely:

- Action B06 - System of protection of children and the protection of children from abuse and maltreatment: The objective is to complete the legislative framework of the system of protection of the child from abuse and neglect through education, information and awareness of the actors involved (professionals, children, the general public), in addition to the development and strengthening of services for early detection and timely treatment of post-traumatic consequences for children and adolescents victims of sexual abuse and maltreatment (physical, psychological, witnessing violence). The Plan also includes the adjustment of criminal law and procedural protection for the crime of child abuse.
- Action B10 - National Guidelines for the fight against paedophilia and Child pornography: the objective is to identify the minimum requirements of the national services for the prevention and fight of child abuse and the related operating procedures for the specific type of maltreatment, promoting the implementation at regional and local level. (on the basis of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse which entered into force in July 2010.)

Question c.

As regards guidelines in relation to the prevention and fight against child abuse, the following initiatives shall be mentioned.

The first one dates back to 1998, when the National Coordination Committee for the protection of children from maltreatment, sexual abuse and exploitation (set up by Prime Ministerial Decree on 26 February 1998) drafted the document entitled Action proposals for the prevention and fight against maltreatment. This text describes strategies to combat violence against children which can be adopted by the public administration in collaboration with the other bodies and institutions involved, with NGOs, the third sector and civil society in general. The five strategies outlined in the document meet the principles laid down in art. 19 of the UN Convention adopted in New York in 1989 and the targets of the Agenda for Action signed at the World Congress of Stockholm in 1996: the collection of data and the mapping of resources across the whole national territory; the promotion of basic and specialist training; information campaigns on the phenomenon of child abuse; the setting up of integrated services and of inter-institutional agreements and the development of the relationship between the public sector and the third sector; agreements with the media for the diffusion of a positive childhood culture. The tasks of the Committee, which was made up of representatives of all the Ministries involved in the process, of the main NGOs and of field experts, were to carry out research and analysis and to elaborate concrete, multidisciplinary strategies for the prevention and fight against child abuse. Today, the work of the Committee is still considered as a milestone for the planning of actions at a regional and at a local level, given that it was the first official opportunity for the setting up of a collaboration between experts and representatives of the NGOs and of the central Government.

The second is the approval of the document entitled Guidelines for training on the topic of child abuse and maltreatment, which was approved in 2001 by the then Coordination Committee for the protection of minors from sexual abuse and exploitation (art. 17, Law no. 269/1998) and by the National Observatory on childhood and adolescence. This text includes the guidelines for the training of personnel dealing with violence against children in the social, legal, medical and educational sectors. The training guidelines identify five different levels which have been taken into consideration by many regional and local institutions in the planning of training activities for professionals in this sector:

- information and awareness campaigns;
- multidisciplinary and integrated basic training courses, in order to enable public and private practitioners to early identify cases of violence and to quickly take measures for the protection and psychological, social and medical treatment of victims;
- specialist training courses for single professional groups aimed at studying specific issues in depth;
- training courses for the managers of local social services focusing on the analysis of different management and organizational models with the aim to create and develop integrated services.

Moreover, the Department for Juvenile Justice issued a Guideline on 13.11.2012 (ref. No. 39209) with respect to Law 1° October 2012, no. 172 “Ratification and Enforcement of the Council of Europe Convention for the protection of children against Sexual exploitation and sexual abuse made in Lanzarote on 25 October 2007, containing provisions to adjust the internal law”

http://www.giustizia.it/giustizia/it/mg_1_8_1.wp?facetNode_1=0_6&facetNode_3=0_6_0_9&facetNode_2=0_6_0&previousPage=mg_1_8&contentId=SDC955269

Italy also adopted the Council of Europe Guidelines on Child-friendly Justice.

Finally, the Italian Authority for Children is launching an ad hoc Commission on Juvenile Justice Reform that will deal also with the item of child friendly justice and child friendly implementation of laws and legislative measures. The Authority is also working, together with NGOs and national associations, on a document for the proposal to the public administration of the basic standards for social services to be implemented all over the country, as they haven't been set yet. The standard will also include issues related to child friendly justice and to social services for victims of sexual abuse and exploitation.

LATVIA / LETTONIE

Question a.

Basic principles have been fixed in the legislation:

Protection of the Rights of the Child Law Section 2. Purpose of the Law

(3) Protection of the rights of the child is an integral part of State policy. The State and local governments shall organise and monitor the protection of the rights of the child throughout the territory of the State.

Protection of the Rights of the Child Law Section 15. Rights of the Child to Protection from Exploitation

(2) A child has the right to be protected from physical and mental exploitation, from sexual exploitation and seduction, and from any other forms of exploitation, which may in any way harm the child.

In line with the Protection of the Rights of the Child Law Section 51, for violence against a child, encouraging or forcing a child to take part in sexual activities, exploitation or involvement of a child in prostitution, the persons at fault shall be held liable as prescribed by law. Criminal liability is prescribed by the Criminal Law Chapter XVI for offences against morals and sexual inviolability of a child referred to in the Convention. In addition, penalties for child sexual abuse offences are prescribed more severe as for analogous activities with persons of full age.

Preventive measures also have been taken, such as setting prohibition for persons convicted criminal offences against morals and sexual inviolability to work in an institution for children, or for such persons to adopt children (currently a draft law has been elaborated to prescribe such a prohibition in the future also in relation to custody); prescribing an obligation for any person to report to law enforcement authorities in cases

where it is known or suspected that a child is a victim of a crime, etc. For failure to report, the offenders will be held liable as prescribed by law.

In line with the Protection of the Rights of the Child Law Section 5, the protection of the rights of the child in the State are 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.

Thus it can be concluded that protection of the children's rights in the State is insured by the State and municipal institutions, as well as by other legal entities in accordance with laws and regulations applicable to these bodies.

Also, in line with the Protection of the Rights of the Child Law Section 73, all inhabitants have a duty to safeguard the safety of their own and other children and to inform not later than the same day the police, the Orphan's court or other institution for the protection of the rights of the child in regard to any abuse of a child, violation of the rights of the child or other threat to a child, as well as when if the person has suspicions that the child has articles, substances or materials, which may be a threat to the life or health of the child himself or herself or of another person.

Health care, pedagogical, social field or police employees, and elected state and local government officials, who have received information regarding violations of rights of the child and who have failed to inform the institutions referred to in regard to such, shall be held liable as prescribed by law for failure to such information.

Question b.

Action plan for the protection of minors from criminal offences against morals sexual inviolability for 2010 - 2013. A new action plan for 2014 and beyond is currently still pending.

The Ministry of Justice is in general responsible for implementation of the action plan, however many of the plan tasks are within the competence of other ministries or bodies.

The action plan contains four key directions to be developed in an integrated manner:

- 1) preventive measures, public education and involving in infringement of criminal offences against morals and sexual inviolability;
- 2) improvement of the penal policy;
- 3) improvement of the practice for surveillance, treatment and re-socialisation of persons who have committed offences against morality and sexual inviolability;
- 4) Development of cross-institutional collaboration.

Question c.

No such guidelines have not been elaborated in Latvia.

LIECHTENSTEIN / LIECHTENSTEIN

Did not reply. / N'a pas répondu.

LITHUANIA / LITUANIE

Question a.

Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child.

Article 10 of this Law specifies: "Rights of the Child to Personal Life, Personal Inviolability and Freedom"; Article 43 specifies: "General Provisions of Child Protection from Influence of Negative Social Environment"; Article 47 specifies: "Protection of the Child from Sexual Exploitation".

- Republic of Lithuania Law on Social Services
- Republic of Lithuania Law on Protection against Domestic Violence

Question a.

The Operational Plan of Implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse (hereinafter referred to as the Plan), approved by Minutes No. 49 of the sitting of the Government of the Republic of Lithuania of 16–17 July 2012, is aimed at ensuring the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in Lithuania. This Plan is implemented by the Ministry of Social Security and Labour in cooperation with the Ministry of Justice, Ministry of Health, Ministry of Education and Science, Minister of the Interior and the Prosecutor General's Office.

The following programmes, the content of which includes integrated measures related to child prevention and intervention with regard to protection of children from sexual exploitation and sexual abuse, should also be mentioned:

- 2013–2018 Child Wellbeing Programme approved by Order No. A1-547 of 3 December 2012 of the Minister of Social Security and Labour of the Republic of Lithuania;
- 2011–2015 National Programme for the Prevention of Violence against Children and Assistance to Children approved by Order No. A1-2 of 3 January 2011 of the Minister of Social Security and Labour of the Republic of Lithuania.
- Programme "Risk Group Children and Youth" of the Financial Mechanism of the European Economic Area, which provides for the implementation of Measure "Establishment of a Support Centre for Children Victims of Sexual Abuse" in 2014–2016;
- It should also be mentioned that a working group established by Order No. V-645 of 27 June 2013 of the Minister of Health drafted a plan of measures, which is aimed at the implementation of the Strategy of Mental Health and prevention of suicides. At present, the current draft is being harmonised with concerned institutions. One of the priority directions of the draft plan is strengthening of mental health of children, which covers support to children, who have suffered from sexual exploitation and sexual abuse.
- While assimilating the funds of EU structural support, Measure "Establishment of differentiated centres of complex psychiatric support to the child and the family"

should be mentioned. The aim of the measure is to develop complex child and teenager mental health care services (ambulatory-consultation, day inpatient services, crisis intervention, inpatient services), what also covers support to children, who have suffered from sexual exploitation and sexual abuse.

- 2011-2013 Interinstitutional operational plan on the implementation of the Strategy for mental Health approved by Resolution No. 888 of 13 July 2011 of the Government of the Republic of Lithuania specifies the following measures:

“(…) to organise the drafting of the Children mental health concept project with regard to recommendations for Member States of the European Union specified in the international project “Child and Adolescent Mental Health in Enlarged EU – Development of Effective Policies and Practices” (CAMHEE); to organise elaboration of “Parenting Training and counselling programmes intended for families with at least one parent having mental disorders, families with at least one child having mental disorders, and other families facing mental health risk factors (…)”.

- 2013–2015 Prosecutor’s Office strategic operational plan (www.prokuraturos.lt) was approved by Order No. I-36 of 8 February 2013 of the Prosecutor General of the Republic of Lithuania, which specifies criminal prosecution for sexual exploitation of children as a priority:

“Sexual exploitation is the gravest form of violence against children causing most severe consequences for the subsequent development of the child. Therefore, timely identification of a fact of sexual violence or sexual exploitation of a child and prevention of other similar criminal acts are very important. The measure of criminal prosecution for criminal acts with regard to sexual violence or exploitation of children is a consistent continuation of previously implemented measures. The goal of this measure is to intensify pre-trial investigation; to shorten the term for collection of the material necessary for forensic analysis and initiation of forensic analysis; to implement the principle of “one” interrogation of a child; to reduce the share of pre-trial investigations accomplished within a period lasting for more than 12 months; the share of annulled orders to launch a pre-trial investigation (%); the share of annulled orders to suspend a pre-trial investigation on non-rehabilitating grounds; to increase the ratio of investigated criminal acts of this type by taking the case to court with regard to all registered criminal acts of this category; to ensure that prosecutors bring claims for indemnification of non-material damage; general trainings of investigators and prosecutors; to ensure the presence of a psychologist in the course of the child interrogation. “

Question c.

In order to achieve efficient results in the field of criminal prosecution for criminal acts related to sexual exploitation of children, the 2013–2015 Prosecutor’s Office strategic operational plan provides for an increase in the number of pre-trial investigations of these types of criminal acts accomplished within 4 months from 42% to 46% in 2013, and a decrease in the number of pre-trial investigation lasting for more than 24 months from 8 to 6%.

LUXEMBOURG / 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.

- Law No 338 of December 15, 1994 on the Rights of the Child
- the Ministry of Labour, Social Protection and Family of the Republic of Moldova has launched a wide ranging reform on child protection issues, which foresee drafting and approval of the Strategy and the National Action Plan in the field of child and family protection.
- On June 14, 2013, the Law no. 140 for special protection of children at risk and children separated from their parents was adopted.

The main objective of this law is to:

- Regulating the duties and responsibilities of trusteeship local and territorial social assistance structures on the identification, assessment, assistance, referral, monitoring and recording of children at risk;
- Establishing the procedure for self-notification and registration of complaints about children at risk;
- Nationally uniform procedures for assessing and tracking children at risk;
- Determining mandatory cooperation guardianship of child protection authorities in different local and regional administrative - territorial units;
- Define a number of basic terms used in the child protection system, which until now were used with different meanings, among which the notions of: children at risk, children separated from parents, abandoned children, violence against children, neglect, etc.

Question b.

The Ministry of Labour, Social Protection and Family of the Republic of Moldova has launched a wide ranging reform on child protection issues, which foresee drafting and approval of the Strategy and the National Action Plan in the field of child and family protection.

The Strategy on Child and Family Protection 2013-2020 will represent a policy document that aims the developing and improving the system of families with children at risk protection and children who are in difficult situation protection.

The new strategic document is focused on a set of general objectives established in accordance with the actual situation of families and children at risk or difficulty, based on the best international practices in the field.

It also ensures the synergy with other policy documents and policies on child protection issues and family.

General objectives of the strategy proposed:

- Prevention of child separation from family environment, taking account of the best interests of children;
- Prevention of the abuse, violence, neglect and exploitation of children and promotion of non-violent practices in raising and educating children;

- Conciliation of family life and work, especially for women.

The overall objective "Prevent and combat of Childs abuse, violence, neglect and exploitation and promotion of non-violent practices in raising and educating children" will be achieved by analyzing the phenomenon, fact that will allow:

- Achieving scale analysis of the phenomenon of abuse, neglect and violence against children;
- Ascertaining the causes of abuse, neglect and violence;
- Elucidating the negative effects of abuse, neglect and violence.

Among activities proposed are directions to achieve the specific objectives of preventing and combating abuse, neglect and exploitation of children one can mention:

- Development and implementation of a national program for the development of nonviolent parenting skills and parental support;
- Protection of children from information that may adversely affect mental and moral integrity of children;
- Development of psychological services and emotional support for children liable to risk;
- Ensurance of an effective implementation of the legal framework for combating domestic violence;
- Protection of personal data and prevention of the re-victimization of child victims of abuse, neglect and exploitation.
- In the process of development is the National Action Plan for the implementation of the Strategy in the field of child and family protection.
- Medium-term action plan proposed:
- Will have a clear structure, with separate actions for each objective, divided in time;
- Sets of performance indicators.

In the process of development is the National Action Plan for the implementation of the Strategy in the field of child and family protection.

Question c.

In order to ensure the application of 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 have been developed instructions on the intersectoral mechanism for cooperation for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking.

