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LANZAROTE COMMITTEE

Committee of the Parties to the Council of Europe
Convention on the protection of children against sexual
exploitation and sexual abuse (T-ES)

1st implementation report

PROTECTION OF CHILDREN AGAINST SEXUAL ABUSE IN THE CIRCLE OF TRUST

THE FRAMEWORK

Appendices

Adopted by the Lanzarote Committee on 4 December 2015

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**APPENDIX I – STATE OF SIGNATURES AND RATIFICATIONS
OF THE LANZAROTE CONVENTION**

	Signature	Ratification	Entry into Force
Members of Council of Europe			
Albania	17/12/2008	14/04/2009	01/07/2010
Andorra	29/06/2012	30/04/2014	01/08/2014
Armenia	29/09/2010		
Austria	25/10/2007	25/02/2011	01/06/2011
Azerbaijan	17/11/2008		
Belgium	25/10/2007	08/03/2013	01/07/2013
Bosnia and Herzegovina	12/10/2011	14/11/2012	01/03/2013
Bulgaria	25/10/2007	15/12/2011	01/04/2012
Croatia	25/10/2007	21/09/2011	01/01/2012
Cyprus	25/10/2007	12/02/2015	01/06/2015
Czech Republic	17/07/2014		
Denmark	20/12/2007	18/11/2009	01/07/2010
Estonia	17/09/2008		
Finland	25/10/2007	09/06/2011	01/10/2011
France	25/10/2007	27/09/2010	01/01/2011
Georgia	12/03/2009	23/09/2014	01/01/2015
Germany	25/10/2007	18/11/2015	01/03/2016
Greece	25/10/2007	10/03/2009	01/07/2010
Hungary	29/11/2010	03/08/2015	01/12/2015
Iceland	04/02/2008	20/09/2012	01/01/2013
Ireland	25/10/2007		
Italy	07/11/2007	03/01/2013	01/05/2013
Latvia	07/03/2013	18/08/2014	01/12/2014
Liechtenstein	17/11/2008	11/09/2015	01/01/2016
Lithuania	25/10/2007	09/04/2013	01/08/2013
Luxembourg	07/07/2009	09/09/2011	01/01/2012
Malta	06/09/2010	06/09/2010	01/01/2011
Republic of Moldova	25/10/2007	12/03/2012	01/07/2012
Monaco	22/10/2008	07/10/2014	01/02/2015
Montenegro	18/06/2009	25/11/2010	01/03/2011
Netherlands	25/10/2007	01/03/2010	01/07/2010
Norway	25/10/2007		
Poland	25/10/2007	20/02/2015	01/06/2015

	Signature	Ratification	Entry into Force
Portugal	25/10/2007	23/08/2012	01/12/2012
Romania	25/10/2007	17/05/2011	01/09/2011
Russian Federation	01/10/2012	09/08/2013	01/12/2013
San Marino	25/10/2007	22/03/2010	01/07/2010
Serbia	25/10/2007	29/07/2010	01/11/2010
Slovakia	09/09/2009		
Slovenia	25/10/2007	26/09/2013	01/01/2014
Spain	12/03/2009	05/08/2010	01/12/2010
Sweden	25/10/2007	28/06/2013	01/10/2013
Switzerland	16/06/2010	18/03/2014	01/07/2014
"The former Yugoslav Republic of Macedonia"	25/10/2007	11/06/2012	01/10/2012
Turkey	25/10/2007	07/12/2011	01/04/2012
Ukraine	14/11/2007	27/08/2012	01/12/2012
United Kingdom	05/05/2008		

Non-Members of Council of Europe

Canada

Holy See

Japan

Mexico

Morocco

United States of America

International Organisations

European Union

APPENDIX II – RELEVANT EXTRACTS FROM THE THEMATIC QUESTIONNAIRE

Question 1: Data on sexual abuse in the circle of trust

Please indicate whether data are collected for the purpose of observing and evaluating the phenomenon of sexual abuse of children in the circle of trust. If so, please:

- specify what mechanisms have been established for data collection or whether focal points have been identified especially with regard to statistical data on victims and offenders within the circle of trust (**Article 10 (2) (b), Explanatory Report, paras. 83 and 84**);
- include any relevant data in an Appendix.

(...)

Question 9: Assistance to and special protection for victims

- a. If, and to what extent, does internal law provide for the possibility of removing the victim from his or her family environment when parents or persons who have care of the child are involved in his or her sexual abuse? If internal law so provides:
 - are the conditions and duration of such removal to be determined in accordance with the best interests of the child? (**Article 14 (3), Explanatory Report, para. 99**);
 - have legislative or other measures been taken to ensure that the persons who are close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care? (**Article 14 (4), Explanatory Report, para. 100**).

(...)

Question 10: The offence of sexual abuse

The reply to question 16 of the GOQ will be examined by the Committee to assess the implementation of **Article 18** with respect to the theme of the monitoring round. The reply to question 1 of the GOQ will also be considered while assessing the situation in the Party with respect to **Article 18**. While replying to this questionnaire, please therefore only add:

- a. what is understood by “intentional conduct” in internal law? (**Explanatory Report, para. 117**);
- b. what is understood by “sexual activities” in internal law? (**Explanatory Report, para. 127**).

Question 11: Corporate liability

The reply to question 17 of the GOQ will be examined by the Committee to assess the implementation of **Article 26** of the Convention with respect to the theme of the monitoring round. If, in addition, any other measures are foreseen, please specify.

Question 12: Aggravating circumstances

Does internal law ensure that if an offence of sexual abuse, established in accordance with the Convention, is committed by a member of the family, a person cohabiting with the child or a person having abused his or her authority or any other person in the child’s circle of trust, that such circumstances may be considered an aggravating factor in the determination of sanctions, in so far as they do not form a part of the constituent elements of the offence? If so, does internal law provide different sanctions depending on whether the relationship of the perpetrator to the child is within the context of family relations or of a professional or voluntary activity (e.g. care providers in institutions, teachers, doctors, etc.)? (**Article 28 (c) and (d), Explanatory Report, paras. 198-199**).

Question 13: Best interest of the child

- a. Please specify whether in situations where the alleged perpetrator is a member of the victim's family or has otherwise been in a recognised position of trust or authority towards him or her, legislative or other measures have been taken to ensure that investigations and criminal proceedings are carried out in the best interests and respecting the rights of the child victim of sexual abuse. (**Article 30, para. 1, Explanatory Report, para. 215**);
- b. The reply to question 22(d) of the GOQ will be examined by the Committee to assess the implementation of **Article 31, para. 4** of the Convention with respect to the theme of the monitoring round;
- c. Please also indicate whether internal law provides that sanctions, as a result of offences committed by a person considered to be in the victim's circle of trust, include withdrawal of parental rights or monitoring or supervision of convicted persons (**Article 27, para. 4, Explanatory Report, para. 191**).

Question 14: Child-friendly justice

- a. Please specify whether in situations where the alleged perpetrator is a member of the victim's immediate family or has otherwise been in a recognised position of trust or authority towards him or her, a protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate (**Article 30, para. 2 and Explanatory Report, paras. 211-215**);
- b. Which legislative or other measures been taken to ensure that investigations or prosecution of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement, especially in cases where the alleged perpetrator is a member of the victim's immediate family or has otherwise been in a recognised position of trust or authority towards him or her? (**Article 32, Explanatory Report, para. 230**);
- c. Have legislative or other measures been taken to ensure that a judge, in a criminal trial regarding an offence which can be considered to involve sexual abuse of a child within the circle of trust, may order the hearing to take place without the presence of the public or that the victim may be heard in the courtroom without being present? (**Article 36, para. 2 and Explanatory Report, para. 242**).

APPENDIX III – STATE OF PLAY OF REPLIES TO THE QUESTIONNAIRES

States parties to the Convention	Date of receipt of the replies to the General overview questionnaire	Date of receipt of the replies to the Thematic questionnaire
Albania	31/01/14	31/01/14
Austria	31/01/14	31/01/14
Belgium	03/06/14	03/06/14
Bosnia and Herzegovina	06/04/14	06/04/14
Bulgaria	22/08/14	22/08/14
Croatia	21/01/14	21/01/14
Denmark	27/01/14	27/01/14
Finland	10/03/14	10/03/14
France	10/11/14	04/12/14
Greece	11/09/14	11/09/14
Iceland	07/04/14	07/04/14
Italy	06/02/14	06/02/14
Lithuania	29/01/14	29/01/14
Luxembourg	31/07/14	31/07/14
Malta	10/02/14	10/02/14
Republic of Moldova	03/02/14	03/02/14
Montenegro	14/02/14	14/02/14
Netherlands	24/03/14	04/06/2015
Portugal	03/02/14	03/02/14
Romania	31/01/14	31/01/14
San Marino	13/03/15	06/11/14
Serbia	31/01/14	31/01/14
Spain	25/03/14	25/03/14
"The former Yugoslav Republic of Macedonia"	24/02/15	24/02/15
Turkey	31/01/14	31/01/14
Ukraine	05/03/14	05/03/14

All replies, as well as contributions from other stakeholders, are available at www.coe.int/lanzarote

**APPENDIX IV – TABLES ON THE SITUATION IN PARTIES AS REGARDS SEXUAL ABUSE OF CHILDREN
IN THE CIRCLE OF TRUST**

**Table A - Sexual activities with a child where abuse is made of a recognised position of trust, authority or influence over the child,
including within the family (Article 18§1 (b), 2nd indent)**

	Criminal Code Provisions
Albania	<p>Article 105 - Sexual or homosexual abuse, making use of a position of authority Sexual or homosexual relations making use of a position of dependency or authority, is sanctioned up to 3 years of imprisonment.</p> <p>Article 106 - Sexual or homosexual intercourse with persons that are related (of the same blood) or persons under custody Having sexual or homosexual intercourse between parents and children, brother and sister, between brothers, sisters, between persons that are related in a straight line or with persons that are under custody or adoption, is sentenced by imprisonment up to seven years.</p>
Austria	<p>Section 212 - Sexual activities (abuse of a position of authority). 1.) with a person under age (= under 18 years of age) who is either related to the perpetrator in digressive line, or his/her adopted child, stepchild or ward (subpar. 1) or against a person under age who is under the perpetrator’s education, schooling or supervision and abuses his/her position towards the victim (subpar. 2); 2.) of a doctor, psychologist, psychotherapist, nurse or pastor with a person he/she is in charge of professionally, as an employee of an educational establishment or as an official entrusted with the victim's care.</p>
Belgium	<p>Article 372 – Indecent assault Any indecent assault committed without violence or threats against the person or with the assistance of the person of a child of either sex aged under sixteen years shall be punished by five to ten years’ imprisonment. Indecent assault committed without violence or threats by any ascendant or adoptive parent against the person or with the assistance of the person of a minor, even aged sixteen years or over but not emancipated by marriage shall be punished with ten to fifteen years’ imprisonment. The same penalty shall be applied if the perpetrator is either the brother or the sister of the minor victim or any person holding a similar position within the family, or any person living habitually or occasionally with him or her and who has authority over him or her.</p> <p>Article 377 – Aggravating circumstance - if the perpetrator is the ascendant or adoptive parent of the victim, a direct descendant of the victim or a direct descendant of a brother or a sister of the victim; - if the perpetrator is either the brother or the sister of the minor victim or any person holding a similar position within the family, or any person living habitually or occasionally with him or her and who has authority over him or her;</p>

	- if the perpetrator is a person who has authority over the victim; if he or she has abused the authority or facilities conferred by his or her position; if he or she is a doctor, surgeon, midwife or health officer and the child or any other vulnerable person covered by Article 376, paragraph 3, had been entrusted into his or her care.
Bosnia and Herzegovina	Article 205(2) - Sexual intercourse by abuse of position: A teacher, educator, parent, adoptive parent, guardian, step-father, step-mother or any other person who, by abusing his status or relationship toward a juvenile (up to 18 yrs) who is entrusted to him for education, upbringing, custody or care, performs sexual intercourse or equivalent sexual act upon a juvenile shall be punished by imprisonment for a term between six months and five years.
Bulgaria	Article 150 (1) A person who performs a particular activity with the purpose to stimulate or satisfy a sexual desire without sexual intercourse with respect to a person who has completed the age of 14 years by using force or intimidation, by using his/her helpless condition or through driving him/her to such a condition or by using his/her state of dependency or supervision, shall be punished with imprisonment of two up to eight years. Article 153 A person who copulates with another, by compulsion using the other's material or official dependency upon him, shall be punished by deprivation of liberty for up to three years. Article 155c Anyone who by using force or threat, or by using a position of dependency or supervision persuades a person above the age of 14 years to participate in actual, virtual or simulated fornication, copulation, intercourse, including sodomy, masturbation, sexual sadism or masochism, and lustful depiction of sexual organs shall be punishable with imprisonment of up to five years.
Croatia	Article 159 Sexual intercourse or an equivalent sexual act 1. with a child over the age of fifteen with whose upbringing, education, custody, spiritual guidance or care the perpetrator has been entrusted; 2. by a direct-line relative by blood or by adoption, a step-father or step-mother [...]
Denmark	Section 210 (1) and 3 Sexual intercourse and other sexual activities with a relative in the line of descent (including adopted relationships); Section 223 (1) Sexual intercourse with a person under 18 years of age who is the offender's stepchild or foster child, or with whose education or upbringing the offender has been entrusted; Section 229 A penalty of imprisonment for a term not exceeding four years is imposed on any person who (i) is an employee of the Prison and Probation Service and who has sexual intercourse with someone admitted to the institution and subject to his

	<p>authority;</p> <p>(ii) is an employee of the police and who has sexual intercourse with someone deprived of his liberty and in police custody; or</p> <p>(iii) is an employee or inspector of a child or youth institution, psychiatric ward, residential institution for the severely mentally impaired or a similar institution and who has sexual intercourse with someone admitted to the institution.</p>
Finland	<p>Sec. 5 (1)</p> <p>Who abuses his or her position and entices one of the following into sexual intercourse, into another sexual act essentially violating his or her right of sexual self-determination, or into submission to such an act,</p> <p>(1) a person younger than eighteen years of age, who in a school or other institution is subject to the authority or supervision of the offender or in another comparable manner subordinate to the offender,</p> <p>[...]</p> <p>(4) a person who is especially dependent on the offender, where the offender blatantly takes advantage of this dependence;</p>
France	<p>Article 227-27</p> <p>Sexual acts committed without violence, coercion, threats or surprise on a minor aged over fifteen shall be punished by three years' imprisonment and a fine of €45 000:</p> <p>1) where they are committed by an ascendant or by any other person having legal or de facto authority over the victim;</p> <p>2) where they are committed by a person abusing the authority conferred by his position.</p> <p>In application of Article 227-27, France criminalises all "sexual acts committed without violence, constraint, threat or surprise" against a minor aged over fifteen years, in four situations:</p> <ul style="list-style-type: none"> - where they are committed by an ascendant; - where they are committed by any other person having de jure authority over the victim; - where they are committed by any other person having de facto authority over the victim; - where they are committed by a person abusing the authority conferred upon him or her by his or her functions. <p>The concept of de facto authority is broadly interpreted in the case-law and includes situations in which a person abuses an acknowledged position of trust, authority or influence over the child, including within the family. Accordingly, the following have been regarded as having de facto authority over a minor:</p> <ul style="list-style-type: none"> - a victim's uncle by marriage to whom the victim had been entrusted by his or her parents (Criminal Division of the Court of Cassation, 16 March 1939) - the husband of a teacher assisting his wife in the exercise of her duties (Criminal Division, 15 April 1948) - the partner of the victim's mother (Criminal Division, 29 July 1911) - a scout leader in connection with acts committed against minors belonging to the same youth movement (Nîmes, 9 December 1983) - the husband of a nursery assistant to whom the victims had been entrusted and whom they called "Daddy" (Criminal Division, 24 September 1996) - the son of a child-minder to whom the victim had been entrusted, living at the same address as his parents and who, from time to time, looked after the children in the child-minder's care (Criminal Division, 9 July 1991) - a person providing academic support (Criminal Division, 19 April 2000) - neighbours or friends occasionally looking after children when their parents were absent (Court of Appeal (CA) Bordeaux, 20 September 1995; CA Grenoble, 9 February 2000; CA Chambéry, 7 December 2000)

	<p>- a man who masqueraded as a hospital doctor or who took advantage of his role as doctor to touch the genitalia of young girls, very young girls and an old lady in a specialist hospital unit which was not one in which he worked (Full Court of the Court of Cassation, 14 February. 2003; CA Aix-en-Provence, 21 February 1986)</p>
Greece	<p>Article 342 Sexual abuse or insult to the sexual dignity of a minor by a person of trust (who had undertaken his/her care or supervision). Aggravating circumstance is when the perpetrator is any kind of relative by law or blood, friend of the family, leaves with the victim, teacher or trainer of any kind, person accepting the services of the child, professional that offers his/her services to the minor (doctor, nurse, psychologist, etc.), priest.</p> <p>Article 343 Sexual abuse by abuse of power (i.e. public servants and any kind of personnel working in prisons, hospitals or other clinics, schools, universities)</p> <p>Article 9, Law 3500/2006 The family member that offends the dignity of another member through particularly humiliating words or acts pertaining to his/her sexual life, shall be punished with imprisonment of up to two years. The offence of the previous paragraph is subject to a punishment of 6 months to 3 years if the victim is a minor. The above mentioned paragraphs shall apply correspondingly when the perpetrator is working in a social care provider, and the offence/action is directed against a person, who receives services from that institution.</p>
Iceland	<p>Article 197 If the supervisor or an employee in a prison, another institution under the direction of the police, the prison authorities or the child welfare authorities, or in the psychiatric ward of a hospital, a home for mentally handicapped persons or another similar institution has sexual intercourse or other sexual relations with an inmate of the institution, it shall be punished by up to 4 years' imprisonment.</p> <p>Article 198 Anyone having carnal intercourse or other sexual intimacy with a person by gravely abusing his/her position as the latter is dependent upon him/her financially, in his/her employment or as his/her client in confidential relationship;</p> <p>Article 200 Any person who has sexual intercourse or other sexual relations with his or her own child or other descendant shall be imprisoned for up to [8 years] 1) and up to [12 years] 1) if the child [is 15, 16 or 17 years of age]. 2) [Sexual harassment of a type other than that specified in the first paragraph of this Article and directed at the perpetrator's own child or other descendant shall be punishable by up to 4 years' imprisonment, providing that the child is aged 15 years or older.] 2) Sexual intercourse or other sexual relations between siblings shall be punishable by up to 4 years' imprisonment. If one or both of the siblings were under the age of 18 years at the time of the offence, it may be decided to waive punishment applying to them.</p> <p>Article 201 Any person who has sexual intercourse or other sexual relations with a child aged 15, 16 or 17 year who is his or her adopted child, step-child, foster-child or the child of his or her cohabiting partner, or is bound to him or her by similar family relationships in direct line of descent, or is a child who has been</p>