Instructions aimed that government, local authorities of level I and II must cooperate to prevent violence, neglect, exploitation, and child trafficking, and combating them through social, education, public policy, medical services.

In 2012, these instructions were piloted in 10 localities of Leova and Orhei, Falesti in 2013. Actions of piloting instructions were made by:

- Initiating testing Sheet suspected case of abuse, neglect, exploitation and trafficking of children;
- Establishment of a Register of identified cases of suspected cases of abuse (at community level);
- Testing the instrument - Interview for child protection;
- Training members of multidisciplinary teams and providing necessary assistance in the monitoring of child victims and potential victims of abuse, neglect and exploitation.

Also, at the moment the guide for the implementation of the above-mentioned instructions is in the process of finalization.

Child- friendly Justice remains a priority for Republic of Moldova.

By Law No. 231 of November, 25, 2011 was approved the Justice Sector Reform Strategy for 2011-2016, and where a chapter is dedicated to create a child-friendly justice system which meets the child's needs.

This Strategy aims to take actions to strengthen the justice system for children, the specialization of the justice system for children, to strengthen tools to protect the child victims and witnesses of crimes in criminal proceedings, the arrangement of spaces for the hearing of child victims or witnesses of crimes, the improving of the mechanism of hearing of these children with the involvement of only specially trained persons.

It is also provided the revision of the legal and institutional framework in order to ensure the participation of a specialist psychologist in criminal processes for providing necessary assistance to children who participate as a victim or witness of crime.

For achieving the Justice Sector Reform Strategy for 2011-2016, by Government Decision No 6/16.02.2012 was approved the Action Plan for implementation of the Justice Sector Reform Strategy for 2011-2016, with specifying the level indicators of the Strategy implementation.

MONACO / MONACO

Question a.

Deux textes législatifs récents peuvent en particulier être mis en exergue :

- En premier lieu, il importe de mentionner l'apport capital de la loi n° 1.344 du 26 décembre 2007 relative au renforcement de la répression des crimes et délits contre l'enfant. Le corpus de normes ainsi introduites dans l'arsenal répressif monégasque a conduit à aménager et compléter le dispositif pénal en vigueur, en portant sur des mesures juridiques congruentes en faveur d'une protection accrue des enfants victimes de violences, d'exploitation ou d'abus.

Il s'est agit notamment d'harmoniser la notion d'intérêt supérieur de l'enfant et la définition des infractions pénales dont les enfants sont victimes, en accroissant –

au bénéfice d'incriminations nouvelles ou modifiées – la répression des multiples crimes et délits commis à leur encontre : meurtre, trafic d'organes, travail forcé, attentat aux mœurs, exploitation sexuelle des enfants à des fins commerciales et prostitution infantine, proxénétisme, production, possession et diffusion de pornographie infantine, tentatives d'attirance via Internet d'enfants mineurs à des fins sexuelles, utilisation à des fins criminelles d'enfants par les narco-traficants, etc. Par ailleurs, sur un plan procédural, cette loi a modifié le délai de prescription de l'action publique, en le portant à vingt ans à compter de la majorité de la victime, relativement aux crimes et délits sexuels commis sur un mineur.

- En second lieu, la loi n° 1.382 du 20 juillet 2011 relative à la prévention et à la répression des violences particulières a été instaurée à l'effet de renforcer la protection des femmes, des enfants et des personnes handicapées. L'objet de ce texte est la prévention et la répression de violences nécessitant ou justifiant des modes de répression ou de réparation spécifiques ou bien des sanctions aggravées ou adaptées, à raison de la vulnérabilité particulière des personnes qui en sont les victimes ou des situations dans lesquelles lesdites violences sont perpétrées. Il en est notamment ainsi de toute forme de violence ou de menaces de violence, physique, psychologique, sexuelle ou économique.

Afin de garantir l'effectivité de cette protection renforcée – notamment à l'adresse des mineurs – des mesures particulières de prévention, protection et répression ont été introduites dans l'arsenal législatif monégasque, telles que les « crimes d'honneur », les mutilations sexuelles féminines, ou les mariages forcés.

- Par ailleurs, le travail et les mesures prises par les différentes Directions chargées de la prévention, de la prise en charge et de la répression des abus sexuels envers les enfants est détaillé tout au long du présent document.

Question b.

En raison de l'exiguïté du territoire de la Principauté de Monaco, qui favorise le dialogue entre les différentes autorités et du nombre réduit d'habitants, il n'existe pas à proprement parlé de stratégie ou de plan d'action national dans le domaine des droits de l'enfant.

Cependant, il est important de relever la concertation et la coopération permanente entre les différentes entités en charge du bien-être et de la protection des enfants.

Question c.

La Principauté de Monaco se réfère, en ce domaine, aux travaux des Organisations internationales dont elle est membre, ayant vocation à promouvoir et à protéger les droits de l'enfant, tels que les lignes directrices du Conseil de l'Europe.

Ainsi, dans le domaine de la procédure pénale, il peut être relevé que l'article 32 de la loi n° 1.382 du 20 juillet 2011 relative à la prévention et à la répression des violences particulières a créé, au sein du Livre I du Code de procédure pénale, un Titre VIII « Dispositions particulières concernant les mineurs et les majeurs incapables ». Ces

dispositions nouvelles ont pour objet de protéger le mineur et d'adapter l'administration de la justice aux besoins de l'enfant.

MONTENEGRO / MONTENEGRO

Question a.

Article 9 of the Constitution of Montenegro stipulates that ratified and published international treaties and generally accepted rules of international law shall make an integral part of the internal legal order and shall have supremacy over national legislation and shall be directly applicable when they regulate the relations differently from the national legislation. In accordance with the Constitution, human life is inviolable. Guarantees are also provided for the dignity and security of a person and all forms of trafficking in adult human beings and children are prohibited.

According to Article 74, paragraph 2 of the Constitution of Montenegro, children shall be guaranteed special protection from psychological, physical, economic and any other exploitation or abuse.

Criminal offences governing the protection of children from sexual abuse and sexual exploitation are prescribed in Chapter XVIII of the Criminal Code of Montenegro, which includes a group of criminal offences against sexual freedom, and Chapter XXXV, which includes crimes against humanity and other goods protected by the international law. The Law on Amendments to the Criminal Code from 2011 brings important novelties related to the criminal offence of displaying pornographic material to children and the production and possession of child pornography. Article 211 provides for a new criminal offence of soliciting a minor to attend the commitment of criminal offences against sexual freedom.

The Criminal Code also provides for criminal offences of trafficking in human beings, a severe form of which is trafficking in children.

The provisions of the Criminal Code have been brought into line with the Optional Protocol to the Convention on the Rights of the Child, Child Prostitution and Pornography and the Council of Europe Convention on sexual exploitation and sexual abuse of children.

The observance of priorities in combating the phenomenon of trafficking in human beings have, among other things, been ensured through the adoption of a set of laws: Law on the Treatment of Juveniles in Criminal Proceedings (Official Gazette of Montenegro 64/2011), Criminal Procedure Code (Official Gazette of Montenegro 57/09 and 49/10), Law on Witness Protection (Official Gazette of the Republic of Montenegro 65/2004), Law on Free Legal Aid (Official Gazette of Montenegro 20/11), Law on the Liability of Legal Entities for Criminal Offences (Official Gazette of the Republic of Montenegro 2/2007, 13/2007 and 30/2012), Law on International Legal Assistance in Criminal Matters (Official Gazette of Montenegro 4/2008 and 36/13), Law on Foreigners (Official Gazette of Montenegro 80/2008, 72/2009, 32/2011, 53/2011), Law on Personal Data Protection (Official Gazette of Montenegro 79/2008 and 70/2009).

In addition to the above regulations, the Family Law, the Law on Protection from Domestic Violence, and the Law on Social and Child Protection regulate issues of prevention, assistance and protection of child victims of sexual exploitation. In accordance with these regulations, professionals are obliged to notify the competent authority of all the cases of suspected violence against children, including sexual abuse.

Question b.

The National Plan of Action for Children 2013-2017 (NPAC) was adopted in June 2013 and is a strategic document of the Government of Montenegro, which defines the general policy of the state towards the children in the period from 2013 to 2017. This document identifies the main problems in exercising, protecting and promoting the rights of children in our country, as well as the main directions for their solution.

The document is compliant with all international documents relevant to the rights and social status of children, as well as with the national strategic documents and programmes aimed at children or supporting the quality of life of children and the national legislative framework relevant to children.

The NPAC 2013-2017 structure is in accordance with the Recommendation to Montenegro by the UN Committee on the Rights of the Child (2010), so the document has seven key thematic areas. Within each of them, a strategic and a number of specific objectives are defined. Report on the implementation of NPAD will be prepared on an annual basis and will be publicly available on the website of the Ministry of Labour and Social Welfare.

One of the specific objectives of the National Plan of Action for Children is to improve the protection of children from sexual exploitation, sexual abuse and child pornography, as well as the enforcement of criminal sanctions against perpetrators.

NPAC provides for the implementation of campaigns to raise awareness on combating the sexual exploitation and abuse of children and the need to report such occurrences with a strong gender component, for different target groups: children, their families, general public, as well as for the implementation of appropriate policies and targeted prevention programmes, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment, adopted at the World Congress against Sexual Exploitation of Children. There are also plans to develop mechanisms for prevention of sexual violence against children and the protection of child victims of sexual violence, as well as to develop the system of monitoring and prevention of Internet child pornography, as well as to raise awareness of children, parents, and professionals who work with children on sexual harassment through mobile phones and other modern means of communication as a form of violation of child rights.

The specific objective is also to provide information and support to children in respect of all the matters covered by the Convention on the Rights of the Child and the Optional Protocols.

The intention is also to provide, by the end of 2014 and in cooperation with the civil sector, for the establishment of a free 24/7 helpline for children, for reporting violence (six-digit harmonised European number), with the possibility of receiving calls from all operators, and informing children about its existence. Also, the establishment of a helpline for providing support and assistance to children is planned. Using counselling and helplines to help children aims at strengthening the mechanisms of prevention, early prevention and early intervention in different cases of violation of child rights.

Another plan is to develop a system of monitoring and preventing Internet child pornography, as well as to develop systematic cooperation with the specialized agencies in other countries in the monitoring and prevention of child Internet pornography (bilateral and multilateral protocols, information exchange, etc.), and to raise awareness of children, parents, and professionals working with children about sexual harassment through mobile phones and other modern means of communication as a form of violation of child rights. Until 2017, at least two campaigns will be implemented through the educational system, on sexual harassment through mobile phones and other means of modern communication.

The implementation of the National Plan of Action for Children 2013-2017 will be monitored by the Council for Rights of the Child, whose members are representatives of state authorities, institutions and NGOs. An equal member of the Council is also a child, representing children.

In 2012, the Government of Montenegro adopted a new Strategy for the Fight against Trafficking in Human Beings for the period of 2012-2018. The new strategic document defines the objectives, principles and directions in the fight against trafficking in human beings and establishes measures for improving the efficiency of the established system to combat trafficking in human beings in the public, private and civil sectors. It focuses on the six key areas: 1. Prevention and education; 2. Identification of victims of trafficking in human beings; 3. Assistance, protection and reintegration of victims; 4. Effective criminal prosecution; 5. International cooperation; 6. Coordination and partnership.

In the area of prevention and education, the Strategy defines objectives aimed at strengthening preventive and educational activities focused on young people, particularly groups at-risk such as children without parental care, children with special needs and disabilities, i.e. persons with disabilities, children with behavioural disorders, children and adults abusing alcohol, drugs or other intoxicants, as well as children and adults under risk of becoming or being victims of abuse, neglect, domestic violence, and exploitation, workers engaged in periodical and temporary work with a view to eliminate the possibility of becoming a victim of some form of trafficking in human beings / children. It also states the need for continued work aimed at strengthening the professional capacities of all target groups to combat all forms of trafficking in human beings / children.

Identification of victims of trafficking in human beings / children presents an extremely complex and demanding task, which is why it is a separate chapter in the Strategy. Since proactive identification of victims and potential victims cannot be attributed solely to the activities of the police, the Strategy defines objectives focusing on the development and

improvement of professional skills of the representatives of the institutions that, in accordance with the description of the work they do, come into contact with potential victims of trafficking in human beings / children. Also, the measures related to the formation of mobile teams and the development of specific indicators that will improve work in the field are defined.

Assistance, protection and reintegration of victims as a chapter of the Strategy defines the measures that need to be taken at the institutional and non-institutional level with a view to improving the quality of protection of potential victims of trafficking in human beings / children, strengthening and development of new, higher-quality programmes for the integration, reintegration, re-socialisation and repatriation of victims and potential victims of trafficking in human beings.

In the field of effective criminal prosecution, the Strategy focuses on the stronger implementation of existing legislation and the harmonisation of the legislative framework with international standards and assumed international obligations. It also defines the improvement of the existing system of collecting, monitoring, analyzing and reporting on trafficking in human beings and prosecuting cases.

International cooperation as a section in the Strategy relies on the strategic orientation of Montenegro with regard to action-taking at the bilateral and multilateral level in the fight against trafficking in human beings and active participation in the work of all international organisations and initiatives aimed at combating this type of crime.

The Strategy separately singles out the objectives and measures related to the improvement of coordination and partnership, by defining the manner of cooperation of institutions at the state and local level, as well as intensive cooperation between state institutions and civil society organisations, including non-governmental organisations active in the fight against trafficking in human beings in initiatives creating / improving policies and methodology of combating trafficking in human beings / children at the national and international level.

When it comes to monitoring the implementation of the Strategy, this task is assumed by the Working Group for monitoring the implementation of the Strategy for the Fight against Trafficking in Human Beings and individual Action Plans. The Working Group is chaired by the Head of the Office / National Coordinator for Combating Trafficking in Human Beings, and is composed of representatives of line ministries at the level of Directors General, representatives of the Police Administration, Supreme Public Prosecutor's Office, Supreme Court and the Ombudsman, General Secretariat of the Government, as well as international organisations, IOM, OSCE, UNICEF and the U.S. Embassy in Montenegro, as an observer. The procedure for the inclusion of civil society representatives in the Working Group for monitoring the implementation of the Strategy for the Fight against Trafficking in Human Beings is underway.

The Working Group is also tasked with monitoring and promoting the activities of the relevant institutions in the implementation of the Strategy for the Fight against Trafficking in Human Beings; preparing semi-annual Reports on the implementation of the measures

from the Action Plan for the Fight against Trafficking in Human Beings; setting priorities, timeframes and deadlines for implementation, and evaluating the results achieved in the implementation of the Strategy for the Fight against Trafficking in human Beings; preparing, when necessary, individual Action Plans for the Fight against Trafficking in Human Beings and ensuring their implementation. The Working Group reports on its work to the Government of Montenegro.