	committed to his or her authority for education or upbringing, shall be imprisoned for up to 12 years. Sexual harassment of a type other than that specified in the first paragraph of this article shall be punishable by up to 4 years' imprisonment.
Italy	<p>Article 609 bis - Sexual Violence Any person who, by violence or threat, or by abuse of authority, forces a person to perform or suffer sexual acts shall be punished by imprisonment from five to ten years.</p> <p>The same penalty shall be imposed on any person who induces a person to perform or suffer sexual acts: (1) abusing the person's condition of mental or physical deficiency at the time of the act; (2) (...)</p> <p>Art 609 quater - Sexual acts with a minor The penalty set forth in Article 609 bis shall be imposed on whomever, other than in the cases envisaged by Article 609 bis, perpetrates sexual acts with a person who, at the time of the act: (1) is under fourteen; (2) is under sixteen, when the offender is the ascendant, parent, including a foster parent, or his/her live-in partner, the guardian, or other person entrusted with the child's care, education, instruction, supervision or custody or with whom the child lives. (...)</p>
Lithuania	<p>Article 151 - Sexual abuse</p> <ol style="list-style-type: none"> 1. A person who, by threatening to resort to violence, using other mental coercion or by taking advantage of a person's dependency, compels the person to have sexual intercourse with or otherwise satisfy sexual desires of the offender or a third person (...). 2. A person who carries out the actions provided for in paragraph 1 of this Article in respect of a minor (...). 3. A father, mother, guardian, custodian or another lawful representative of a child or another person holding statutory powers in respect of a minor who has sexual intercourse or otherwise satisfied his sexual desires with that minor, in the absence of characteristics of a rape, sexual assault or sexual abuse (...).
Luxembourg	<p>Art 372</p> <ol style="list-style-type: none"> (1) Any indecent assault committed without violence or threats against persons of either sex shall be punished by eight days' to one years' imprisonment and a fine of 251 to 10 000 euros. (2) (...) <p>Art 377 Aggravating circumstance</p> <ul style="list-style-type: none"> - if the perpetrator is the ascendant or adoptive parent of the victim, a direct descendant of the victim or a direct descendant of a brother or a sister of the victim; - if the perpetrator is either the brother or the sister of the minor victim or any person holding a similar position within the family, or any person living habitually or occasionally with him or her and who has authority over him or her; - if the perpetrator is a person who has authority over the victim; if he or she has abused the authority or facilities conferred by his or her position; if he or

	she is a doctor, surgeon, midwife or health officer and the child or any other vulnerable person covered by Article 376, paragraph 3, had been entrusted into his or her care.
Malta	<p>Article 204D Whosoever: a) compels a person under age to perform sexual activities with another person, or [...] shall, on conviction, be liable to imprisonment...”</p>
Republic of Moldova	<p>Article 171 - Rape (1) Rape, i.e. the sexual intercourse committed by the physical or mental coercion of the person, or by taking advantage of the victim’s incapacity to defend himself/herself or to express his/her will shall be punished by imprisonment for 3 to 5 years. (2) Rape: (...) b2) committed against a family member; (...) shall be punished by imprisonment for 5 to 12 years. (3) Rape: a) of a person who is under the care, custody, protection, education, or treatment of the perpetrator; b) of a juvenile under the age of 14; (...) shall be punished by imprisonment for 10 to 20 years or by life imprisonment.</p> <p>Article 172 - Violent Actions with Sexual Character (1) Homosexuality or satisfying sexual needs in perverted forms, committed through the physical or mental coercion of the person or by taking advantage of the person’s incapacity to defend himself/herself or to express his/her will shall be punished by imprisonment for 3 to 5 years. (2) The same actions: (...) b2) committed against a family member; (...) shall be punished by imprisonment for 5 to 12 years. (3) The actions set forth in par.(1) or (2): (...) a1) that were committed against a person who is under the care, custody, protection, education, or treatment of the perpetrator; (...) shall be punished by imprisonment for 10 to 20 years or by life imprisonment.</p> <p>Article 201. Incest</p>

	<p>(1) Sexual intercourse between direct relatives up to the third degree inclusively, as well as between relatives on a collateral line (brothers, sisters) shall be punished by imprisonment for up to 5 years.</p> <p>Persons mentioned in par. (1) shall not be subject to criminal liability if, at the time of committal, if they have not reached the age of 18 and the age difference between them does not exceed 2 years.</p> <p>Art. 77 (1) When determining punishment, the following shall be considered as aggravating circumstances: n) the commission of a crime by abusing one's trust.</p>
Montenegro	<p>Art. 206 Sexual intercourse by Abuse of a Position The basic form of this criminal offence consists in instigating to sexual intercourse or an equal act a person who is in a subordinate or dependent position compared to the perpetrator, while the instigation may not involve coercion. A severe form of the criminal offence prescribed in paragraph 2 exists if a teacher, instructor, guardian, adoptive parent, parent, stepfather, stepmother or some other person performs sexual intercourse or an equal act with a juvenile entrusted to him/her for teaching, education, care and attendance by abusing his/her position or authorization. Paragraph 3 prescribes another severe form of this offence, which exists if this criminal offence is committed against a child, with the intent of the perpetrator encompassing the qualifying circumstance, i.e. that the victim is a person who has not attained 14 years of age. The most severe form of the offence is set out in paragraph 5, and it exists in the case that the commission of the offence referred to in paragraph 3 resulted in the death of a child.</p>
Netherlands	<p>Article 249 1. The person who sexually abuses his own child, step child or foster child, his pupil, a minor entrusted to his care, instruction or supervision, or a minor who is his servant or subordinate [...]. 2. The following persons will be liable to the same punishment: – A public servant who sexually abuses a person subject to his authority or entrusted or recommended to his care; – The director, doctor, teacher, official, supervisor or service staff member of a prison, state institution for the care and protection of children, orphanage, hospital, or charitable institution, who sexually abuses a person admitted to such institution; – The person who, when working in health care or social care, sexually abuses a person who has entrusted himself, as a patient or client, to the assistance or care of such care worker.</p>

<p>Portugal</p>	<p>Arti 171 – Sexual abuse of children 1 – Whoever engages into a relevant sexual act with or on a minor under 14 years of age, or procures him to engage into such act with another person, is punished with imprisonment from one to eight years. 2 – If the relevant sexual act consists of vaginal coitus, coitus per anum, oral coitus or vaginal or per anum penetration by parts of the body or objects, the offender is punished with imprisonment from three to ten years. 3 – Whoever: a) Importunes a minor under 14 years of age, by engaging into the act provided for in article 170; or b) Acts over a minor under 14 years of age, by means of a pornographic conversation, writing, show or object; is punished with imprisonment for no more than three years. c) Entices a minor under 14 years of age to witness sexual abuse or sexual activities, (Law 103/2015, 24 August) is punished with imprisonment up to 3 years. 4 – Whoever engages into the acts described in the preceding paragraph with profitable intent is punished with imprisonment from six months to five years. 5 –The attempt is punishable. (Law 103/2015, 24 august)</p> <p>Art 172 - Sexual abuse of dependent minors; 1 – Whoever engages into or causes the engagement into the act provided for in paragraphs 1 or 2 of the preceding article, in relation to a minor between 14 and 18 years of age who has been entrusted to him for education or assistance, is punished with imprisonment from one to eight years. 2 – Whoever engages into the act provided for in subparagraphs a) and b) of paragraph 3 of the preceding article, in relation to a minor referred to in the preceding paragraph and in the conditions mentioned therein, is punished with imprisonment for no more than one year. 3 – Whoever engages into the acts provided for in the preceding paragraph with profitable intent is punished with imprisonment , up to 5 years. (Law 103/2015, 24 August) 4. The attempt is punishable. (Law 103/2015, 24 August)</p> <p>Art. 173 – Sexual activities with adolescents 1 – Whoever, being of age, engages into a relevant sexual act with a minor between 14 and 16 years of age, or leads him to engage therein with another person, abusing from the minor’s inexperience, is punished with imprisonment up to two years (Law 103/2015, 24 August) 2 – If the relevant sexual act consists of vaginal coitus, oral coitus, coitus per anum or vaginal or per anum penetration by parts of the body or objects, the offender is punished with imprisonment up to 3 years (Law 103/2015, 24 August) 3 – The attempt is punishable. (Law 103/2015, 24 August)</p> <p>Article 177 - Aggravation 1 – The sentences provided for in articles 163 to 165 and 167 to 176 are aggravated by one third, in their minimum and maximum limits, if the victim: a) Is the offender’s ascendant, descendant, adoptive parent, adopted child, relative or in-law up to the second degree; or b) Has a family or co-habitation relationship, tutorship or curatorship towards the offender or is in hierarchical, economic or work dependence of him and the crime is committed by taking advantage of such relationship. (Law 103/2015, 24 August) 2 – The aggravations laid down in the preceding paragraph are not applicable in the cases provided for subparagraph c) of paragraph 2 of article 169 and subparagraph c) of paragraph 2 of article 175. (Law 83/2015)</p>
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	<p>3 – The sentences provided for in articles 163 to 167 and 171 to 174 are aggravated by one third, in their minimum and maximum limits, if the offender has a sexually transmissible disease.</p> <p>4 – The sentences provided for in articles 163 to 168 and 171 to 175 and in paragraphs 1 and 2 of Article 176 and in paragraph 176-A are aggravated by one third, in their minimum and maximum limits, if the crime is committed jointly by two people or more. (Law 103/2015, 24 August)</p> <p>5 – The sentences provided for in articles 163 to 168 and 171 to 174 are aggravated by one half, in their minimum and maximum limits, if from the behaviours described therein results pregnancy, grievous bodily injury, transmission of a pathogenic agent which endangers the victim's life or causes his suicide or death.</p> <p>6 – The sentences provided for in articles 163 to 165, 168, 174, 175 and paragraph 1 of article 176 are aggravated by one third, in their minimum and maximum limits, if the victim is less than 16 years of age. (Law 103/2015, 24 August)</p> <p>7 – The sentences provided for in articles 163 to 165, 168, 174, 175 and paragraph 1 of article 176 are aggravated by one half, in their minimum and maximum limits, if the victim is less than 14 years of age. (Law 103/2015, 24 August)</p> <p>8 – If more than one of the circumstances referred to in the preceding paragraphs occur in the same conduct, only the one with the strongest aggravation effect is considered for purposes of determination of the applicable sentence, the remaining ones being considered for purposes of the extent of the sentence.</p>
Romania	<p>Art 220</p> <p>(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</p> <p>(4) higher penalties if</p> <p>a) the minor is a direct line relative or a sibling;</p> <p>b) the minor is under the perpetrator's care, protection, education, custody or treatment.</p>
San Marino	<p>Art. 173 - Sexual abuse of minors or persons unable to consent or resist</p> <p>Anyone committing the offences set out in the two previous articles without violence, threat or deception against children under the age of fourteen years or persons who are unable to resist owing to specific physical or mental conditions shall be subject to the punishments established in said articles. The offender shall not plead ignorance of the minor age of the victim in excuse of his conduct.</p> <p>Art. 171 - Violation of sexual freedom</p> <p>Anyone who, using violence, threat, hypnosis or other appropriate means, compels or misleads a person to lewd acts, is punished by third-degree imprisonment. If the offence is committed by an ascendant, an adopting parent, a guardian, an educator, a teacher, a health worker or by a person entrusted with the custody of a child for supervision, education, training or care purposes, fourth degree disqualification from parental authority, guardianship, profession or art shall be jointly applied.</p>
Serbia	<p>Article 181 - Sexual Intercourse through Abuse of Position</p> <p>(1) Whoever by abuse of position induces to sexual intercourse or an equal act a person who is in a subordinate or dependent position, [...]</p> <p>(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 with a juvenile entrusted to him for learning, tutoring, guardianship or care [...]</p> <p>(3) Higher penalty if the offence specified in paragraph 2 of this Article is committed against a child [...];</p>