Montenegro has also adopted an Action Plan for the Fight against Sexual Exploitation and Sexual Abuse of Children through the implementation of the action plan of the Council of Europe campaign “One in Five” for Montenegro.

<http://www.gov.me/en/News/111538/Montenegro-joins-Council-of-Europe-campaign-to-stop-sexual-violence-against-children.html>

<http://www.gov.me/en/News/112301/Montenegro-initiates-preparations-for-participation-in-CoE-campaign-One-in-five.html>

The national Action Plan for campaign “One of Five” for Montenegro was adopted on 11 April 2012.

<http://www.gov.me/en/News/113207/Montenegro-national-team-for-CoE-One-in-Five-campaign-adoptsactivities-for-April-November-2012.html>

The actions of the Council of Europe campaign “One in Five” for Montenegro related to the following areas: health, education, educational and social institutions, public and local government, prosecution offices, judiciary, police, government agencies, private and public sector, as well as the information society and telecommunications.

The campaign “One in Five” for Montenegro has been conducted under the auspices of the Government of Montenegro, while the National team for the implementation of the campaign included a broad structure of social factors, according to the proposal by the Council of Europe: starting from the Parliament of Montenegro, through the relevant Government departments, prosecution offices and the judiciary, the Police Administration, the Union of Municipalities, The Protector of Human Rights and Freedoms of Montenegro, representatives of national and foreign partners, the Office for the Fight against Trafficking in Human Beings, the Interpol representatives in Montenegro, the Old Royal Capital of Cetinje, UNICEF, NGO “Children First” and NGO “Centre for the Rights of the Child in Montenegro”, the Media Self-Regulatory Body, as well as friends: Ministry of Culture and hotel “Maestral”.

<http://www.gov.me/en/News/112301/Montenegro-initiates-preparations-forparticipation-in-CoE-campaign-One-in-five.html>

At its fourth session held on 6 February 2013, the Committee for Human Rights and Freedoms of the Parliament of Montenegro considered the Report on sexual exploitation of children in Montenegro, filed by the Protector of Human Rights and Freedoms of Montenegro, that was drawn up within the framework of the regional Project

“Improvement of the status of the child with a view to protection against all forms of exploitation”, which has been implemented by the institution of the Protector of Human Rights and Freedoms in cooperation with the Ombudsmen for children in the region from the CRONSEE Network, with the support of Save the Children. Within the project, a survey was conducted to collect data on the phenomenon of sexual exploitation of children, looking at the current situation, the key social phenomena and processes influencing this phenomenon and its scope, in the period from 1 January 2008 to 30 June 2011. The results of the survey are presented in the Report.

The Committee unanimously adopted the Report on sexual exploitation of children in Montenegro, supporting Recommendations by the Protector of Human Rights and Freedoms included in the Report on sexual exploitation of children in Montenegro, and submitting its conclusion to the Ministry of Justice, Ministry of Interior, Ministry of Labour and Social Welfare, Ministry of Health, Ministry of Education, Ministry of Tourism and Sustainable Development, as well as the head of the Montenegrin delegation to the Parliamentary Assembly of the Council of Europe and UNICEF.

At its 19th Session held on 11 November 2013, in order to meet the International Day of Children’s Rights, the Committee for Human Rights and Freedoms considered the Report on the results of surveys conducted on the protection of children from exploitation, completing a number of activities for the protection of children’s rights that it dealt with in 2011-2013 as part of the regional project “Preventing Exploitation of Children in South East Europe”, which was implemented by Save the Children in cooperation with members of the CRONSEE network and the ombudsmen of the region, and in which the Committee participated by considering:

- Report on child begging in Montenegro,
- Report on the sexual exploitation of children in Montenegro,
- Report on child abuse over the Internet.

The Committee adopted the Report on the results of surveys conducted on the protection of children from exploitation, reaching the decision to organise, in accordance with the Action Plan for 2013, and in cooperation with the Protector of Human Rights and Freedoms and the Delegation of the Parliament of Montenegro in the Parliamentary Assembly of the Council of Europe, and with the support of UNICEF, the Second regional meeting of the parliamentary bodies in charge of human rights and children’s rights with ombudsmen for children of the countries in the region on the topic of: “Rights of the child - improving the status of children with a view to protection against all forms of exploitation”.

The Second regional meeting of the parliamentary bodies in charge of human rights and children’s rights with ombudsmen for children of the countries in the region was held on 21 and 22 January 2014 in the Regional School of Public Administration in Danilovgrad.

The aim of the meeting was to exchange views and best practices in the protection of children’s rights, in order to determine the goals and directions of further inter-parliamentary cooperation and national institutions for the protection of human rights and

children's rights. The meeting was organised as a continuation of the meetings of the parliamentary bodies of the countries in the region, initiated on 29 and 30 October 2013 in the National Assembly of the Republic of Serbia, bearing in mind that the Joint Statement adopted after this meeting emphasized that protection of children's rights, especially protection against child pornography and cybercrime, should be among the priority areas in the future period.

The Second regional meeting was attended by representatives of parliamentary working bodies responsible for human rights and the rights of the child from Croatia, Serbia and Montenegro, as well as the representatives of the ombudsmen institutions from Croatia, Serbia, Slovenia, the Republic of Srpska, and Montenegro, as well as representatives of Save the Children and international organisations based in Montenegro dealing with these problems (UNICEF, OSCE and the Delegation of the European Union to Montenegro).

The Second regional meeting of the parliamentary bodies in charge of human rights and children's rights with ombudsmen for children of the countries in the region was finished by the adoption of the Joint Statement.

<http://www.skupstina.me/index.php/me/odbor-za-ljudska-prava-i-slobode/aktuelnosti/item/1842-u-danilovgradu-odrzan-drugi-regionalni-sastanak-parlamentarnih-radnih-tijela-nadleznih-za-ljudska-prava-i-prava-djeteta-sa-ombudsmanima-za-djecu-zemalja-regiona>

Question c.

The Law on the Treatment of Juveniles in Criminal Proceedings has been aligned with the Council of Europe Recommendations (Recommendation CM/Rec(2003)20 of the Council of Europe Committee of Ministers concerning new ways of dealing with juvenile delinquency and Recommendation CM/Rec(2008)11 of the Council of Europe Committee of Ministers on the European Rules for juvenile offenders subject to sanctions or measures). The basic principles of the Law on the Treatment of Juveniles in Criminal Proceedings are that trial in absence is prohibited, and that the parties to the proceedings are obliged to act with caution in taking actions before a juvenile, especially during his / her hearing, taking into account the maturity and other personal characteristics and protection of privacy, so that the criminal proceedings and actions taken in the proceedings would not adversely affect his / her development. In addition, actions in the proceedings are taken by people who have acquired special knowledge in the field of children's rights and the rules of dealing with juvenile perpetrators of criminal offences and juveniles as participants in criminal proceedings.

The Project "Justice for Children" is implemented by the Ministry of Justice of Montenegro in cooperation with the Ministry of Labour and Social Welfare of Montenegro and UNICEF Office in Montenegro, with the financial support of the EU Delegation to Montenegro. Among other things, one of the goals of the Project is to improve the status of child victims of criminal offences, including sexual exploitation.

NETHERLANDS / PAYS-BAS

Question a.

The Dutch Criminal Code provides for a specific chapter regarding the protection of morals and the protection of persons (including children) against sexual exploitation and sexual abuse. This chapter includes specific provisions that regulate the offences relevant in respect of this questionnaire (see annex).

Question b.

At the end of 2011, the Ministry of Health, Welfare and Sport and the Ministry of Security and Justice drew up a 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. This action plan is designed for a four year period and is named "Kinderen Veilig" (Kamerstukken II 2011/12, 31 015, nr. 69). Prevention of sexual abuse of children as well as a law enforcement approach and protection of victims are a part of this national action plan. The plan is a joint effort of the ministries of Security and Justice and of Health, Welfare and Sport. It addresses on the one hand law enforcement agencies such as the police and the prosecution's office and on the other hand provincial and municipal agencies on the preventive side, such as the Youth and Family Centres ("Bureau voor Jeugdzorg").

A Task Force "child abuse / sexual abuse" is installed to drive on the Action Plan and to oversee a concrete implementation. The Task Force is composed of persons from municipal agencies, health care organizations, police and public prosecution and is chaired by the mayor of Amsterdam. Priorities of the Task Force are enhancement of awareness and the improvement of skills and knowledge among professionals. Other priorities include the dissemination and use of information on abuse, among which referrals and declarations on abuse in order to institute those actions that limit the possibilities for people to abuse children. Next to this attention is given to the enhancement of a law enforcement approach, the care and protection of victims of child (sexual) abuse and the accompaniment of suspects and convicted persons in order to avoid recidivism.

Question c.

With regard to judicial proceedings the Dutch Prosecution's Service issued a guideline on the investigation and prosecution of child sexual abuse, in which instructions are given on a child friendly implementation of the measures, such as the response to referrals or reports by victims as well as the child friendly interrogation in a specific environment by specially trained police personnel.

Dutch experiences were brought to attention of the COE during the negotiations on the Lanzarote Treaty.

NORWAY / NORVEGE

Did not reply. / N'a pas répondu.

POLAND / POLOGNE

Did not reply. / N'a pas répondu.

PORTUGAL / PORTUGAL

Question a.

Chapter V of the Criminal Code (CC), Sections I (Crimes against sexual freedom) and II (Crimes against sexual self-determination) are the main criminal law provisions in what concerns child protection against sexual exploitation and sexual abuse. The criminalized conducts are very briefly the following: as regards crimes against sexual freedom; sexual coercion (article 163), rape (164), sexual abuse of a person unable to resist (165), sexual abuse of interned person (166), sexual fraud (167), facilitation of prostitution (169); as regards crimes against sexual self-determination, sexual abuse of children (article 171 CC); sexual abuse of dependant minors (article 172 CC), sexual activities with adolescents (article 173); recourse to child prostitution (article 174), pornography of minors (article 176).

The corresponding sanctions may include, in addition to imprisonment penalties, temporary inhibition from the exercise of parental responsibility or guardianship and/or being banned from exercising professional , activities that involve contact with children (article 179 CC) and provisions on aggravation (article 177 CC).

The Criminal Procedure Code (CPC) accommodates children's specific needs in the context of judicial proceedings through a number of provisions aimed at ensuring that the child is heard while minimizing the risks of further victimization and trying, whenever possible, to create a more protective environment.

The protection of children in danger of becoming victims or who have been victims of physical or psychological ill treatment or sexual abuse is ensured through the work of the Commissions for the protection of children and young people at risk or the Family and Minors Courts.

Question b.

Notwithstanding the absence of an Action Plan to combat sexual exploitation and the sexual abuse of children, other Action Plans contain measures, such as the V National Plan for the Prevention and Fight against Domestic Violence and Gender-based Violence 2014-2020, are also aimed at the protection of children. It is, for instance, the case of the Measures 21 (regarding the broadening of the territorial covering of teleassistance), 40 (reinforcing the capacities and sensitizing judicial authorities to deal with the issue of domestic violence) or 47 (compiling and disseminating materials on domestic violence).

In the area of law enforcement, an "Orientation Guide for the police forces on situations of ill treatment or other risk situations" was jointly developed and published by police authorities and the Commission for the Protection of Children and Juveniles at Risk.

Question c.

There are no Guidelines to ensure the child-friendly implementation of measures and strategies. However, a number of legal instruments provide for orientation on what concerns its implementation in a child-friendly perspective.

The Law for the promotion and protection of children and juveniles at risk refers in its Article 4 to the guiding principles that should be taken into account in all the proceedings involving children. Although the law dates from 1999, these principles match the content the Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice, such as:

- Best interests of the child – the intervention should give high priority to the interests and rights of the child;
- Privacy – The intervention should be carried out bearing in mind the intimacy, the right to image and the child’s right to privacy;
- Early intervention – the intervention should take place as soon as the situation of danger is known;
- Minimum intervention – The intervention should be only carried out by the entities and institutions whose course of action is essential to the effective promotion of the rights and to the protection of children and young people at risk;
- Proportionality and adequacy – The intervention should be adequate and necessary to the situation of danger in which the child or the youngster finds him/herself at the moment the decision is taken and can only intervene in his/her life and family if considered strictly necessary to such purpose;
- Right to information – The child and the youngster have the right to be informed of their rights, the reasons underlying the intervention and the way it is to be carried out;
- Right to participation and to be heard – the child and the youngster, separately or accompanied by the parents or by a person of their choice, have the right to be heard and to participate in the acts and on the definition of the measure on the promotion of rights and protection.

ROMANIA / ROUMANIE

Question a.

a) Legislative measures:

- Protection by means of criminal law:

The new Penal Code¹⁵ incriminates the offences against freedom and sexual integrity, including special provisions in respect of minors, trafficking in minors, child pornography, as well as any other acts of sexual exploitation or sexual abuse against children.

¹⁵ The New Penal Code– Law no. 286/2009

CHAPTER VIII

Offences against freedom and sexual integrity

ARTICLE 218

Rape

(1) The sexual intercourse, oral or anal sexual act with a person, committed by means of coercion, rendering the victim in the impossibility to defend themselves or to express their will and taking advantage of that condition, shall be punished with 3 to 10 years imprisonment and the prohibition of certain rights.

(2) The same sentence shall also be imposed against any other acts of vaginal or anal penetration committed under the conditions of paragraph (1).

(3) The sentence shall be 5 to 12 years imprisonment and the prohibition of certain rights when:

-
- a) the victim is under the perpetrator's care, protection, education, custody or treatment;
 - b) the victim is a direct line relative, or a sibling;
 - c) the victim has not turned 16;
 - d) the offence was committed for the purpose of producing pornographic material;
 - e) the offence resulted in bodily harm;
 - f) the offence was committed by two or more persons together.

(4) If the offence resulted in the victim's death, the sentence shall be 7 to 18 years imprisonment and the prohibition of certain rights.

(5) The penal action for the offence provisioned for in paragraphs (1) and (2) shall be initiated upon the preliminary complaint of the prejudiced person.

(6) Attempting to commit the offences provisioned for in paragraphs (1) - (3) shall be punished.

ARTICLE 219

Sexual assault

(1) The sexual nature act, other than as provisioned for in Article 218, with a person, committed by means of coercion, rendering the victim in the impossibility to defend themselves or to express their will and taking advantage of that condition, shall be punished with 2 to 7 years imprisonment and the prohibition of certain rights.