	<p>Article 197 Incest an adult who engages in sexual intercourse or an act of equal magnitude with an underage relative by blood, or an underage sibling.</p>
Spain	<p>Article 182 Whoever, by deceit or abuse of a recognised position of trust, authority or influence on the victim, engages in acts of sexual nature with a person over the age of sixteen and under the age of eighteen, shall be punished with a sentence of imprisonment from one to three years.</p> <p>Article 183 (...) The conducts foreseen in the preceding three numbers shall be punished with the relevant sentence of imprisonment in its upper half when any of the following circumstances concur: (...) d) When, in order to execute the offence, the offender has availed himself of a superiority or relationship, due to being the ascendant, descendent of brother, biological, adopted or in-law of the victim. (...) In all the cases foreseen in this Article, when the offender has availed itself of his condition as an authority, agent or public offender thereof, the punishment of absolute barring from six to twelve years shall also be applied.</p> <p>Article 192 (...) The ascendants, tutors, carers, minders, teachers or any other person in charge de facto or de jure of the minor or incapacitated person, who acted as principals or accomplices of commit the felonies included in this Title (Felonies against sexual freedom and indemnity), shall be punished with the relevant punishment, in its upper half. This rule shall not be applied when the circumstance it contains is specifically included in the definition of the crime concerned. The Judge or Court of Law may also hand down a reasoned punishment of special barring from the exercise of parental rights, guardianship, care, safekeeping, public employment and office or practice of the profession or trade for the term of six months to six years, or permanent deprivation of parental rights. Those convicted of the offences of sexual abuse and assault on children under the age of sixteen years or prostitution, sexual exploitation and corruption of minors shall be punished with special barring from any paid or unpaid profession or trade involving direct contact with minors (...) (the term depends on whether or not they have been previously imposed a punishment of imprisonment)</p>
“The Former Yugoslav Republic of Macedonia”	<p>Article 189 Statutory Rape by abuse of position (1) A person who with abusing their position will indicate statutory rape or other sexual acts who against him is in relation of subordinate or dependent or with the same mistreats him, intimidating or treating him in a manner that degrades human dignity and the human person, shall be punished with imprisonment of at least five years. (2) If the crime under paragraph (1) of this article shall perform blood relatives in a straight line or a brother or sister, teacher, educator, adoptive parent, guardian, stepfather, stepmother, doctor or other person by abusing of position or by performing family violence commits statutory rape or other sexual acts with a child under 14 years who has been entrusted to him for learning, education, custody or care, shall be punished with imprisonment of at least ten years.</p>
Turkey	<p>Art 103 Sexual Abuse Any attempt at physical contact with the child with a sexual aim [...]. Under this article, all kinds of sexual attempt against children who are under the age of fifteen or against those attained the age of fifteen but lack of ability to understand the legal consequences of such act, as well as sexual abuse of other</p>

	<p>children by ... or any other reason having an influence on the will of the child;</p> <p>Art 103 (3) In case of performance of sexual abuse by antecedents, second or third degree blood relations, step father, guardian, educator, trainer, nurse and other persons rendering health services and responsible from protection and observation of the child, or by undue influence based on public office.</p>
Ukraine	<p>Art 156 Commission of activities aimed at corrupting an individual under the age of 16: higher penalty if such activities are committed [...] by the father, mother or an individual performing their functions [...].</p>

Table B - Issues concerning the criminal offence of sexual abuse in general (Article 18§1(a) and (b), 1st and 3rd indent)

	<u>under the legal age</u> for sexual activities (letter a)	where use is made of <u>coercion, force or threats</u> (letter b, 1st indent)	where abuse is made of a <u>particularly vulnerable situation</u> of the child, notably because of a mental or physical disability or a situation of dependence (letter b, 3rd indent)
Albania	<p>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.</p> <p>Art 107/a "Sexual Violence" Exercise of sexual violence, by performing actions of a sexual nature in the body of another person with objects; 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 it shall be sentenced by imprisonment of not less than twenty years.</p> <p>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.</p>	<p>Article 101 "Sexual or homosexual intercourse by violence with a minor who is fourteen-eighteen years old" Having sexual or homosexual relations by violence with children that are fourteen to eighteen years old, who is sexually matured is punished by imprisonment from five to fifteen years;</p> <p>Article 104 "Sexual or homosexual relations under gun threat" Having sexual or homosexual relations, by threatening the damaged person through the use of a gun, is sentenced with imprisonment from 5 to ten years.</p> <p>Article 107/a "Sexual Violence" Exercise of sexual violence, by performing actions of a sexual nature in the body of another person with objects, constitutes a criminal offense and is sentenced with imprisonment from three to seven years.</p>	<p>Article 103 "Sexual or homosexual relations with people unable to defend themselves" Having sexual or homosexual relations, taking advantage of the physical or mental disability or state of unconsciousness, shall be punished by imprisonment from five to ten years.</p>
Austria	<p>Section 206 CC - severe sexual abuse of minors sexual intercourse or sexual acts equal to sexual intercourse with a minor (= person under the age of 14 years);</p> <p>Section 207 (sexual abuse of minors): other sexual</p>	<p>Section 201 - Rape Sexual intercourse or sexual acts equal to sexual intercourse performed by using force, deprivation of liberty or dangerous threat;</p> <p>Section 202 (Sexual coercion):</p>	<p>Section 205 - Sexual abuse of a defenceless or psychologically impaired person</p> <p>Section 207b - Sexual abuse of juveniles Sexual activities 1. with juveniles under the age of 16 years who are not sufficiently mature to understand the</p>

	acts than the ones covered by Section 206 with a minor.	Coercing a person by using force or dangerous threat to sexual acts;	meaning of a sexual act or to act according to this understanding 2. juveniles under the age of 18 years abusing a position of vulnerability of the juvenile.
Belgium	<p>Art. 372 Any indecent assault committed without violence or threats against the person or with the assistance of the person of a child of either sex aged under sixteen years;</p> <p>Art 375 Any act of sexual penetration, of whatever nature and by whatever means, committed on the person of a child who has not reached the age of fourteen years shall be deemed to constitute rape by means of violence.</p>	<p>Art 373 Indecent assault committed with violence or threats against persons of either sex shall be punished by six months' to five years' imprisonment. If the assault was committed against the person of a minor aged sixteen years or over, [...].</p> <p>Art 375 Any act of sexual penetration, of whatever nature and by whatever means, committed on a person who does not consent to it shall constitute the crime of rape. In particular, there is no consent where the act is forced by means of violence, coercion or ruse [...].</p>	<p>Art 375 Any act of sexual penetration committed on a person who does not consent to it shall constitute the crime of rape. In particular, there is no consent where the act was [...] made possible by an infirmity or physical or mental disability of the victim.</p> <p>Art 376 If the rape or indecent assault was committed against a person whose situation of vulnerability due to age, pregnancy, sickness, infirmity or a physical or mental disability was apparent or known to the perpetrator or under the threat of a weapon or a similar object [...].</p>
Bosnia and Herzegovina	Sexual intercourse with a child (up to 14 years)	Rape	Sexual intercourse with a helpless person/ Sexual intercourse with a powerless person:
Bulgaria	<p>Article 149 (1) A person who performs an act for the purpose of arousing or satisfying sexual desire, without copulation, with a person under 14 years of age, shall be punished for lewdness with imprisonment of one to six years. (...)</p> <p>Article 151 (1) A person who has sexual intercourse with a person who has not completed the age of 14 years, insofar as the act does not constitute a crime under Article 152, shall be punished with imprisonment of two to six years.</p>	<p>Article 150 1) A person who performs a particular activity with the purpose to stimulate or satisfy a sexual desire without sexual intercourse with respect to a person who has completed the age of 14 years by using force or intimidation, by using his/her helpless condition or through driving him/her to such a condition or by using his/her state of dependency or supervision, shall be punished with imprisonment of two up to eight years.</p> <p>Art 152 (1) Who copulates with a female person: 1. unable to defend herself and without her</p>	<p>Article 150 (1) A person who performs a particular activity with the purpose to stimulate or satisfy a sexual desire without sexual intercourse with respect to a person who has completed the age of 14 years by using force or intimidation, by using his/her helpless condition or through driving him/her to such a condition or by using his/her state of dependency or supervision, shall be punished with imprisonment of two up to eight years. (...) (3) Where the act under para. 1 is committed against a person who does not understand the meaning of the act, or the act constitutes a</p>