(2) The sentence shall be 3 to 10 years imprisonment and the prohibition of certain rights when:

- a) the victim is under the perpetrator's care, protection, education, custody or treatment;
- b) the victim is a direct line relative, or a sibling;
- c) the victim has not turned 16;
- d) the offence was committed for the purpose of producing pornographic material;
- e) the offence resulted in bodily harm;
- f) the offence was committed by two or more persons together

(3) If the offence resulted in the victim's death, the sentence shall be 7 to 15 years imprisonment and the prohibition of certain rights.

(4) If the sexual assault acts were preceded or followed by the perpetration of the sexual acts provisioned for in Article 218 paragraphs (1) and (2), the act shall constitute rape.

(5) The penal action for the offence provisioned for in paragraph (1) shall be initiated upon the preliminary complaint of the prejudiced person.

(6) Attempting to commit the offences provisioned for in paragraphs (1) and (2) shall be punished.

ARTICLE 220

Sexual act with a minor

(1) Sexual intercourse, oral or anal sexual act, as well as any other vaginal or anal penetration acts committed with a minor aged between 13 and 15 shall be punished with 1 to 5 years imprisonment.

(2) The offence provisioned for in paragraph (1), committed against a minor who has not turned 13, shall be punished with 2 to 7 years imprisonment and the prohibition of certain rights.

(3) The offence provisioned for in paragraph (1), committed by an adult with a minor aged between 13 and 18, when the adult abused their authority or influence over the victim, shall be punished with 2 to 7 years imprisonment and the prohibition of certain rights.

(4) The offence provisioned for in paragraphs (1) - (3) shall be punished with 3 to 10 years imprisonment and the prohibition of certain rights, when:

- a) the minor is a direct line relative, or a sibling;
- b) the minor is under the perpetrator's care, protection, education, custody or treatment;
- c) it was committed for the purpose of producing pornographic material.

(5) The offences provisioned for in paragraphs (1) and (2) shall not be punished if the age difference does not exceed 3 years.

ARTICLE 221

Sexual corruption of a minor

(1) Committing a sexual nature act, other than as provisioned for in Article 220, against a minor who has not turned 13, as well as determining the minor to do or have done on them such an act shall be punished with 1 to 5 years imprisonment.

(2) The sentence shall be 2 to 7 years imprisonment and the prohibition of certain rights, when:

- a) the minor is a direct line relative, or a sibling;
- b) the minor is under the perpetrator's care, protection, education, custody or treatment;
- c) the offence was committed for the purpose of producing pornographic material.

(3) The sexual act of any nature committed by an adult in the presence of a minor who has not turned 13 shall be punished with 6 months to 2 years imprisonment or a fine.

(4) An adult determining a minor who has not turned 13 to assist in the perpetration of exhibitionist nature acts or performances or shows during which sexual acts of any nature are committed, as well as providing the latter with pornographic material shall be punished with 3 months to one year imprisonment or a fine.

(5) The offences provisioned for in paragraph (1) shall not be punished if the age difference does not exceed 3 years.

ARTICLE 222

Recruitment of minors for sexual purposes

The adult who proposes to a minor who has not turned 13 to meet, for the purpose of committing any of the acts provisioned for in Article 220 or Article 221, including when the proposal was made by means of remote communication, shall be punished with one month to one year imprisonment or a fine.

(...)

CHAPTER VII

Trafficking in and exploitation of vulnerable persons

ARTICLE 211

Trafficking in minors

(1) Recruiting, transporting, transferring, harbouring or receiving a minor, for the purpose of their exploitation, shall be punished with 3 to 10 years imprisonment and the prohibition of certain rights.

(2) Where the offence was committed under the conditions of Article 210 paragraph (1) or by a public officer when exercising his office duties, the sentence shall be 5 to 12 years imprisonment and the prohibition of certain rights.

(3) The consent of the victim to the trafficking cannot be used as defence.

ARTICLE 213

Procurement

(1) Determining or facilitating the practice of prostitution or gaining property benefits from the practice of prostitution by one or several persons shall be punished with 2 to 7 years imprisonment and the prohibition of certain rights.

(2) If the commencement or continuation to practice prostitution was determined by coercion, the sentence shall be 3 to 10 years imprisonment and the prohibition of certain rights.

(3) Where the offences are committed against a minor, the special limits of the sentence shall be increased by half.

(4) The practice of prostitution shall mean engaging in sexual acts with various persons for the purpose of gaining property benefits for themselves or for a third party.

ARTICLE 216

Using the services of an exploited person

The offence of using the services provisioned for in Article 182, supplied by a person whom the beneficiary knows to be the victim of trafficking in human beings or trafficking in minors, shall be punished with 6 months to 3 years imprisonment or a fine, unless the act is a more severe offence.

ARTICLE 217

Attempt is punished

Attempting to commit the offences provisioned for in Articles 209 - 211 and Article 213 paragraph (2) shall be punished.

ARTICLE 374

Child pornography

(1) Producing, holding in view of displaying or disseminating, purchasing, storing, displaying, promoting, disseminating, as well as providing, in any manner whatsoever, pornographic materials with children shall be punished with 1 to 5 years imprisonment.

(2) Where the offences provisioned for in paragraph (1) were committed by means of an IT system or another IT data storage medium, the sentence shall be 2 to 7 years imprisonment.

(3) Unlawfully accessing pornographic materials with minors, by means of IT systems or other electronic communication means, shall be punished by 3 months to 3 years imprisonment or a fine.

(4) Pornographic materials with minors shall mean any material showing a minor having explicit sexual behaviour or which, despite not being a real person, simulates, in a credible manner, a minor having such a behaviour.

(5) Attempt shall be punished.

For instance, rape is punished with 3 to 10 years imprisonment and the prohibition of certain rights in the simple form, while its aggravated forms, also including the cases when the victim is under the perpetrator's care, protection, education, custody or treatment, the victim is a direct line relative, sibling, or the victim has not yet turned 16 shall be punished with 5 to 12 years imprisonment.

The sexual act with a minor who has not turned 13 shall be punished with 2 to 7 years imprisonment and the prohibition of certain rights and where the minor is aged between 13 and 15, the sentence shall be 1 to 5 years imprisonment.

Sexual assault, when the victim has not turned 16 shall be punished with 3 to 10 years imprisonment and the prohibition of certain rights.

Furthermore, the Penal Code punishes by prison the sexual corruption of children, trafficking in minors, child pornography, and procurement.

- Further to the enactment of the new Penal Code, the offences of exploitation and sexual abuse against minor were grouped, for better organization, within the Penal Code, many of them having been taken over by special laws.

The other provisions on the protection of children against abuses and sexual exploitation were kept in special laws.

- Law no. 272/2004 on the protection and promotion of children's rights, published in the Romanian Official Journal, Part I issue no. 557 of 23 June 2004;

- Law no. 678 of 21 November 2001 on the prevention and control of trafficking in human beings, published in the Romanian Official Journal issue no. 783/11 December 2001 and Government Decision no. 299/2003 approving the Regulation for the enforcement of the provisions of Law no. 678/2001 on the prevention and control of trafficking in human beings;

- Law no. 217/2003 on the prevention and control of family violence (sexual violence being one of the forms of family violence).

- Ratification by Law no. 18/1990 of the Convention on the Rights of the Child, adopted by the United Nations' General Meeting on 20 November 1989;

- Ratification by Law no. 470/2001 of the Facultative Protocol to the International Labour Organisation Convention no. 182/1999 concerning the prohibition and immediate action for the elimination of the Worst Forms of Child Labour, protocol concerning the rights of the child, the sale of children, prostitution involving children and child pornography (2001), published in the Romanian Official Journal issue no. 601 /27 September 2001;

- Government Decision no. 1238/2007 approving the specific national standards for specialised services to assist the victims of human trafficking;

- Joint Order no. 286/2007 of the Minister of the Administration and Administrative Internal Affairs, of the Minister of Education, Research and Youth, of the Minister of Public Health, of the Minister of Labour, Family and Equal Opportunities, of the President of the National Authority for the Protection of Child Rights, of the President of the National Agency for Equal Opportunities between Women and Men, of the President of the National Employment Agency, of the President of the National Agency for Roma concerning the setting up, organization and operation of the Task Force for the national coordination of the protection and assistance to victims of human trafficking, published in the Romanian Official Journal no. 799 of 23 November 2007;

- Joint Order no. 335/2007 of the Minister of the Administration and Internal Affairs, of the Minister of Education, Research and Youth, of the Minister of Public Health, of the Minister of Labour, Family and Equal Opportunities, of the President of the National Authority for the Protection of Child Rights, of the Minister of Foreign Affairs, of the General Prosecutor and the Minister of Justice approving the national mechanism for the identification and referral of victims of human trafficking

- Government Decision no. 49/2011 approving the Framework Guidelines for the prevention and multi-disciplinary and network intervention in the cases of violence against children and family violence (annex 1) and the Guidelines for the multi-disciplinary and inter-institutional intervention concerning children who are exploited or in the jeopardy of labour exploitation, children who are victims of human trafficking, as well as migrant Romanian children victims of other forms of violence in the territory of other states (annex 2);

- Government Decision no. 1434/2004 on the powers and Framework Regulation for the organization and operation of the General Directorate of Social Assistance and Child Protection, with subsequent amendments and supplements – the department for intervention in cases of abuse, negligence, trafficking, migration and repatriation.

- Order of the State Secretary of the National Authority for Child Protection and Adoption¹⁶ (ANPCA) no. 177/2003 approving the mandatory minimum standards (MMS) concerning the counselling centre for abused, neglected and exploited children, as well as the mandatory minimum standards concerning the community resource centre for preventing child abuse, neglect and exploitation;

- Order of the State Secretary of National Authority for Child Protection and Adoption (ANPCA) no. 89/2004 approving the mandatory minimum standards concerning the emergency reception centre for abused, neglected and exploited children;

- Law no. 252/2010 for ratification designated the institutions in charge with the implementation of the Lanzarote Convention:

- The General Inspectorate of the Romanian Police within the Ministry of Administration and Internal Affairs as the institution in charge with the implementation of the provisions of Article 37 paragraph 1 of the Convention.

¹⁶ Currently, DPC-MMFPSPV (The Department for Child Protection within the Ministry of Labour, Family, Social Protection and Protection for Elderly)

- The Advocate of the People as the independent national institution in charge with the protection of child rights until the setting up of another independent national institution;
- The Ministry of Labour, Family and Social Protection as the national institution in charge with the promotion of child rights until the setting up of an independent national institution to promote and protect child rights,
- The Ministry of Labour, Family and Social Protection as the institution in charge, in accordance with the provisions of Article 10 paragraph 2 letter b) of the Convention,
- The Ministry of Justice, as the central institution in charge with the coordination and monitoring of the harmonization of domestic legal frame to the provisions of the Convention, as well as the institution that will represent Romania in the parties' Committee, in accordance with Article 39 paragraph 1 of the Convention.

Other measures:

- All 47 DGASPC set up the above-mentioned specialized department and intervene in all cases of sexual abuse or exploitation brought to their attention. At the same time, specialized services for children victims of violence are also provided to children who are victims of sexual abuse and exploitation.

Question b.

- The programmatic elements provided for in the National strategy in the field of the protection and fostering of children's rights 2008-2013, as well as in the Operational plan for the implementation of the National strategy in the field of the protection and fostering of children's rights 2008-2013, approved by the Government's Decision No. 860/2008, are applicable.

The main lines of action, as extracted from the strategy, are as follows:

- Raising awareness of the family with respect to its responsibility for the raising, upbringing and education of their own children;
- Promotion and respect of children's rights and civil liberties;
- Enhancing the access to health care services and adaptation of medical and health care services to children's needs;
- Ensuring equal access to education for all children;
- Respect of children's right to rest and promotion of recreational and cultural activities;
- Monitoring of children's rights;
- Respect of children's right to protection by multidisciplinary and inter-institutional intervention, against abuse, negligence and exploitation;
- Promotion of professional training;
- Prevention of the separation of the child from its parents and special protection of children separated by their parents by:
 - raising awareness within the local communities for the prevention of the separation of the child from its parents and support of families for the raising, upbringing and education of their own children;
 - continuation of the reform of social services for child and family;

- protection of some vulnerable groups of children and young people who need special attention (homeless children, child offenders, disabled children, children suffering of HIV/AIDS and other serious chronic / terminal diseases, young people who are about to leave the protection system).

The institutions in charge with the application of the strategy are indicated in Chapter VI of this programmatic document like follows:

- ✓ authorities of the local public administration;
- ✓ the Ministry of Internal Affairs with the emphasis on the role of police in the prevention of the separation of the child from its parents, especially in cases of abuse, negligence and exploitation, including acts of domestic violence against the child, by monitoring families who pose a risk to this respect and mandatory activation of authorities of the local public administration which are legally in charge with the intervention in such cases;
- ✓ National Anti-Drug Agency, having regard to alcohol, tobacco and drug consumption within children and teenagers;
- ✓ Ministry of Foreign Affairs, having regard to the complex reality of illegal migration, trafficking in children, the presence of Romanian children who are not accompanied by parents in other countries, repatriated children and children refugees, in cooperation with the Romanian authorities which are competent in the field, especially with the Ministry of Internal Affairs, Ministry of Justice and Ministry of Labour, Family, Social Protection and Elderly – Direction for Social Assistance and Child Protection;
- ✓ Ministry of Culture;
- ✓ Ministry of Education;
- ✓ Ministry of Labour, Family, Social Protection and Elderly;
- ✓ Ministry of Health;
- ✓ Ministry of Justice;
- ✓ National Audiovisual Council

- The National strategy against trafficking in human beings for the period 2012-2016 and the National action plan 2012-2014 for the implementation of the National strategy against trafficking in human beings for the period 2012-2016, approved by Government's Decision No. 1142/2012 set out a series of strategic objectives for the investigation of trafficking in human beings offences, especially cases of trafficking in children.

The main lines of action of the strategy are set out in Chapter VII and can be summarized as follows:

- Prevention of trafficking in human beings
- Protection, assistance and social reintegration of victims of trafficking in human beings
- Fight of trafficking in human beings
- Monitoring and assessment of trafficking in human beings and of the policy implementation
- Inter-institutional and international cooperation

The institutions which are in charge with the implementation of the strategic objectives specific to this programmatic document are indicated under point IX of the strategy, that is:

- ✓ Ministry of Internal Affairs by its specialized structures: National Agency Against Trafficking in Human Beings, General Inspectorate of the Romanian Police and its subordinated units all over the country, General Inspectorate of Border Police and its subordinated units all over the country, General Inspectorate for Immigration, the Prefect
- ✓ Ministry of Justice by its specialized structures: Department for Probation, Department for International Law and Judicial Cooperation, the Office for Crime Prevention and Cooperation with the asset recovery offices in the member states of the European Union, Department for European Affairs
- ✓ Ministry of Labour, Family, Social Protection and Elderly as a ministry for the merging and coordination of the implementation of Government's strategies and policies in the field of labour, family, equality of chances, social protection and children's rights
- ✓ Ministry of Education
- ✓ Ministry of External Affairs
- ✓ Ministry of Health
- ✓ General Prosecution Office by the Department for the Investigation of Organized Crime and Terrorism
- ✓ Superior Council of Magistracy

In this context, in spite of the fact that no strategy is applicable exclusively to the field of sexual exploitation of children, the programmatic documents mentioned comprise lines of action and strategic objectives which are specific to the field of reference.

The body responsible for the monitoring of the strategies is the Ministry of Labour, Family, Social protection and Elderly via the Direction for Child Protection, the bodies responsible for the implementation being all relevant ministries and local authorities.

- Government Decision no. 1156/2012 approving the National Strategy for the prevention and control of the phenomenon of family violence in the period comprised between 2013-2017 and the Operational Plan for the implementation thereof.

Question c.

- Guide concerning the identification of victims and potential victims of trafficking in human beings, approved by the Order of the Ministry of Labour, Social Protection and Family No. 33/20.02.2012;
- Intervention guidelines in cases of domestic violence of the National Agency for Family Protection (http://www.mpublic.ro/minori_2008/minori_5_11.pdf).
- Order of the secretary of state with the National Authority for Child Protection and Adoption¹⁷ (ANPCA) No. 177/2003 concerning the approval of mandatory minimum standards (SMO) in relation to the counselling centre for abused, neglected and exploited children, as well as of the mandatory minimum

¹⁷ Currently the Direction for Child Protection in the Ministry of Labour, Family, Social Protection and Elderly (DPC-MMFPSPV)

- standards in relation to the centre for community resources for the prevention of child abuse, negligence and exploitation;
- Order of the secretary of state with the National Authority for Child Protection and Adoption (ANPCA) No. 89/2004 concerning the approval of mandatory minimum standards (SMO) in relation to the centre for emergency reception of abused, neglected and exploited children;
 - The guide for the hearing of children within court proceedings, UNICEF Romania, Alternative Sociale Iași and the National Institute for Magistracy, 2009

The guides mentioned above take into consideration the European provisions regarding child protection.

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Did not reply. / N'a pas répondu.

SAN MARINO / SAINT MARIN

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

SERBIA / SERBIE

Question a.

Ministry of Health:

The adoption and implementation of the Special health care system protocol for protection of children from abuse and neglect represents a response from the healthcare system concerning protecting children from abuse and neglect.

Ministry of Interior:

Laws and by-laws implemented by police officers in this field:

- Criminal Code (Official Gazette of RS, 85/05, 88/05-corrigendum, 107/05-corrigendum, 72/09, 111/09 and 121/12);
- Law on Juvenile Crime Offenders and Criminal Law Protection of Juveniles (Official Gazette of RS, 85/05);
- Criminal Procedure Code (Official Gazette of RS, 72/2011, 101/2011, 121/2011, 32/2013 and 45/2013)
- Law on Special Measures for the Prevention of Sexual Crimes Against Minors (Official Gazette of RS, 32/21)
- Law Ratifying Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Official Gazette of RS – MU 1/10)

Special protocol on the follow-up of the police officers in provision of protection to minors from abuse and neglect (01 no. 1039/12-7 of 14 March 2012).

Ministry of Youth and Sport:

The National Youth Strategy ("Official Gazette RS" No 55/08), as the strategic document treating the status of the population between 15 and 30 years of age, was adopted by the Government of the Republic of Serbia in 2008 and will last until 2014. The Action Plan for its implementation in the period 2009-2014 was adopted in 2009. These documents don't explicitly protect children and young people against sexual exploitation and sexual abuse, but contain 11 general strategic objectives that are to be achieved and, among them, one of the most important is providing safety for the relevant population. Also, drafting the Protocol on protection of children and young people against violence in recreational and sport activities is currently ongoing.

Ministry of Justice:

Under Article 178, of the Criminal Code, Rape, the following is proscribed: (1) Whoever by using of force or a threat of direct attack against at person's body or the body of another forces that person to copulation or an equivalent act, shall be punished with imprisonment of from three to twelve years. (2) If the offence referred to in paragraph 1 of this Article is committed under threat of disclosure of information against such person or another that would discredit such person's reputation or honour, or by threat of other grave evil, the offender shall be punished with imprisonment of from two to ten years. (3) If the offence referred to in paragraphs 1. and 2. of this Article resulted in grievous bodily harm of the person against whom the offence is committed, or if the offence is committed by more than one person or in a particularly cruel or particularly humiliating manner or against a juvenile or the act resulted in pregnancy, the offender shall be punished with imprisonment from five to fifteen years. (4) If the offence referred to in paragraphs 1. and 2 of this Article results in death of the person against whom it was committed or if committed against a child, the offender shall be punished with imprisonment of minimum ten years. The Article 179 provides for the criminal offence of Sexual Intercourse with a Helpless Person. Thus, under paragraph (1) thereof, Whoever has sexual intercourse with another or commits an equal act by taking advantage of such person's mental illness, mental retardation or other mental disorder, disability or some other state of that person due to which the person is incapable of resistance, shall be punished with imprisonment of two to ten years. Under paragraph (2) thereof, If the helpless person suffers serious bodily harm due to the offence referred to in paragraph 1 of this Article, or the offence has been committed by several persons, or in a particularly cruel or humiliating manner, or against a juvenile, or if the act resulted in pregnancy, the perpetrator shall be punished with imprisonment of five to fifteen years. (3) If the offence referred to in paragraphs 1. And 2 of this Article results in death of the person against whom it was committed or if committed against a child, the offender shall be punished with imprisonment of minimum ten years. Article 180 regulates criminal offence of Sexual Intercourse with a Child. Therefore, under paragraph (1) thereof, whoever has sexual intercourse or commits an equal act against a child, shall be punished with imprisonment from three to twelve years. Under paragraph (2) thereof, if the offence specified in paragraph 1 of this Article results in grievous bodily harm of the child against whom the act was committed or if several persons or the act commits the act resulted in pregnancy, the offender shall be punished with imprisonment from five to fifteen years. (3) If death of the child results due to the

offence specified in paragraphs 1. and 2 of this Article, the offender shall be punished with imprisonment of minimum ten years. (4) An offender shall not be punished for the offence specified in paragraph 1 of this Article if there is no considerable difference between the offender and the child in respect of their mental and physical development. Article 181 regulates criminal offence of Sexual Intercourse through Abuse of Position. Therefore, under paragraph (1) thereof, whoever by abuse of position induces to sexual intercourse or an equal act a person who is in a subordinate or dependant position, shall be punished with imprisonment of three months to three years (2) Teacher, tutor, guardian, adoptive parent, stepfather or other person who through abuse of his position or authority has sexual intercourse or commits an act of equal magnitude a juvenile entrusted to him for learning, tutoring, guardianship or care, shall be punished with imprisonment from one to ten years. (3) If the offence specified in paragraph 2 of this Article is committed against a child, the offender shall be punished with imprisonment of three to twelve years. (4) If the offence specified in paragraphs 1 through 3 of this Article resulted in pregnancy, the offender shall be punished for the offence specified in paragraph 1 by imprisonment from six months to five years, and for the offence specified in paragraph 2 by imprisonment from two to twelve years, and for the offence specified in paragraph 3 by imprisonment from three to fifteen years. (5) If death of the child results due to offence specified in paragraph 3 of this Article, the offender shall be punished with imprisonment of minimum ten years. Article 183 regulates Prohibited Sexual Acts. Under paragraph (1) thereof, whoever pimps a minor for sexual intercourse or an equal act or other sexual act, shall be punished with imprisonment of one to eight years and a fine. (2) Whoever procures a minor for sexual intercourse or an act of equal magnitude or other sexual act, shall be punished with imprisonment of six months to five years and a fine. Mediation in Prostitution is criminalised under Article 184 of the Criminal Code. Thus, under paragraph (1) thereof, whoever causes or induces another person to prostitution or participates in handing over a person to another for the purpose of prostitution, or who by means of media or otherwise promotes or advertises prostitution, shall be punished with imprisonment of six months to five years and a fine. (2) If the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished with imprisonment from one to ten years and a fine. Showing, procuring and possession of Pornographic Material and Juvenile Pornography is subject of Article 185. Thus, under paragraph 1 thereof, (1) whoever sells, shows or publicly displays or otherwise makes available texts, pictures, audio-visual or other items of pornographic content to a minor or shows to a child a pornographic performance, shall be punished with a fine or imprisonment up to six months. (2) Whoever uses a minor to produce photographs, audio-visual or other items of pornographic content or for a pornographic show, shall be punished with imprisonment from six months to five years. (3) If the offence specified in paragraphs 1 2 hereof has been perpetrated against a child, the offender shall be punished with imprisonment of six months to three years for the offence from paragraph 1 and with imprisonment of one year to eight years for the offence from paragraph 2. (4) Whoever obtains for himself or another, possesses, sells, shows, publicly exhibits or electronically or otherwise makes available pictures, audio-visual or other items of pornographic content resulting abuse of a juvenile, shall be punished with imprisonment from three months to three years. (5) Items specified in paragraphs 1 through 4 of this Article shall be confiscated. The criminal act of inducing a Minor to Attend Sexual Acts is regulated under Article 185. Thus, under paragraph (1) thereof, whoever induces a minor to attend a rape,

sexual intercourse, or an act equivalent to it, or some other sexual act, shall be punished with imprisonment of six months to five years and a fine. (2) If the offence referred to in paragraph 1 hereof has been perpetrated using force or threat, or against a child, the offender shall be punished with imprisonment of one year to eight years. Abuse of Computer Networks and Other Methods of Electronic Communication to Commit Criminal Offences Against Sexual Freedom of Minors is criminalized under Article 185b. Therefore, Under Article (1) thereof, whoever with intent to commit an offence referred to in Article 178 paragraph 4, Article 179, paragraph 3, Article 180, paragraphs 1 and 2, Article 181, paragraphs 2 and 3, Article 182, paragraph 1, Article 183, paragraph 2, Article 184, paragraph 3, Article 185, paragraph 2, and Article 185a herein and using computer networks or other method of electronic communication makes an arrangement to meet with a minor and arrives at the prearranged meeting place in order to meet with the minor, shall be punished with imprisonment of six months to five years and a fine. (2) Whoever perpetrates the offence referred to in paragraph 1 hereof against a child, shall be punished with imprisonment of one year to eight years. Under Article 197, of the Criminal Code, Incest, the following is proscribed: an adult who engages in sexual intercourse or an act of equal magnitude with an underage relative by blood, or an underage sibling, shall be punished with imprisonment of six months to five years. Under Article 388, of the Criminal Code, Human Trafficking, the following is proscribed: Under paragraph (1) thereof, Whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person with intent to exploit such person's labour, forced labour, commission of offences, prostitution, mendacity, pornography, removal of organs or body parts or service in armed conflicts, shall be punished by imprisonment of three to twelve years. (2) When the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration. (3) If the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished by imprisonment of minimum five years. (4) If the offence referred to in paragraphs 1 and 2 of this article resulted in severe bodily harm, the perpetrator shall be punished with imprisonment from five to fifteen years, and in case of severe bodily harm to a juvenile person due to the offence referred to in para 3, the perpetrator shall be punished with minimum five years' imprisonment. (5) If the offence referred to in paragraphs 1 and 3 of this Article, resulted in death of one or more persons, the offender shall be punished with imprisonment of minimum ten years. (6) Whoever habitually engages in offences specified in paragraphs 1 and 3 of this Article or if a group commits the offence, shall be punished by imprisonment of minimum five years. (7) If the offence specified in paragraphs 1 through 3 hereof has been perpetrated by an organized crime group, the offender shall be punished with imprisonment of minimum ten years. (8) Whoever knows or should have known that a person is a victim of human trafficking and abuses their position or allows another to abuse their position for the purpose of exploitation referred to in paragraph 1 hereof, shall be punished with imprisonment of six months to five years. (9) If the offence referred to in paragraph 8 hereof has been committed against a person whom the offender knows or should have known is a minor, the offender shall be punished with imprisonment of one year to eight years. (10) Person's

consent to be exploited or held in slavery or servitude referred to in paragraph 1 hereof shall not prejudice the existence of the criminal offence stipulated under paragraphs 1, 2, and 6 hereof.

NGO Atina:

1. The law on Juvenile Offenders and Criminal Protection of Juveniles ("Official Gazette of RS", No. 85/2005)
2. THE LAW ON SPECIFIC MEASURES TO PREVENT COMMISSION OF CRIMINAL OFFENCES AGAINST SEXUAL FREEDOM OF JUVENILES (Official Gazette No. 32/2013)
3. Criminal Code ("Official Gazette of RS", No. 85/2005, 88/2005 - amend., 107/2005 - amend., 72/2009, 111/2009 and 121/2012)
4. The Code of Criminal Procedure ("Official Gazette of RS", No. 72/2011, 101/2011, 121/2012, 32/2013 and 45/2013)
5. Law on Ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, "Official Gazette of RS – International Contracts", No. 1/2010
6. Family Law ("Official Gazette of RS", No. 18/2005 and 72/2011 – state law)
7. The law on Protection of Personal Data ("Official Gazette of RS", No. 97/2008, 104/2009 – state law, 68/2012 – decision of the Constitutional Court and 107/2012)
8. General Protocol for the Protection of Children Against Child Abuse and Neglect (adopted by the Resolution of the Government dated August 25, 2005, 05 No. 011-5196/2005)
9. Special Protocol on the procedures of judicial authorities to protect minors from abuse and neglect (No. 560-01-1/2009-01 June 17, 2009)
10. Special Protocol for the protection of children in social welfare institutions from abuse and neglect (ISBN: 86-7704-015-3, dated February 17, 2006)
11. Special Protocol on the treatment of police officers in protecting minors from abuse and neglect (01 No. 1039/12-7 dated March 14, 2012)
12. Special Protocol of health care system for the protection of children from abuse and neglect (ISBN: 987-86-82471-79-0, April, 2009)
13. Special Protocol for the protection of children and students from violence, abuse and neglect in educational institutions (ISBN: 978-86-7452-028-4 since October 4, 2007)
14. Rulebook of Protocol on treatment at the institution in response to violence, abuse and neglect (Official Gazette of RS No. 30/10)

Guidelines on the conduct of police officers toward minors and young adults (01 No. 4898/06 since May 1, 2006)

NGO Astra:

- General Protocol for the Prevention of Child Abuse and Neglect (Adopted by the Resolution of the Government on August 25th 2005, 05 no. 011-5196/2005)

- Special protocol for the protection of children in social care from abuse and neglect (ISBN: 86-7704-015-3, from February 17th 2006.)
- Special Protocol of the health care system for the protection of children from abuse and neglect (ISBN: 987-86-82471-79-0, April 2009.)
- Special protocol for the protection of children and students from violence, abuse and neglect in educational institutions (ISBN: 978-86-7452-028-4 from October 4th 2007.)
- The Criminal Code ("Official Gazette of RS", no. 85/2005, 88/2005 - corr., 107/2005 - corr.,
- 72/2009, 111/2009, 121/2012 and 104/2013):

NGO Centre for Children Rights:

The internal law contains numerous provisions whereby protection of children from sexual exploitation and sexual abuse is provided for.