	<p>Article 155a (2) The penalty under para. 1 shall be imposed on those who, through information and communication technology, or in any other way make contact with a person under 14 years of age to commit fornication, copulation, sexual intercourse, to create pornographic material or to participate in pornographic performance.</p> <p>Article 155b (1) Anyone, who persuades a person under the age of 14 years, to participate or watch real, virtual or simulated sexual intercourses between individuals of the same or different sex, lascivious depiction of sexual organs, sodomy, masturbation, sexual sadism or masochism, shall be punished with imprisonment for a term of up to five years.</p> <p>Article 159 (6) A person who possesses or provides for himself or for another person through an information and communication technology or in another manner a pornographic material in whose creation a person who has not turned 18 years of age has been used or a person who looks like such a person, shall be punished with imprisonment of up to one year and a fine of up to BGN 2,000. (7) The punishment under para. 6 shall be imposed on those who, through information and communication technology consciously access the pornographic material, for the creation of which a person under 18 years of age, or a person who looks like that has been used.</p>	<p>consent; 2. by compelling her to it by force or threat; 3. by bringing her to a helpless state, shall be punished for rape by imprisonment of two to eight years.</p> <p>Article 155 (4) Who persuades or compels another person to using narcotic substances or their analogues for the purpose of prostituting, copulation, fornication or carrying out sexual intercourse or act of sexual satisfaction with a person of the same sex, shall be punished by imprisonment of five to fifteen years and by a fine of ten thousand to fifty thousand levs.</p> <p>Article 155c Anyone who by using force or threat, or by using a position of vulnerability or supervision persuades a juvenile to participate in actual, virtual or simulated fornication, copulation, intercourse, including sodomy, masturbation, sexual sadism or masochism, and lustful depiction of sexual organs shall be punishable with imprisonment of up to five years</p> <p>Article 158a (2) Whoever forces a person under 18 years of age, or a group of such persons to participate in a pornographic performance, shall be punished with imprisonment of one to six years.</p>	<p>particularly serious case the punishment shall be imprisonment from three to ten years.</p> <p>Article 151 (4) A person who has sexual intercourse with a person who has completed the age of 14 years, who does not understand the essence and meaning of the act, shall be punished with imprisonment of up to five years.</p> <p>Article 155 (5) If the act under para 1-4 has been committed: 2. against a person less than 18 years of age or insane;</p> <p>Article 155b (2) Where the act under para. 1 is committed: 1. by using force or threat; 2. by using position of dependency or supervision;</p> <p>Article 155c Anyone who by using force or threat, or by using a position of vulnerability or supervision persuades a juvenile to participate in actual, virtual or simulated fornication, copulation, intercourse, including sodomy, masturbation, sexual sadism or masochism, and lustful depiction of sexual organs shall be punishable with imprisonment of up to five years</p>
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<p>Croatia</p>	<p>Art 158 (1) Sexual intercourse or a sexual act equated with sexual intercourse with a child under the age of fifteen [...]; (2) Lewd acts with a child under the age of fifteen.</p>	<p>Art 152 Sexual intercourse or a sexual act equated with sexual intercourse without this person's consent [...]. (3) Consent referred to in paragraph 1 of this Article shall exist if the person decided of his/her own free will to engage in sexual intercourse or perform a sexual act equated with sexual intercourse and was capable of making and expressing such a decision. It shall be deemed that no such consent exists in particular if the sexual intercourse or the sexual act equated with sexual intercourse was performed by the use of threats or fraud, [...] or if it is performed against a person unlawfully deprived of liberty.</p> <p>Art 153 §1 Whoever commits the offence referred to in Article 152, paragraph 1, of this Act by the use of force or threats of an imminent attack on the life or limb of the raped or other person → higher penalty;</p> <p>Art 154 §§1 and 2 higher penalties if crime is committed against a victim especially vulnerable due to his/her age;</p> <p>Art 158 §5 Sexual intercourse/equivalent sexual acts with a child under the age of 15 by means of the use of force or threats, of deception, of fraud, of abuse of authority or of a situation of hardship or dependence of the child on him/her → higher penalty</p>	<p>Art 152 Sexual intercourse or a sexual act equated with sexual intercourse without this person's consent [...]. (3) Consent referred to in paragraph 1 of this Article shall exist if the person decided of his/her own free will to engage in sexual intercourse or perform a sexual act equated with sexual intercourse and was capable of making and expressing such a decision. It shall be deemed that no such consent exists in particular if the sexual intercourse or the sexual act equated with sexual intercourse was performed [...] by abusing one's position towards a person who is in a situation of dependence with respect to the perpetrator, by exploiting a person's condition due to which the person was unable to express his/her refusal [...].</p>
<p>Denmark</p>	<p>Sec 216 (2) Penalty for rape or sexual intercourse with a child under 12 years of age;</p>	<p>Sec 216 (1) Who (i) uses violence or threats of violence to have</p>	<p>Sec 218 exploiting the mental disorder or mental retardation of another person to engage in sexual</p>

	<p>Sec 222 (1) sexual intercourse with a child under 15 years of age; (2) higher penalty when coercion or threats were used</p> <p>Sec 225: same on other sexual activities</p>	<p>sexual intercourse; (ii) engages in sexual intercourse by duress as defined in Sec 260 or with a person who is in a state or situation in which he is incapable of resisting the act;</p> <p>Sec 225: same on other sexual activities</p>	<p>intercourse with such person;</p> <p>Sec 220 grossly exploiting another person's dependency of him for employment, financial, treatment or care reasons to engage in sexual intercourse with such person;</p> <p>Sec 223 (2) seducing a person under 18 years of age into sexual intercourse by grossly exploiting his superior age and experience;</p> <p>Sec 225 same on other sexual activities</p>
<p>Finland</p>	<p>Sec 6 (1) Who by touching or otherwise performs a sexual act on a child younger than sixteen years of age, said act being conducive to impairing his or her development, or induces him or her to perform such an act [...]. (2) Also a person who has sexual intercourse with a child younger than sixteen years of age, if the offence when assessed as a whole is not aggravated in the manner referred to in section 7, subsection 1, shall be sentenced for sexual abuse of a child. In addition, a person who acts in the manner referred to in subsection 1 or above in the present subsection with a child who has reached the age of sixteen but is younger than eighteen years of age, if the offender is the parent of the child or is in a position comparable to that of a parent and lives in the same household with the child, shall be sentenced for sexual abuse of a child.</p>	<p>Sec 1 (1) A person who forces another into sexual intercourse by the use or threat of violence directed against the person shall be sentenced for <i>rape</i> to imprisonment for at least one year and at most six years. (2) Also a person who, by taking advantage of the fact that another person, due to unconsciousness, illness, disability, state of fear or other state of helplessness, is unable to defend himself or herself or to formulate or express his or her will, has sexual intercourse with him or her, shall be sentenced for rape. (3) If the rape, taking into consideration the pettiness of the threat or the other circumstances connected with the offence, is less serious when considered as a whole that the acts referred to in subsections 1 or 2, the offender shall be sentenced to imprisonment for at least four months and at most four years. A person who forces another into sexual intercourse through other than the threat referred to in subparagraph</p>	<p>Sec 1(2) Also a person who, by taking advantage of the fact that another person, due to unconsciousness, illness, disability, state of fear or other state of helplessness, is unable to defend himself or herself or to formulate or express his or her will, has sexual intercourse with him or her, shall be sentenced for rape.</p> <p>Sec 4 (2) Who, by taking advantage of the fact that another person, due to unconsciousness, illness, disability, state of fear or other state of helplessness, is unable to defend himself or herself or to formulate or express his or her will, causes him or her to engage in or submit to the sexual act referred to in subsection 1, essentially violating his or her right of sexual self-determination;</p> <p>Sec 5 (1) Who abuses his or her position and entices one</p>