Criminal Code of the Republic of Serbia criminalizes various acts that fall under the category of sexual exploitation and sexual abuse under the Convention. Such offences are criminalised under the Chapter XVIII of the Criminal Code – Criminal Offences Against Sexual Freedom (rape, sexual intercourse with helpless person, intercourse with a child, sexual intercourse through abuse of a position, prohibited sexual acts, procurement of sexual services, mediation in prostitution, Exhibition, Procurement and Possession of Pornographic Materials and Exploiting Juveniles for Pornography, Incitement of Minors to Attend Sexual Acts, Abuse of Computer Networks or other Technical Communication Means for Committing Criminal Offences against Sexual Freedom of Juveniles) Chapter XIX of the Criminal Code - CRIMINAL OFFENCES AGAINST MARRIAGE AND FAMILY (Cohabitation with Minors, Neglecting and Abusing Juveniles, Domestic Violence, Incest), Chapter XXXIV -CRIMINAL OFFENCES AGAINST HUMANITY AND OTHER RIGHT GUARANTEED BY INTERNATIONAL LAW (Human Trafficking).

As a rule, sentences that may be pronounced to the offenders of some of the referred to criminal acts are more severe if victims are children or minors than adults. Besides, sexual intercourse with a child (Article 180 of the CC), Procurement of Sexual Services (Art. 183 of the CC), mediation in prostitution (Art. 184, paragraph 2) and Incitement of Minors to Attend Sexual Acts (Art. 185a, CC) are proscribed as special criminal acts the exclusive objective of which is to protect children and other minors. By the revision of the Criminal Code in 2009, sentences for almost all criminal acts against sexual freedoms have been significantly increased, and in particular those for criminal offences against sexual freedoms in which children and minors are victims. Regarding criminal offences of procurement of sexual services and mediation in prostitution, the court is bound to pronounce a fine in addition to prison sentence. Finally, in certain cases, the Criminal Code proscribes a harsher sentence when a victim is a child than when it is other minor.

Under the Criminal Code, attempt, Aiding and Abetting in commission of such criminal offences are also classified as punishable acts.

Although the legislator has demonstrated his explicit intention to protect children and juveniles from any form of exploitation, there are certain fields, which needs to be mentioned here regarding further alignment of our criminal law with the assumed international obligations. Firstly, the following forms of conduct are not explicitly criminalised, i.e. determined as criminal offences:

- An offence of “earning or any other form of exploitation to that end” as a method of commission of a criminal act of Procurement of Sexual Services is not criminalized.
- Cases when a criminal group has committed various forms of forced prostitution.
- Use of services of child prostitution is not explicitly criminalized as a criminal offence, rather criminal liability is there only if the child is under 14 years of age (criminal offence of sexual intercourse with a child).
- Wilful presence at pornographic shows in which children take part is not criminalised in the internal law.

Regarding offences pertaining to child prostitution, the law does not take into account as aggravating circumstance the fact that offender, intentionally or by negligence, endangered a child’s life or that such a criminal act involves grave violence or has caused severe damage to the child.

Regarding the offences which pertain to child pornography, the sentences determined are too mild bearing in mind that child pornography is more than pornography itself: it usually goes hand in hand with child abuse and can seriously damage and injure physical and mental integrity of the child.

The Law on Juvenile Criminal Offenders and Criminal Law Protection of Juveniles contains a special part pertaining to children who are victims and children who are witnesses of criminal offences, and also contains a set of provisions ensuring prevention of secondary victimisation and leaving out damaging consequences of the procedure to the personality of a minor.

The Family Code of the Republic of Serbia regulates procedures of the pronouncement of security measures in cases of domestic violence, pronouncement of measure of deprivation of parental rights, protection of the child and other procedures of relevance for this subject matter.

Legal and institutional framework in this field was additionally improved in 2013, in particular given that the new Criminal Procedure Code (Official Gazette of RS 72/2011, 101/2012, 121/2012, 32/2013 и 45/2013) come into effect, which contains provisions on questioning of particularly vulnerable witnesses and also given the enactment of the Law on Special Measures for the Prevention of Criminal Offences Against Sexual Freedoms Regarding Minors (Official Gazette of RS 32/12) laying down special measures to be taken against criminal offenders who commit sexual offences against minors and to establish that criminal prosecution shall not be subject to prescription.

Also, by adopting in 2005 the General Protocol for the Protection of Children from Abuse and Neglect, and special protocols for the protection of children from violence, abuse and neglect to be followed in education, social welfare, healthcare, justice and law-enforcement, competences and follow-up of all actors involved in multi-sectoral protection of children in cases of child abuse and neglect

Although legal framework has been advanced, in practice we have problems with implementation of the enacted legal acts and of functioning of control mechanism, inefficient inter-sectoral cooperation in provision of the protection to children from violence, absence of the child-friendly justice system, and lacking programme of support, reintegration and prevention.

Question b.

Ministry of Interior:

Adopted strategic papers:

- National Action Plan for Children (2004-2015);
- National strategy for prevention and protection of children from violence (Official Gazette of RS, 122/08);
- Action Plan of the National strategy for prevention and protection of children from violence (Official Gazette of RS, 15/10);
- National Strategy for Young Persons (Official Gazette of RS, 55/08);
- Action Plan of the National Strategy for Young Persons (Official Gazette of RS, 55/08);

Drafts:

- National strategy for prevention and protection of children from trafficking and exploitation, pornography and prostitution (2011 – 2015);
- Action plan for prevention and protection of children from exploitation and pornography by abusing information and communication technologies in the Republic of Serbia (2012-2014);
- National strategy of prevention and suppression of human trafficking, in particular women and children and protection of victims (2013-2018);
- Action plan of the National strategy of prevention and suppression of human trafficking, in particular women and children and protection of victims (2014-2015);

NGO Atina:

- National Strategy for the Prevention and Protection of Children from Violence ("Official Gazette of RS", No. 122/2008)
- Draft of the national Strategy to prevent and combat human trafficking and protect the victims in the Republic of Serbia for the period 2013-2018.

Draft of the accompanying Action Plan for implementation of the Strategy for the period 2013-2014.

NGO Astra:

The recommendation of the Committee (71g) to the initial report of the Republic of Serbia on the application of the Convention on the rights of the child, which refers to the development of a comprehensive strategy to prevent child trafficking and sexual exploitation of children, has not been implemented yet, although the Government of the Republic of Serbia adopted, by their decision on 11 March 2010th an Action Plan for implementation of the National Strategy for the Prevention and Protection of Children from Violence (2010 - 2012), which defines the activity: preparation and adoption of a national strategy to combat child trafficking.

At the time of writing of this report the Republic of Serbia still does not have a new strategy and a national action plan to combat human trafficking. A draft Strategy for prevention and combating of trafficking and protection of victims and the Action Plan for the period 2013-2018 have been made. The draft Strategy has defined five specific objectives, with a special target number 5 referring to the children: "Children are protected from human trafficking and its consequences through special participatory programs that are implemented in their best interest."

Protector of Citizens:

Joint answer for items a and b:

In 2005, the Government of the Republic of Serbia adopted the General Protocol on Protection of Children from Abuse and Neglect, which laid down the mandatory steps to be taken by government and other authorities in cases where they learn/suspect a child¹⁸ is or could be exposed to some form of violence. The General Protocol defines abuse and neglect and their respective forms, including sexual exploitation and sexual violence. One of the duties imposed by the General Protocol is the adoption of special protocols on protection of children from abuse and neglect, which were adopted by the respective ministries within the next four years (by 2009)¹⁹. The Ministry of Education, Science and Technological Development has also adopted the Regulations on the Protocol of Actions in Response to Violence, Abuse and Neglect, which gave the provisions of the Special Protocol on Protection of Children from Abuse and Neglect in Educational Institutions the shape of an implementing regulation, thereby making it legally binding for all educational institutions.

¹⁸ "Child" means a person under 18 years of age.

¹⁹ Special Protocol on Actions of Police Officers in Protection of Juveniles from Abuse and Neglect, Ministry of Internal Affairs, 2006; Special Protocol on Protection of Children in Social Welfare Institutions from Abuse and Neglect, Ministry of Labour, Employment and Social Policy, 2006; Special Protocol on Protection of Children and Pupils from Violence, Abuse and Neglect in Educational Institutions; Special Protocol of the Health Care System on Protection of Children from Abuse and Neglect, Ministry of Health, 2009; Special Protocol on Procedure of Judicial Authorities in Protection of Juveniles from Abuse and Neglect, Ministry of Justice and Public Administration, 2009.

In late 2005, Serbia enacted the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles²⁰, a modern *lex specialis* based on the principles of restorative justice, which - in regard to the general provisions of Criminal Procedure Code²¹ - lays down specific provisions governing the status of children offenders and children victims of specific criminal offences²². The latter provisions apply also to children who are victims of criminal offences against sexual freedom²³ and against marriage and family²⁴. The provisions of this Law allow for the imposition of specific measures to protect a child victim from repeat victimization (prosecutors and judges have a duty to try to avoid any actions that may harm a child's personality and development; a child should be questioned with the assistance of psychologist, pedagogue or other qualified person; a child can be questioned at most twice, except if the court finds further hearings necessary; audio and video links may be used when a child is heard, without the presence of the parties and other participants in the proceeding; a possibility to question a child in a separate room or in his/her home)²⁵.

The enactment of the Law on Special Measures to Prevent Criminal Offences against the Sexual Freedom of Minors, the so-called "Maria's Law"²⁶, was a major step forward in the effort to protect children against sexual violence. This Law introduced a number of novelties: impossibility to mitigate the penalty and unavailability of release on parole; imposition of special protective measures and specific legal consequences of conviction with duration up to 20 years; introduction of special records of persons convicted for any of the criminal offences listed above; and it lifted all statutes of limitation on criminal prosecution and enforcement of penalty for criminal offences against the sexual freedom of children (Rape; Sexual Intercourse with a Helpless Person; Sexual Intercourse with a Child; Sexual Intercourse through Abuse of Position; Prohibited Sexual Acts; Pimping and Procuring; Mediation in Prostitution; Showing Pornographic Material and Child Pornography; Inducing a Minor to Attend Sexual Acts²⁷; Abuse of Computer Networks and Other Methods of Electronic Communication To Commit Criminal Offences Against Sexual Freedom of Minors²⁸).

NGO Centre for Children Rights:

²⁰ "Official Gazette of the Republic of Serbia" No. 85/2005.

²¹ "Official Gazette of the Republic of Serbia" Nos. 72/2011, 101/2011, 121/2012, 32/2013 and 45/2013.

²² Article 150 of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles.

²³ Rape (Article 178 paragraphs 3 and 4 of the Criminal Code); Sexual Intercourse with a Helpless Person (Article 179 paragraphs 2 and 3 of the Criminal Code); Sexual Intercourse with a Child (Article 180 of the Criminal Code); Sexual Intercourse through Abuse of Position (Article 181 of the Criminal Code); Prohibited Sexual Acts (Article 182 of the Criminal Code); Pimping and Procuring (Article 183 of the Criminal Code); Mediation in Prostitution (Article 184 paragraph 2 of the Criminal Code); Showing Pornographic Material and Child Pornography (Article 185 of the Criminal Code).

²⁴ Of relevance for this report are those provisions of the Criminal Code which pertain to the criminal offences Cohabiting with a Minor (Article 190) and Incest (Article 197).

²⁵ Article 152 of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles.

²⁶ The enactment of this Law was initiated by the father of a girl named Marija, who was raped and then murdered by an older man she knew, who had already been convicted for an identical criminal offence in the past.

²⁷ Article 185a of the Criminal Code.

²⁸ Article 185b of the Criminal Code.

National Strategy for the Prevention and Protection of Children from Violence was adopted in 2008. Strategic general objectives include development of safe environment in which every child will be able to exercise its rights and to be protected from every form of violence. It also encompasses the goal to set up a national system of prevention and protection of children from all forms of abuse, neglect and exploitation.

Strategy to Combat Trafficking in Human Beings in the Republic of Serbia was adopted in 2006, simultaneously with its National Action Plan from 2009 through 2011, both papers treating children as a sub-issue of the wider issue of human trafficking therefore rendering measures and activities which relate to adult persons to be applicable as well to children (minors, juveniles) victims of human trafficking. None of the objectives and goals defined in these papers is exclusively focused to children, which is one of the basic faults of these documents.

Furthermore, the Republic of Serbia does not have any new human anti-trafficking strategy paper or action plan. Strategy of the Prevention and Suppression of Human Trafficking and the Protection of Victims and its Action Plan covering period from 2013 to 2018 has been drafted. It defines five special objectives of which Special Objective 5 is related to children and reads: "Children will be protected from human trafficking and its consequences by special participation programmes implemented in their best interest." By the Conclusion of the Government of the Republic of Serbia of 11 March 2010, the Action Plan (2010-2012) was adopted, which, among others, defines the activity of: Preparation and adoption of the National Strategy for Combating Child Trafficking. However, the comprehensive strategy for the prevention of trafficking in children and sexual exploitation has not been drafted to date.

In 2010 and 2011, in cooperation with the ministries responsible for human and minority rights, public administration and local government, interior, informing and information society, social policy, Service for Coordination of the Protection of Victims of Human Trafficking, Higher Public Prosecutor's Office in Belgrade, Organisational unit of the INTERPOL for Serbia and citizens' associations Beosuport, Atina and Astra, Centre for the Right of the Child drafted National Strategy for the Prevention and Protection of Children from Trafficking and Child Exploitation in Pornography and Prostitution.

The Draft envisages development of three operational papers – action plans (on the prevention and protection of children from trafficking and exploitation for pornographic and prostitution purposes). In 2011, the Action Plan for the Prevention and Protection of Children from Exploitation for Pornography by Abusing Information and Communication Technologies (2012-2014) was drafted, elaborating a part from the Draft Strategy pertaining to the prevention and protection of children from exploitation for pornography by abusing ICT. The inter-sectoral working group composed of representatives of relevant ministries, state institutions and citizens' associations prepared the Action Plan Draft.

Both drafts, i.e. of the Strategy and of the Action Plan for the Prevention and Protection of Children from Exploitation for Pornography by Abusing Information and Communication Technologies have been communicated to the Ministry of Interior for opinion and examination, with the aim of their adoption by the Government of the Republic of Serbia.

Although all the relevant ministries and line organisational law-enforcement units passed positive opinion on the documents, the Ministry of Interior failed to submit them to the Government for adoption. Instead, in the draft of the Strategy of the Prevention and Suppression of Human Trafficking and Protection of Victims, it envisaged a special objective concerning child, which is related solely to protection of children who are victims of human trafficking. Thus an opportunity to define in a comprehensive and overall manner public policy of protection of children from trafficking and child exploitation for pornography and prostitution is missed.

Question c.

Ministry of Justice:

Judges, public prosecutors and other experts on the right of the child and/or juvenile take part in the proceedings conducted with the participation of children. Under Article 44 of the Law on Juvenile Criminal Offenders and Criminal Law Protection of Juveniles, a Juvenile judge and juvenile bench judges must be persons who have acquired special qualifications in the field of the rights of the child and juvenile delinquency. Lay judges are elected from the ranks of teachers, professors, educators and other qualified persons experienced in work with children and youth. Under Article 49 thereof, a juvenile shall have defence counsel during the first questioning and throughout the proceedings. If the juvenile, his legal representative or relatives fail to retain counsel, such counsel shall be appointed ex officio by the Juvenile judge. Counsel for the juvenile may be only an attorney with special qualification in the field of the rights of the child and juvenile delinquency.

NGO Centre for Child Rights:

To date, in the Republic of Serbia there are no guidelines developed which are supposed to ensure law enforcement, application of measures and implementation of strategies in a child-friendly manner. Child-friendly versions have only been developed regarding the enforcement of the Law on Juvenile Criminal Offenders and Criminal Law Protection of Juveniles and enforcement of criminal sanctions pronounced to juveniles, mostly covering offenders, and not children who are victims of criminal offences and children who are witnesses of criminal offences. Reform of Judiciary in part pertaining to compliance with the principle of child-friendly judiciary in civil law and administration law proceedings have not been implemented to date, thus seriously preventing children to protect their lawfully established and guaranteed rights.

SLOVAK REPUBLIC / REPUBLIQUE DE SLOVAQUE

Did not reply. / N'a pas répondu.

SLOVENIA / SLOVENIE

Did not reply. / N'a pas répondu.

SPAIN / ESPAGNE

Question a.

1. Legal framework

The draft Law on the Standing of Victims, the draft reform of the Criminal Code and the Criminal Procedure Act are the three pillars of the criminal reform announced a year ago.

Previously, Organic Act 5/2010, of 22 June, amending the Spanish Criminal Code introduced greater protection in the exercise of children's rights, in compliance with the international obligations assumed by Spain.

The draft reform of the Criminal Code raises the age of sexual consent and improves criminal treatment of offences against sexual exploitation. Moreover, the conduct of causing a child under the age of sixteen to witness acts of sexual nature or sexual abuses on third persons is defined as a new separate offence. Special attention is drawn to the punishment of acts related to child pornography too.

The draft Law on the Standing of Victims has been designed to achieve a double aim: to be a general list of procedural and extra-procedural rights for all victims of crime in line with European regulations, and to provide a global response to victims of crime from a legal and social perspective. It is intended to redress the damage within the framework of the process and to avoid or mitigate the traumatic effects caused and those that may arise during the course of criminal proceedings.

The draft Law on the Standing of Victims establishes a general list of the victims of any form of offence that has been committed or that may be subject to legal proceedings in any Member State of the European Union. Not only does this affect directly victims but also victims' families.

In contrast to the present situation, victims' rights will not cease upon testifying against the person who has broken the law. As from the entry into force of this new legislation, the victim will be entitled to be informed throughout the whole time that criminal sanctions on the part of the State are in force against the offender.

Finally, the Ministry of Justice and the Ministry of Health, Social Services and Equality are updating legislation on child protection, which means amending the Spanish Civil Code and Organic Act 1/1996 on the Legal Protection of Minors at the same time.

The most important aspect of the reform is the development of the concept "the best interests of the child" (general principle, substantive law and procedural rules) and the reinforcement of two general principles: the supremacy of the child's interest and the protection of children from all forms of violence.

2. Action plans

The Council of Ministers adopted the National Strategic Plan for Childhood and Adolescence 2013-2016 in April 2013. It includes some measures to prevent child sexual abuse and exploitation:

- Developing research lines for the investigation of child sexual abuse and any form of violence against children in the circle of trust.
- Using data on child mistreatment and its different types obtained from RUMI (unified register of child abuse).
- Establishing homogenous criteria to determine situations of risk through common intervention protocols for minors and families.

3. Other measures to prevent and combat sexual exploitation of children

The General Directorate of Services for Family and Children (Ministry of Health, Social Services and Equality) has provided on-line courses for social workers for the last two years. Their objective is to improve detection and assistance to victims of child trafficking for the purpose of sexual exploitation in the protection services of the Autonomous Regions.

Moreover, the Ministry of Health, Social Services and Equality funds care programmes developed by NGOs. The funding of programmes aimed at the prevention and care of sexual abuse of children amounted to 1,093,017.38 € in 2013. The Ministry also cooperates with the European Union project "Development of common guidelines and procedures on identification of victims of trafficking": ISEC "Euro Traf Guid".

ECPAT (FAPMI) and Save the Children have carried out many awareness-raising campaigns to prevent sexual exploitation. Save the Children has recently published a report entitled "Sexual violence against boys and girls. Abuse and sexual exploitation of children", a guide for professionals involved in the protection, assistance and care of child victims.

ECPAT (FAPMI) is responsible for the development of the "One in five" campaign in Spain with the financial support of the Ministry of Health, Social Services and Equality.

On another point, Spanish State Secretary for Security (Ministry for Home Affairs) takes part, through the law enforcement authorities, in several institutional (Spanish Observatory on Children) and/or private initiatives against sexual exploitation of children, such as an agreement between the General Directorate of Guardia Civil and "Protégeles" organisation on the fight against sexual exploitation in communication technologies.

Question b.

The Third Plan of Action against the Sexual Exploitation of Children and Adolescents (2010-2013) was approved by the Spanish Observatory on Children in December 2010. The Ministry of Health, Social Services and Equality has coordinated its implementation and the Observatory is currently assessing it.

<http://www.observatoriodelainfancia.msssi.gob.es/productos/pdf/IIIPlanContraExplotacion.pdf>

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This Plan remains faithful to the objectives of previous Plans: the prevention and care of sexual abuse and the restoration of victims' rights. It was based on the Recommendations and Observations of the United Nations' Committee on the Rights of the Child and the conclusions of the three World Congresses against the Sexual Exploitation of Children.

The most important aspects of the Plan are the following:

- Public awareness campaigns through educational programmes aimed at parents.
- Inclusion of education on sexual exploitation of children in the curricula of university degrees and training cycles.
- Promotion of treatment programmes for adolescent sexual abusers.
- Dissemination of helplines and web sites for children and adolescents.
- Control over leisure offers and advertising showing sexual exploitation of children.

In addition, the Comprehensive Plan to Combat Trafficking in Human Beings for the Purpose of Sexual Exploitation, agreed by the Council of Ministers on 12 December 2008, incorporated recommendations and concrete actions for child victims. The Social Forum against Trafficking and the Working Group on Childhood monitored the Plan that is being assessed at present. The adoption of the Framework Protocol for the Protection of Victims of Trafficking in October 2011 was an important step.

Finally, the Ministry for Home Affairs created a Police Anti-trafficking Brigade last year and launched an awareness-raising campaign, which provides a free telephone number and e-mail.

Question c.

The Ministry of Justice has started setting up child-friendly courtrooms in Murcia within the framework of Council of Europe Guidelines on Child-Friendly Justice. The experiences of NGO such as "ADIMA" and "Márgenes y Vínculos" have also been taken as inspiration.

Moreover, Spain ratified in June 2013 the Optional Protocol to the Convention on the Rights of the Child. Every child shall be able to file a complaint against any violation of his/her rights and the case shall be examined by a Committee of Experts once it comes into force (as from 14 April 2014).

As regards helplines for children, "ANAR" Foundation has been managing a 24-hour free domestic helpline since 1994 with the support of the Ministry of Health, Social Services and Equality. The Foundation manages now the Harmonized European Number 116111, which received 1.871 calls in 2013.

With respect to the dissemination of children's rights, a large number of awareness-raising campaigns about the Convention on the Rights of the Child are launched in the media, internet and social networks. They target the general population and children at schools, hospitals and health centers. Additionally, the Universal Children's Day is celebrated with many events promoted by public administrations and NGO.

Lastly, the Second National Strategic Plan for Childhood and Adolescence has a child-friendly version called "The adventure of PENIA". This is the link:

<http://plataformadeinfancia.org/publicaciones/documento/penia-plan-estrategico-nacional-de-infancia-adolescencia-version-amigable>

<http://plataformadeinfancia.org/publicaciones/documento/reinventando-penia>

<http://plataformadeinfancia.org/node/3678>

Here are some links to web pages of law enforcement authorities related to children's rights and sexual abuse:

<http://www.pjuegosolicia.es//index.php>

<http://www.guardiacivil.es/es/servicios/violenciadegeneroyabusosamenores/abusosexualmenores/index.html>

SWEDEN / SUEDE

Question a.

The legislation on sexual crimes can be found in the Swedish Penal Code, chapter 6. New legislation on sexual crimes came into force on 1 April 2005. The purpose of the legislation is to further strengthen and make clear the absolute right of every individual to personal and sexual integrity and sexual self-determination and to highlight and strengthen in different ways protection for children and young people from sexual violations. Several new penal provisions that only protect children were introduced by the Reform – rape of a child, sexual exploitation of a child, sexual abuse of a child. Under these provisions, the use of violence or threats is no longer a requirement for the crimes to be applicable.

The legislation also includes several penal provisions focusing on sexual exploitation of children, e.g. exploitation of a child for sexual posing, purchase of sexual acts from children and contact with a child for a sexual purpose.

The Sexual Offences Reform of 2005 has been evaluated. One of the conclusions of the commission is that sexual offences against children are generally attributed a higher penal value today than prior to the Reform. In particular, the Reform has involved a significant lift in the stringency of penalties as regards acts that are charged as rape of a child.

To further strengthen the legislation on sexual crimes some amendments to the legislation were also made on 1 July 2013. Several of the amendments aimed to improve the protection of children. For example the scope of the provision on gross sexual abuse of a child was broadened.

(Enclosed to the questionnaire is an unofficial translation of Chapter 6 of the Swedish Penal Code on sexual crimes.)

Question b.

A national action plan against sexual exploitation of children was presented already in December 2007, containing a description of the work carried out in the area between 2001 and 2007 as well as ten measures initiated by the Government to further promote and strengthen efforts to prevent and combat sexual exploitation of children.

A follow-up of the action plan as a whole, and a revision, was carried out during 2013. A new national action plan against trafficking in children, exploitation of children and sexual abuse on children will be presented to the Swedish parliament in February this year.

The coordination responsibility within the Government Offices for matters pertaining strategies to protect children against sexual abuse and 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 Ministry of Justice is responsible for legislation concerning the constitution and general administrative law, civil law, procedural law and criminal law. In the international arena, the Ministry takes part in efforts to lay the groundwork for international cooperation against cross-border crime.

Question c.

The legislation on a counsel for an injured party and a special representative may be said to be aimed at providing support for children to make known their views in criminal justice issues that concern them and gaining respect for children's views and perceptions.

The common national guidelines for collaboration on children suspected of being subject to crime and criteria for the Children's Houses contain recommendations whose purpose is that in their contacts with children the authorities should have a clear child rights perspective and give children an opportunity to relate under safe and secure conditions what may have happened to him or her.

The Prosecution Service Agency manuals "Dealing with Child Abuse," "Dealing with gross violation of integrity crimes" and "Responding to Crime Victims" include recommendations on how children under Art 12 of the CRC should be given the opportunity to voice their opinions and be heard in matters affecting them. The manuals also address the question of how children who have witnessed violence in their family are to be given the opportunity to be heard, including safeguarding the child's right to criminal injuries compensation under the Criminal Damage Act.

At the local public prosecution offices special prosecutors are appointed to deal with crimes against children and crimes by young offenders. These prosecutors have a commitment to and an awareness of the importance of children understanding what is happening and their need and right to be heard.

The instruction of the Crime Victim Compensation and Support Authority state that it shall make active efforts so that public authorities and other actors acquire a greater knowledge of crime victim issues and an awareness of the availability of crime victim compensation, and also utilize the views and experiences of crime victims. The Authority shall integrate gender equality and a child and youth perspective by in its operations highlighting and noting conditions on the basis of age and gender.

For a number of years, the Ombudsman for Children has been systematically listening to children and young people in vulnerable situations. The Ombudsman has met children taken into social care and children who have been exposed to violence and abuse in close relationships.

There are no provisions ensuring that the conditions during legal proceedings need to be child-friendly, as the main rule is that children should not be present in court. In the exceptional cases where a child is examined in court, there are different measures that can be taken to make it easier for the child. The examination can be conducted via telephone or video conference. If that is not possible and the child is under 15 years old, the hearing can be held in camera. In such cases, the court may allow that the child's parents or other persons are present during the examination.

(Please, see more about this issue under the answers to question 23)

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.

In parallel with the provisions of the Convention, constitutional and legal arrangements concerning the protection of children against sexual exploitation and sexual abuse are as follows:

1- Article 41, Paragraph 3 of the Constitution rules that, "the State shall take measures for the protection of the children against all kinds of abuse and violence."

Article 90 of the Constitution indicates that all international treaties, to which Turkey is party, can become a part of the Turkish legislation and be enforced directly. Hence, the

provisions of the Lanzarote Convention can be directly applied under the domestic Turkish law.

Similarly, the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography was signed by our country in 2000 and entered into force in 2002 following its ratification.

In addition, with regard to the Child Protection Law and international treaties, the Optional Protocol to the Convention on the Rights of the Child, drafted on 19 December 2011, adopted via decision no. 66/138 of the 66th session of the UN General Assembly, which grants the UN Committee on the Rights of the Child the authority to receive and analyse individual applications, was adopted by Turkey on 24 September 2012 and in 2013 consultations on this adoption were held with public institutions. The process of ratification for the entry into force of the aforementioned Protocol as part of our domestic law is still under way.