		<p>1 shall be sentenced in a similar manner. What is provided above in this subparagraph does not apply if violence has been used in the rape.</p> <p>Sec. 4 (1) Who by violence or threat coerces another into a sexual act other than that referred to in section 1 or into submission to such an act, thus essentially violating his or her right of sexual self-determination</p>	<p>of the following into sexual intercourse, into another sexual act essentially violating his or her right of sexual self-determination, or into submission to such an act,</p> <p>(1) [...]</p> <p>(2) a person younger than eighteen years of age, whose capacity of independent sexual self-determination, owing to his or her immaturity and the age difference of the persons involved, is essentially inferior to that of the offender, where the offender blatantly takes advantage of this immaturity;</p> <p>(3) a patient in a hospital or other institution, whose capacity to defend himself or herself is essentially impaired owing to illness, handicap or other infirmity, or</p> <p>(4) a person who is especially dependent on the offender, where the offender blatantly takes advantage of this dependence;</p>
France	<p>Article 227-25 of the Penal Code A sexual offence committed without violence, coercion, threats or surprise by an adult on the person of a minor under 15 years of age shall be punished by five years' imprisonment and a fine of 75 000 euros.</p> <p>Article 227-26 The offence set out under Article 227-25 shall be punished by ten years' imprisonment and a fine of 150 000 euros: 1) where it was committed by an ascendant or by any other person having legal or de facto authority over the victim; 2) where it was committed by a person abusing the authority conferred by his position.</p>	<p>Article 222-22 Sexual aggression is any sexual assault committed by violence, coercion, threats or surprise.</p> <p>Article 222-22-2 Coercing a person by violence, threats or surprise to undergo a sexual assault by a third party shall also constitute sexual aggression.</p> <p>Article 222-23 Any act of sexual penetration, whatever its nature, committed against another person by violence, coercion; threats or surprise shall be considered rape. Rape shall be punished by fifteen years' imprisonment.</p> <p>Art. 222-27</p>	<p>Article 223-15-2 Fraudulently abusing the ignorance or state of weakness of a minor, or of a person whose particular vulnerability due to age, sickness, infirmity, a physical or psychological disability or pregnancy is apparent or known to the offender, or abusing a person in a state of physical or psychological dependency resulting from serious or repeated pressure or from techniques used to affect his judgement, in order to induce the minor or other person to act or abstain from acting in any way seriously harmful to him shall be punished by three years' imprisonment and a fine of 375 000 euros. Where the offence is committed by the legal or de facto head of a group that carries out activities the aim or effect of which is to create, maintain or exploit the psychological or physical</p>

		<p>Sexual aggressions other than rape shall be punished by five years' imprisonment and a fine of 75 000 euros.</p> <p>Article 222-29-1 Sexual aggressions other than rape shall be punished by ten years' imprisonment and a fine of 150 000 euros where they are committed against a minor under fifteen years of age.</p>	<p>dependency of those who participate in them, the penalty shall be increased to five years' imprisonment and to a fine of 750 000 euros.</p> <p>Article 222-29 Sexual aggressions other than rape shall be punished by seven years' imprisonment and a fine of 100 000 euros where they are committed against a person whose particular vulnerability due to age, sickness, infirmity, a physical or psychological disability or pregnancy is apparent or known to the perpetrator.</p>
Greece	No specific information provided	No specific information provided	No specific information provided
Iceland	<p>Art 202 Any person who has sexual intercourse or other sexual relations with a child under the age of [15 years], shall be imprisoned for [a minimum of 1 year and a maximum of 16 years]. Punishment may be reduced or waived if the perpetrator and the victim are of similar age or level of maturity.</p> <p>Sexual harassment of a type other than that specified in the first paragraph of this article shall be punishable by imprisonment of up to [6 years]. Any person who, by deception, gifts or in any other way entices a [child] [under the age of 18 years] to engage in sexual intercourse or other sexual relations shall be imprisoned for up to 4 years</p> <p>Any person who, by communications over the Internet, other information technology or telecommunications equipment or in another manner arranges a meeting with a child under the age of 15 year for the purpose of having sexual intercourse or other sexual relations with the child or to harass the child sexually in another manner</p>	<p>Art 194 Any person who has sexual intercourse or other sexual relations with a person by means of using violence, threats or other unlawful coercion shall be guilty of rape and shall be imprisoned for a minimum of 1 year and a maximum of 16 years. 'Violence' here refers to the deprivation of independence by means of confinement, drugs or other comparable means. [...]</p> <p>Art 195 When punishment for violations of Article 194 is determined, it shall be considered as increasing the severity of the punishment: a. if the victim is a child under the age of 18, b. if the violence employed by the perpetrator is of serious proportions, c. if the offence is perpetrated in such a way as to cause particular pain or injury.</p>	<p>Article 194 [...] Exploiting a person's psychiatric disorder or other mental handicap, or the fact that, for other reasons, he or she is not in a condition to be able to resist the action or to understand its significance, in order to have sexual intercourse or other sexual relations with him or her, shall also be considered as rape, and shall result in the same punishment as specified in the first paragraph of this Article.</p>

	<p>shall be imprisoned for up to 2 years.</p> <p>If the connection between the perpetrator and the child is as described in the first paragraph of Article 200 or the first paragraph of Article 201, this shall be accounted as an aggravating factor in determining punishment, providing that the second sentence of paragraph 1 of this Article does not apply.</p>		
Italy	<p>Art 609quater the penalty set forth in Article 609 bis, except for the cases envisaged by the said article, shall be imposed on whomever perpetrates sexual acts with a person who, at the time of the acts: 1) is under fourteen; 2) is under sixteen, when the offender is the ascendant, parent, including a foster parent, or his/her live-in partner, the guardian, or other person entrusted with the child's care, education, instruction, supervision or custody or with whom the child lives.</p>	<p>Art 609bis Any person who, by violence or threat, or by abuse of authority, forces a person to perform or suffer sexual acts [...]</p> <p>Art 609ter higher penalties in case the victim was under 10/14 years</p>	<p>Art 609bis (2) no 1 The same penalty shall be imposed on any person who induces a person to perform or suffer sexual acts: 1. abusing the victim's condition of mental or physical deficiency at the time of the act.</p>
Lithuania	<p>Art 151 (1) "Satisfaction of sexual desires by violating a minor's freedom of sexual self-determination and/or inviolability" An adult person who has sexual intercourse or otherwise satisfied his sexual desires with a person younger than sixteen years, in the absence of characteristics of a rape, sexual assault or sexual abuse [...].</p>	<p>Art 149 (1) Rape A person who has sexual intercourse with a person against his will by using physical violence or threatening the immediate use thereof or by otherwise depriving of a possibility of resistance [...];</p> <p>Art 150 (1) Sexual assault A person who, against a person's will, satisfies his sexual desires through anal, oral or interfemoral intercourse by using physical violence or by threatening the immediate use thereof. Higher penalty if the victim is a child.</p>	<p>Article 149 (1) A person who has sexual intercourse with a person against his will by [...] taking advantage of the helpless state of the victim;</p> <p>Art 150 (1) A person who, against a person's will, satisfies his sexual desires through anal, oral or interfemoral intercourse by [...] taking advantage of the helpless state of the victim [...].</p>
Luxembourg	Art 372 (3)	Art 372 (2)	Art 375 (2)

	<p>Indecent assault committed against the person or with the assistance of the person of a child of either sex aged under sixteen years;</p> <p>Art 375 (2) Any act of sexual penetration, of whatever nature and by whatever means, committed on the person of a child aged under sixteen years shall be deemed to constitute rape committed by abusing a person unable to give free consent.</p>	<p>Indecent assault committed with violence or threats against persons of either sex;</p> <p>Art 375 (1) Any act of sexual penetration, of whatever nature and by whatever means, committed on a person who does not consent to it, in particular by means of serious threats or violence, by ruse or deceit, or by abusing a person unable to give free consent or to resist, shall constitute rape and shall be punished by five to ten years' imprisonment.</p>	<p>Any act of sexual penetration, of whatever nature and by whatever means, committed on the person of a child aged under sixteen years shall be deemed to constitute rape committed by abusing a person unable to give free consent.</p>
Malta	No specific information provided	No specific information provided	No specific information provided
Republic of Moldova	<p>Art 174 (Sexual intercourse with a person under the age of 16): Sexual intercourse other than rape, as well as any other acts of vaginal or anal penetration, committed with a person certainly known to be under the age of 16;</p> <p>Art 175 (Perverted actions) The commission of perverted actions against a person certainly known to be under the age of 16, consisting of the exhibition of indecent touching, obscene or cynical discussions held intercourse with the victim on the determination of the victim to participate or to assist in pornographic performances, making the victim pornographic material and other actions with sexual character.</p>	<p>Art. 171 line 2 letter b) Rape, i.e. sexual intercourse committed by the physical or mental coercion of the person;</p> <p>Art. 172 line 2 letter b) Homosexuality or satisfying sexual needs in perverted forms committed through the physical or mental coercion of the person;</p> <p>Art. 172 line 3 letter a) Homosexuality or satisfying sexual needs in perverted forms committed through the physical or mental coercion of the person committed to a juvenile under the age of 14.</p>	<p>Art. 171 line 2 letter b) Rape, i.e. sexual intercourse committed [...] by taking advantage of the victim's incapacity to defend himself/herself or to express himself/herself.</p> <p>Art. 172 line 2 letter b) Homosexuality or satisfying sexual needs in perverted forms committed [...] by taking advantage of the person's incapacity to defend himself/herself or to express himself/herself.</p> <p>Art. 172 line 3 letter a) Homosexuality or satisfying sexual needs in perverted forms committed [...] by taking advantage of the person's incapacity to defend himself/herself committed to a juvenile under the age of 14;</p> <p>Art. 77- Aggravating Circumstances Abusing by taking advantage of a particularly vulnerable situation of the child, especially mental or physical disability or a situation of dependence.</p>

<p>Montenegro</p>	<p>Art 206 Sexual intercourse with a child This criminal offence has a basic and two severe forms. Paragraph 1 criminalizes sexual intercourse or an equal act with a child. The Montenegrin criminal law defines a child as a person under the age of 14. Persons aged 14 to 18 are considered junior and senior juveniles. Severe forms of the criminal offence are prescribed taking into account the severe consequences, while paragraph 4 provides the basis for exclusion of the existence of a criminal offence if there is no significant difference in the mental and physical maturity of the perpetrator and the child.</p> <p>Regulating the criminal offence of sexual abuse, Article 18, paragraph 2 of the Council of Europe Convention provides that each Party shall decide the age below which it is prohibited to engage in sexual activities with a child. No reasonable person could argue the necessity to sanction sexual acts against persons who have not reached the required level of mental and physical development for engaging into sexual relations.</p>	<p>Art 204 Rape The basic form of this criminal offence consists in the compulsion to sexual intercourse or an equal act by force or threat of a direct attack on life or limb of that or some other person. The essence of this criminal offence fully corresponds to the solutions adopted in the European criminal law, according to which the perpetrator and the victim may be persons of both sexes, while the act of execution includes sexual intercourse and a similar act, or unnatural fornication. The criminal offence has two severe forms that differ according to the prescribed sanctions. A severe form of paragraph 3 includes the aggravating circumstances such as the occurrence of serious bodily injury to a passive subject, or if the offence was committed by more than one person or if it was committed in a particularly cruel or humiliating manner or if the offence was committed against a juvenile or has resulted in a pregnancy. Paragraph 4 provides the most severe form of the offence that exists in the event of death or if the offence was committed against a child.</p>	<p>Art 205 Sexual intercourse with a helpless person This criminal offence includes the sexual intercourse or an equal act with another person, taking advantage of a person's mental illness, arrested mental development or other mental alienation, helplessness or some other state of that person due to which s/he is not capable of resistance. The criminal offence has two severe forms that include the occurrence of serious bodily injury to a passive subject, if the offence is committed by more than one person, or if it is committed in an especially cruel and humiliating manner, or if it is committed against a juvenile or has resulted in pregnancy. The most severe form of the criminal offence exists in the case of death of a passive subject, or if the offence was committed against a child.</p>
<p>Netherlands</p>	<p>Article 244 The person who commits acts, with a person below the age of twelve, that consist, or consist in part, of the sexual penetration of the body [...];</p> <p>Article 245 The person who commits indecent acts, with a person who has reached the age of twelve but not yet the age of sixteen, outside of a marriage, which consist, or consist in part, of the sexual penetration of the body [...];</p>	<p>Article 242 The person who, by an act of violence or another hostile act or by a threat of violence or other hostile act, forces someone to undergo acts that consist, or consist in part, of the sexual penetration of the body [...];</p> <p>Article 246 The person who, by an act of violence or another hostile act or by a threat of violence or other hostile act, forces someone to commit or to tolerate indecent acts</p>	<p>Article 243 The person who commits acts that consist, or consist in part, of the sexual penetration of the body, with a person who he knows to be in a state of unconsciousness, reduced consciousness or a condition of being physically helpless or unable to resist or to be suffering from such limited development or pathological disorder of his mental faculties that he is not, or insufficiently, able to determine or express his will in that respect or to resist such acts [...]</p>

	<p>Article 247 The person [...] who commits indecent acts with a person below the age of sixteen, outside of a marriage, or induces the latter person to commit or tolerate such acts outside of a marriage with a third party [...]</p>		
Portugal	<p>Art 171: Sexual abuse of children 1 – Whoever engages into a relevant sexual act with or on a minor under 14 years of age, or procures him to engage into such act with another person, is punished with imprisonment from one to eight years. 2 – If the relevant sexual act consists of vaginal coitus, coitus per anum, oral coitus or vaginal or per anum penetration by parts of the body or objects, the offender is punished with imprisonment from three to ten years. 3 – Whoever: a) Importunes a minor under 14 years of age, by engaging into the act provided for in article 170; or b) Acts over a minor under 14 years of age, by means of a pornographic conversation, writing, show or object; is punished with imprisonment for no more than three years. c) Entices a minor under 14 years of age to witness sexual abuse or sexual activities, (Law 103/2015, 24 August) is punished with imprisonment up to 3 years. 4 – Whoever engages into the acts described in the preceding paragraph with profitable intent is punished with imprisonment from six months to five years. 5 – The attempt is punishable. (Law 103/2015, 24 august)</p> <p>Art 173: Sexual activities with adolescents</p>	<p>Art 163: Sexual coercion 1 – Whoever, by means of violence, serious threat or after having rendered, for such purposes, another person unconscious or unable to resist, constrains such person to submit to, or to engage into, with himself or with a third party, a relevant sexual intercourse is punished with imprisonment from one to eight years. 2 – Whoever, by any means other than those provided for in the preceding paragraph constrains another person to submit to, or to engage into a relevant sexual act with himself or with a third party, is punished with imprisonment up to 5 years. (Law 83/2015, 5 August)</p> <p>Art 164: Rape 1 – Whoever, by means of violence, serious threat or after having rendered, for such purposes, another person unconscious or unable to resist, constrains such person: a) To submit to, or to engage into, vaginal coitus, coitus per anum or oral coitus with himself or with a third party; or b) To submit to vaginal or anal penetration by parts of the body or objects; is punished with imprisonment from three to ten years. 2 – Whoever, by means not included in the preceding paragraph, constrains another person to:</p>	<p>Art 172: Sexual abuse of dependent minors 1 – Whoever engages into or causes the engagement into the act provided for in paragraphs 1 or 2 of the preceding article, in relation to a minor between 14 and 18 years of age who has been entrusted to him for education or assistance, is punished with imprisonment from one to eight years. 2 – Whoever engages into the act provided for in subparagraphs a) and b) of paragraph 3 of the preceding article, in relation to a minor referred to in the preceding paragraph and in the conditions mentioned therein, is punished with imprisonment for no more than one year. 3 – Whoever engages into the acts provided for in the preceding paragraph with profitable intent is punished with imprisonment, up to 5 years. (Law 103/2015, 24 August) 4 – The attempt is punishable. (Law 103/2015, 24 August)</p> <p>Art 165: Sexual abuse of a person unable to resist 1 – Whoever engages into a relevant sexual act with an unconscious person or a person unable to resist due to any other reason, taking advantage of that person’s state or inability, is punished with imprisonment from six months to eight years. 2 – If the relevant sexual act consists of vaginal coitus, coitus per anum, oral coitus or vaginal or per anum penetration by parts of the body or objects, the offender is punished with</p>

	<p>1 – Whoever, being of age, engages into a relevant sexual act with a minor between 14 and 16 years of age, or leads him to engage therein with another person, abusing from the minor’s inexperience, is punished with imprisonment up to two years (Law 103/2015, 24 August)</p> <p>2 – If the relevant sexual act consists of vaginal coitus, oral coitus, coitus per anum or vaginal or per anum penetration by parts of the body or objects, the offender is punished with imprisonment up to 3 years (Law 103/2015, 24 August)</p> <p>3 – The attempt is punishable. (Law 103/2015, 24 August)</p>	<p>a) to engage into or to practice, with himself or others, intercourse, anal or oral coitus; or b) undergo vaginal or anal introduction of objects or body parts; is punished with imprisonment of 1 to 6 years. (Law 83/2015, 5 August)</p>	<p>imprisonment from two to ten years.</p>
Romania	<p>Art 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) higher penalty if victim was under 13 years. Higher penalties for the offence provisioned for in paragraphs (1) - (3) 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</p> <p>Art 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</p>	<p>Art 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 (2) [...] any other acts of vaginal or anal penetration committed under the conditions of paragraph (1); higher penalty if perpetrator is a relative</p> <p>Art 219 Sexual assault: 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 [...]</p>	<p>---</p>
San Marino	<p>Art. 173: Sexual abuse of minors or persons unable to consent or resist Anyone committing the offences set out in the two</p>	<p>Art. 171: Violation of sexual freedom Anyone who, using violence, threat, hypnosis or other appropriate means, compels or misleads a</p>	<p>Art. 173: Sexual abuse of minors or persons unable to consent or resist Anyone committing the offences set out in the</p>

	<p>previous articles without violence, threat or deception against children under the age of fourteen years or persons who are unable to resist owing to specific physical or mental conditions shall be subject to the punishments established in said articles. The offender shall not plead ignorance of the minor age of the victim in excuse of his conduct.</p>	<p>person to lewd acts, is punished by third-degree imprisonment. If the offence is committed by an ascendant, an adopting parent, a guardian, an educator, a teacher, a health worker or by a person entrusted with the custody of a child for supervision, education, training or care purposes, fourth degree disqualification from parental authority, guardianship, profession or art shall be jointly applied;</p> <p>Art. 172: Aggravating circumstance Anyone committing sexual copulation under the circumstances provided for in the previous article is punished by a term of imprisonment increased by one degree;</p>	<p>two previous articles without violence, threat or deception against children under the age of fourteen years or persons who are unable to resist owing to specific physical or mental conditions shall be subject to the punishments established in said articles.</p>
Serbia	<p>Article 180 - Sexual Intercourse with a Child (1) Whoever has sexual intercourse or commits an equal act against a child [...].</p>	<p>Article 178 - Rape (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 [...] (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 [...].</p>	<p>Article 179 - Sexual Intercourse with a Helpless Person (1) 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 [...].</p>
Spain	<p>Article 183 Whoever engages in acts of sexual nature with a child under the age of sixteen years shall be convicted of sexual abuse of the child, with a sentence of imprisonment from two to six years.</p>	<p>Article 183 When the acts are committed by means of violence or intimidation, the offender shall be convicted of the offence of sexual assault of the child, with the punishment of five to ten years imprisonment. The same punishments shall be imposed when the offender compels a child under the age of sixteen years to engage in acts of sexual nature with a third party or on himself using violence or intimidation.</p>	<p>Article 183 (...) The conducts foreseen in the preceding three numbers shall be punished with the relevant sentence of imprisonment in its upper half when any of the following circumstances concur: (...) a) When the scarce intellectual or physical development of the victim, or a mental disorder has caused a situation of total defencelessness and, under all cases, when under four years old.</p>