2- Legal arrangements under the Turkish Penal Code:

- a- Sexual abuse of children is viewed as a crime against humanity (Article 77).
- b- Sexual abuse of children is recognised as an aggravated felony (Articles 103, 104).
- c- Exposing children to products that include obscene imagery, text or words or showing, reading to children, as well as having children read or hear such content; displaying in a flagrant manner such content in places where children may physically and visually have access to; using children in the manufacturing of products that include obscene imagery, text or words (Article 226) and encouraging children into prostitution (Article 227) constitute an offence.

3- Legal arrangements under the Code of Criminal Procedure, no 5271:

- The offence of sexual abuse of children is listed among catalogue offences, for which the existence of reasons for arrest may be accepted. This facilitates a decision of arrest to be rendered against perpetrators (Article 100).
- In cases where the offence of sexual abuse of children has been committed, provisions with regard to wire-tapping, recording and evaluating signal information may be applied (Article 135).
- Article 236 of the Code of Criminal Procedure governs—in parallel with the provisions of the Convention—that child victims of sexual abuse are to be heard once during trial and be accompanied by an expert, who has expertise in the fields of psychology, psychiatry, medicine or education, during the hearing. Under the same Code, it is indicated that an attorney shall be appointed on behalf of the child victim, without seeking his/her request (Articles 234, 239).

4- Legal arrangements under Child Protection Law:

In accordance with the Child Protection Law, protective and supportive measures may be adopted for child victims of sexual abuse. These measures are first and foremost related to

consultation, education, care, health and accommodation in order to ensure the protection of the child within his/her own family environment.

- a) Consultation measures aim to guide the persons responsible for the care of child on raising a child; as well as children on the solution of their education and development- related problems,
- b) Education measures aim to enrol the child to a boarding educational institution; to have him/her attend professional or artistic training courses or become an apprentice to a craftsman or obtain a position at a public or private institution in order for him/her have an occupation,
- c) In the event that the person in charge of the care of the child fails to perform his/her duties for whatever reason, care measures aim to make sure that the child benefits from public or private care institutions, as well as foster family services or to have him/her enrol in such institutions,
- d) Health measures aim to temporarily or permanently rehabilitate and handle the medical care of the child, as well as the treatment of children who use addictive substances, in order to ensure that he/she is treated and that his/her physical and mental health are protected.

Additionally, judicial and administrative authorities, law enforcement officials, health and education-related institutions, non-governmental organisations are entitled to inform the Social Services and Child Protection Institution under Article 6 of the same law. This institution shall handle the investigation regarding the informed case without delay.

5- Legal arrangements under the Law no. 5651 on Regulating Broadcasting on the Internet and Combating Offences Committed through Internet Broadcasting

A decision to deny access shall be rendered to content broadcasted on the internet involving sufficient suspicion to constitute an offence of “sexual abuse of children,” “obscenity” or “prostitution” under Turkish Penal Code, no. 5237.

6- Decree law no. 633 on the Organisation and Functions of the Ministry of Family and Social Policies

Under this decree law, the Ministry of Family and Social Policies is responsible for protecting the child against all kinds of negligence and abuse, as well as for ensuring that he/she is raised in a healthy manner. For this purpose, the Ministry shall:

- coordinate the identification of national policies and strategies,
- conduct child-related social services and assistance activities,
- ensuring cooperation and coordination among relevant public institutions and voluntary agencies on the issue,
- execute and coordinate the measures listed under the Child Protection Law no. 5395.

7- Foster Family Regulation no. 28497, dated 14 December 2012

This Regulation aims to set out the practical foundations of foster family services with regard to ensuring that children in need of protection are raised in a family environment within the required time frame for their protection. It also serves the purpose of identifying the functions and duties of the Ministry and of foster families and ensuring that the service is run in an efficient manner.

8- Circular no. 2006/17 on Measures to Be Taken to Prevent Custom and Honor Killings and Violence Against Children and Women

This Circular, signed by our Prime Minister in person, aims to adopt and execute preventive and protective measures concerning violence against children and women. It also targets ensuring coordination among public institutions with regard to activities designed to supervise the execution of these measures.

9- Directive no. 815, dated 16/07/2013 on the Works, Procedure and Substance of Central, Provincial and Sub-Provincial Coordination Initiatives Adopted in Order to Execute the Protective and Supportive Measures under the Child Protection Law

This Directive regulates the works, procedure and substance of centers established for the purpose of executing the protective and supportive measures under the Child Protection Law.

Question b.

While there is not specifically any separate strategy document on combat against sexual abuse and exploitation of the children, a National Action Plan on Combating Violence against Children (2014 – 2018) was prepared by the Ministry of Family and Social Policies. In this Action Plan, the following main activity fields shall be put into practice:

- Increasing awareness within the society concerning violence against children,
- Regular monitoring of the extent of all kinds of violence against children,
- Strengthening legal grounds related to violence against children,
- Strengthening the position of children against violence,
- Strengthening institutional services intended for child victims of violence,
- Developing and implementing effective rehabilitation programs for persons who resort to violence against children,
- Protecting the highest benefit of children on the internet and media and developing broadcasting policies in line with the rights of children.

In a similar light, a Strategy Document on Coordination in Child Protection Services (2011 – 2015) was prepared against all kinds of exploitation and abuse of children. The preparatory work of this strategy document was carried out in coordination with the Ministry of Justice and technical support of UNICEF within the scope of the project entitled 'Children First: Modeling Child Protection Mechanisms at Provincial Level' funded by the European Union.

The efforts to be carried out at central, provincial and sub-provincial level to ensure the coordination between the Ministries, responsible for providing child protection services, and the institutions to be cooperated with were governed by the Regulation.

Department of Training under the Ministry of Justice, which carries out the secretariat of the coordination in a central level, has been monitoring the works in three levels since 2005 and has been conducting works intended for determining what is required in order to increase effectiveness.

The preparation of the Strategy Document was initiated upon the necessity identified during these works. The preparation of the Strategy Document was concluded following the completion of the stages indicated below:

1. A survey study regarding practice in twelve provinces to assess the opinions of workers in the field of child protection,
2. Field analysis in four provinces,
3. Model analysis in two countries,
4. Preparation of a model together with academicians and an advisory committee on child protection, consisting of the governor, the director of provincial social services and the head of the court of juvenile high criminal court,
5. Pilot implementation of the model in one province,
6. Sharing of the model through a central coordination initiative and taking the opinions of relevant institutions,
7. Revision.

Modeling works on the Early Warning System, run by the Ministry of National Education were conducted simultaneously with the preparatory works on the strategy document. The preparatory stage in place for the aforementioned works took place as follows:

1. Field analyses on four provinces,
2. Proposition development for an early warning system,
3. Preparation of tools for the developed model proposition,
4. Experimentation of the model in a pilot province,
5. Revision.

Both works were experimented in a coordinated manner in the same pilot province. As a result of this experimentation process, the need for a joint strategy covering both fields was determined. Consequently, the strategy documents under way were merged.

The following experiences were made use of throughout the preparation stage:

1. Results of the pilot initiative concerning the strengthening of provincial coordination, conducted in İzmir and Kocaeli between 2006 and 2008 by the Social Services and Child Protection Institution,
2. Minutes of provincial coordination meetings,
3. Report of the 4-year assessment meeting on the Child Protection Law,
4. Trainings and meetings held with field workers such as judges, prosecutors, social caseworkers and social workers,
5. Works conducted by Internal Inspection Authority of the Directorate-General for Social Services and Child Protection.

The first section of the Strategy document includes the Coordination Model in Child Protection Services for Turkey, while the second section is comprised of the strategies to be followed in order to bring this model to life. The final section features an action plan on coordination in the application of the strategy. This document indicates the activities to be undertaken in order to achieve cooperation and collaboration among services, disciplines and workers to ensure cooperation in child protection services. Within this framework, the strategy aims indicated in the Strategy Document envisaged to be pursued are as follows:

- Awareness-raising
- Risk scan
- Developing and extending preventive services,
- Regulating entry into the child protection system,
- Protective and preventive measures,
- Application and supervision of protective and preventive measures,
- Coordination of the child protection system on a provincial and sub-provincial level,
- General structure of the child protection system,
- Implementation and monitoring of the strategic plan.

The guarantee for bringing the Strategy Document to life shall be the adoption of the strategies listed by the relevant Ministries and Provincial Coordination Initiatives. And the manifestation of that is the finalization of the preparatory work for implementation plans on both levels. Therefore, it is expected that the objectives and activities under this Strategy Document, adopted by the Central Coordination Initiative, are firstly listed under the work programmes of the Ministries and Provincial Coordination Initiatives and are subsequently realized. The 10th objective of the Strategy and the activities thereunder serve the purpose of a guarantee for the realization of this expectation.

Apart from these initiatives, the National Children's Rights Strategy Document and Action Plan, drafted by the Ministry of Family and Social Policies, was published in the Official Gazette no. 28851, dated 14 December 2013 and entered into force. This Action plan governs the following strategic objectives;

- Establishment of a singular children's law,
- Handling of the necessary administrative arrangements to allow that duly approved international conventions on children's rights and fundamental human rights are implemented directly in courts,
- Prevention of sexual abuse of children,
- Adoption of necessary measures to protect child victims and their families.

(Note: The aforementioned Strategy Document is a hundred pages long and consequently has not been translated into English. The Turkish text may be sent out upon request.)

Question c.

Even though there is currently not such a concrete guideline in application, we do not have any difficulty putting child-friendly implementation of the domestic laws into practice. In this context, it is worth to mention that the issue of the protection and improvement of the rights of the children, who have been involved in a legal investigation or prosecution as either a victim or as an offender, has gained an international dimension. In Turkey, we

approach the issue from two different aspects; the first being the child as a victim and the second being the child as an offender, which we particularly and commonly refer to as the child drawn into crime as child offenders are in a way also victims. As for Turkey, in parallel with this increase, we may also observe a rising prevalence in the preventive, protective and rehabilitating precautions taken. These precautions have yielded fruitful results. For instance, the number of detained or sentenced children in prisons in Turkey has decreased by approximately twenty-five percent in the last five years. This trend shows us that a child-friendly approach is being adopted by our criminal justice system. The legislative regulations in Turkey contain provisions, which provide for the improvement of the rights of the children, while taking into consideration the well-being of the child. Such provisions in Turkey, ranging from the Constitution to special legislation on children, women and family, leave no room for any loopholes. We would like to give you a brief outline with examples from the our legislation. We take measures to protect children against all kinds of abuse and violence. As for civil law, the Turkish Civil Code provides for special provisions for the protection of the well-being of the child. In cases where parents are incapable of assuming their responsibilities, the Code orders the necessary measures to be taken upon the request of the parents or the child. The Code also envisages that the State is to cover the cost of such measures if the parents or the child cannot afford it. We seek for identifying the real problem and finding solutions. We concentrate on two sides: The first one is preventive and protective measures. It means the precautions to be taken to prevent the children from being subject to and being drawn into crime These precautions, which are taken prior to the emergence of the crime, concern the administrative authorities. Within this context, the Ministry of Family and Social Policies has a responsibility to protect the family, prevent domestic violence and juvenile delinquency. In order to fulfil this responsibility, the Ministry has established nurseries for younger children and orphanages for older children, who are not under the protection of their families. Other initiatives include Family Courts, which have been in operation since 2003. These are specialized courts for tackling issues related to families, women and children. Currently, there are two hundred eighty-four (284) family courts nationwide. These courts have achieved great success in effectively and quickly solving possible problems related to the protection of the family and each member of the family. The second aspect of the argument is what needs to be done during the period between the time the crime has been committed and the execution of the sentence. At this point, we need to focus on child victims and child offenders, who we generally would rather refer to as children drawn into crime. In Turkey, new initiatives in parallel with international standards have been introduced with regard to measures to be taken and implemented in cases where the victim or the offender is a child. As it is impossible to mention all of them, there are below some examples:

- Specialized courts, namely Juvenile Courts, have been established to ensure that children are judged and rehabilitated according to their developmental and personal traits. In these courts, pedagogues, psychologists, psychiatrists and social workers are employed to assist the judge. There are a total of ninety-six (96) juvenile courts in Turkey.
- Additionally, the general security measures regulated under the Turkish Criminal Law cannot be applied to children drawn into crime (Article 56).
- Also, domestic violence, even if it results in simple injury, constitutes an indictable [resen] crime (Article 86/3).

- Under the Code of Criminal Procedure, child victims are to be heard only once during the trial, accompanied by an expert who has received training in the field of psychology, psychiatry, medicine and education. Moreover, an attorney shall be appointed for them without the need for a request on their part (Article 236).
- Under the Law on the Protection of the Child, prosecution of children shall be conducted separately from that of adults (Article 17).
- Throughout the trial stage, children are not to be restrained in any way by handcuffs, chains, etc. (Article 18).
- Children cannot be arrested for petty crimes (Article 21).
- While child trials are closed to public, there are exceptional cases where the parent or guardian of the child may be allowed in the court for the sake of the well-being of the child (Article 22).
- The statement of the child is to be taken directly by the public prosecutor. The aim of this regulation is to ensure that the child does not come face to face with uniformed law enforcement officials so that he or she doesn't feel under pressure.

UKRAINE / UKRAINE

Question a.

In order to align Ukrainian legislation with the norms of the Convention, a draft Law of Ukraine "On Amendment of Certain Laws of Ukraine as a Result of Ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse" was elaborated.

At the same time, the CPCU contains novelties, which ensure protection of the rights of a child in criminal proceedings. They foresee provisions to accommodate interests of a victim or witness when determining where interview is going to take place, use of a distance-interviews, obligatory inclusion of a legal representative, psychologist, pedagogue, etc.

Question b.

The core Laws and other regulatory frameworks used to ensure protection of children from sexual abuse and sexual exploitation are:

- The Criminal Code of Ukraine;
- The Criminal-Procedural Code of Ukraine;
- The Law of Ukraine "On the State Programme "National Action Plan as to Implementation of the UN Convention on the Rights of the Child" until 2016";
- The Law of Ukraine "On Prevention of Human Trafficking";
- The Law of Ukraine "On Protection of Public Morality";
- The Law of Ukraine "On Prevention of Domestic Violence";
- The Law of Ukraine "On Protection of Childhood"

Question c.

Addressing needs of children, who are victims of offences or were witnesses thereof, the Ministry of Internal Affairs, in line with European standards, has developed a method of working with children called the "green room". It is called to protect the rights of the child in a criminal proceeding.

UNITED KINGDOM / GRANDE BRETAGNE

Did not reply. / N'a pas répondu.