<p>“The Former Yugoslav Republic of Macedonia”</p>	<p>Article 188: Sexual assault of a child under 14 (1) A person who commits statutory rape or other sexual act on a minor under 14 years, shall be punished with imprisonment of at least twelve years.</p>	<p>Article 188: Sexual assault of a child under 14 (1) A person who commits statutory rape or other sexual act on a minor under 14 years, shall be punished with imprisonment of at least twelve years.</p> <p>Article 189 Statutory Rape by abuse of exhibition: (1) A person who with abusing their position will indicate statutory rape or other sexual acts who against him is in relation of subordinate or dependent or with the same mistreats him, intimidating or treating him in a manner that degrades human dignity and the human person, shall be punished with imprisonment of at least five years. (2) If the crime under paragraph (1) of this article shall perform blood relatives in a straight line or a brother or sister, teacher, educator, adoptive parent, guardian, stepfather, stepmother, doctor or other person by abusing of position or by performing family violence commits statutory rape or other sexual acts with a child under 14 years who has been entrusted to him for learning, education, custody or care, shall be punished with imprisonment of at least ten years. "</p>	<p>Article 189: Statutory Rape by abuse of exhibition (1) A person who with abusing their position will indicate statutory rape or other sexual acts who against him is in relation of subordinate or dependent or with the same mistreats him, intimidating or treating him in a manner that degrades human dignity and the human person, shall be punished with imprisonment of at least five years. (2) If the crime under paragraph (1) of this article shall perform blood relatives in a straight line or a brother or sister, teacher, educator, adoptive parent, guardian, stepfather, stepmother, doctor or other person by abusing of position or by performing family violence commits statutory rape or other sexual acts with a child under 14 years who has been entrusted to him for learning, education, custody or care, shall be punished with imprisonment of at least ten years. "</p>
<p>Turkey</p>	<p>Art 103 Sexual Abuse Any attempt at physical contact with the child with a sexual aim [...]. Under this article, all kinds of sexual attempt against children who are under the age of fifteen or against those attained the age of fifteen but lack of ability to understand the legal consequences of such act, as well as sexual abuse of other children by force, threat or fraud, or any other reason having an influence on the will of the child;</p>	<p>Art 103 Sexual Abuse sexual abuse of children by force, threat or fraud, or any other reason having an influence on the will of the child;</p> <p>Art 109 Unlawfully restricting the freedom of a person by preventing him from travelling or living in a place [...]. The fact that the victim is a child or that the offence was committed with a sexual aim are</p>	<p>Art 103 Sexual Abuse Any attempt at physical contact with the child with a sexual aim, shall be sentenced with imprisonment. Under this article, all kinds of sexual attempt against children who [...] attained the age of fifteen but lack of ability to understand the legal consequences of such act [...].</p>

	<p>Art 104 Any person who is in sexual intercourse with a child who completed the age of fifteen without using force, threat and fraud, is sentenced to [...] upon filing of a complaint;</p> <p>Art 105 sexual molestation without physical contact.</p>	among the aggravated circumstances of such offence.	
Ukraine	<p>Art 155 sexual intercourse with an individual who has not reached puberty;</p> <p>Art 156 corruption of minors; Commission of activities aimed at corrupting an individual under the age of 16 [...]; higher penalty if victim is a minor (= under 14 years)</p> <p>Art 156, 125, 126, 121, 122 or 129: corruption preceded or taking place alongside beating, physical damage or death threats</p>	Art 152 and 153 rape and forceful satisfaction of sexual passion by unnatural means committed against an individual under the age of majority or a minor.	---

Table C - Data collection (DC) on child sexual abuse (CSA) within the circle of trust (CT) (Article 10§2(b))

COUNTRY	Mechanisms for general DC on child abuse and neglect		DC especially for CSA or particularly on CSA in the CT	Appointment of focal points with a particular mandate for CSA DC	Other relevant information or remark
	Victim	Offender			
Albania	Data collected by law enforcement sector : General Directorate of Police; <u>aggregative data</u> on: type of criminal act committed against children (domestic violence/ sexual exploitation/ abuse/ trafficking)/ age of victim/ gender of victim/ whether the offender is also a child				
Austria	Data collected by: Law enforcement sector : Austrian Federal Office of Criminal Investigation (“Police Crime Statistics”) <u>aggregative data</u> regarding both <u>victims and offenders</u> : age/ gender/ relationship between victim and perpetrator Justice sector : Courts and public prosecution offices (“Austrian Court Automation”) <u>case-based data</u> regarding both <u>victim and offender</u> ; <u>variables registered for victim</u> : name/ nationality/ gender/ date of birth NGOs : Child Protection Centers <u>aggregative data</u>			Federal Ministry responsible for Family and Youth does not collect data	Welfare sector : Youth welfare authorities <u>aggregative data</u> regarding children that receive welfare services (interventions): age/ gender/ legal circumstance/ <i>not the concrete reason of intervention</i>
Belgium	<ul style="list-style-type: none"> • Juridical (parquets) and law enforcement (police) • Data concerning child abuse and neglect coming from convictions (how many persons (sex and age) were convicted for these kinds of crimes) are available • Also (child protection agencies): <i>In the Flemish Community: Kind en Gezin</i> (Flemish agency for the rights of the children) <i>In the Wallonia- Brussels Federation: 1. L’Office de la naissance et de l’enfance</i> (O.N.E. a public organization of the French community in Belgium for the childhood), 2. 14 SOS Enfants groups (psychosocial type of information), 3. Services 		No special mechanisms of the federal services for CSA data collection. Such data derive from the SOS Enfants and the Services for Youth in need.		

	<p>for Youth in need</p> <ul style="list-style-type: none"> • <u>Aggregative data</u> • <u>Case-based data</u>: Access: Juridical sector (Secretary of the “parquet”), Variables: Type of maltreatment, Relation victim- offender as well: <p>In the Flemish Community: Presumption of a concrete situation of maltreatment or neglect, Risk of maltreatment or neglect, General concern for the well- being of the child</p> <p>In the Wallonia- Brussels Federation: type of service given by the SOS Enfants team, duration of clinical evaluation, characteristics of the education of the child, the average number of the services involved in a child maltreatment case, profile characteristics of the offender</p>			
Bosnia and Herzegovina	Data collected by: Ministry of Human Rights and Refugees , which gathers the information from the social welfare, health, education, law enforcement and justice sectors including NGOs implementing the Strategy for Combating Violence against Children; <u>Aggregative data</u> concerning the victim: age/ type and form of violence			Ministry of Security is gathering data from the police, prosecutor’s offices, social care centers, NGOs and other relevant agencies with regard to the issue of <u>human trafficking</u>
Bulgaria	Data collected by Social Welfare sector : State Agency for Child Protection; they gather <u>aggregative and case-based data</u> that all child protection departments at municipal level keep: filling a specially developed information card concerning the <u>victim</u> and the <u>offender</u> ; variables: type of violence/ place/ age of victim/ family status of victim/ profile of the reporter/ profile of the offender/ measures taken			
Croatia	<p>Data concerning <u>all criminal acts</u> (here including sexual abuse and exploitation of children) collected by:</p> <p>Ministry of Interior <u>Aggregated data</u> relationship between <u>victim and offender</u> is registered by choosing among 95 different options; data collected by the police</p>	Since data shows the relationship between the victim and the offender, this allows for a search for CSA cases within the CT		Social welfare centres keep records of the application of the provisions of the Family Act that come within their area of competence. The said centres forward data to the Ministry of Social Policy and Youth which then processes the said data and drafts annual reports that are available to
	State Attorney’s Office of the Republic of Croatia , which gathers			

		<p>the data from all District Attorney's Offices and then enters them into the Case Tracking System</p> <p><u>Aggregated data</u> concerning <u>each criminal act</u> provided by law; variables: number of committed criminal offences, number of injured persons, number of offenders, Relationship between victim and offender is also registered</p> <p>Criminal records of perpetrators</p> <p>Ministry of Justice gathers data on convictions</p>			<p>the public on the Ministry's website. The section Protection of the Rights of the Child and Child Welfare provides, among others, the following information (some of which refer to child abuse and, in particular, child sexual abuse):</p> <ul style="list-style-type: none"> - the number of reported cases of child abuse by type of violence and abuser; - the number of reported cases of child abuse by source of filed report.
Denmark	<p>Data collected by:</p> <p>National Board of Social Services, which gathers the data from all Child Advocacy Centers concerning all children that receive help in the Centers (the Child Advocacy Centers collect obligatory data on the personal identification number of the child victim, how the case came to the authorities attention, the character of the offence, the offender's relationship with the child victim and the Child Advocacy Centers assistance to the child victim and family. Furthermore, other none obligatory data may be collected by the Child Advocacy Centers in specific cases.)</p> <p>The National Plan "Coordinated measures to protect children from abuse" provides also for <u>aggregated data</u>; data by: social services</p>		<p>The Prosecution Service collects data on criminal cases concerning sexual abuse of children and data on the perpetrator.</p>		
Finland	Police and judicial statistics: criminal records (Legal Register Centre)				
France	<p>Data collected by:</p> <p>Social Welfare sector</p> <p>National Observatory on the Rights of the Child (O.N.E.D.) collects data from all regional authorities and services on child abuse and neglect cases, <u>case-based data</u></p>				

	<p>Juridical sector All terminal juridical decisions related to child abuse offences including child sexual abuse cases are recorded to the CASSIOPE electronic database, <u>case based data</u></p>			
Greece	<p>Each agency keeps its own records (e.g. Police, District Attorney, Hospitals, NGO's, local welfare services)</p>			<p>The Institute of Child Health, a public organization, collected data on abuse and neglect of children for 2010-2012 The Institute of Child Health is currently developing a pilot national database for professionals (sectors of education, health, social welfare, law enforcement and justice) to register incidents of abuse or neglect of children</p>
Iceland	<p>Data collected by: Social Welfare sector: the Government Agency for Child Protection, an autonomous agency under the authority of Ministry of Welfare, <u>case-based data</u>; variables: cases reported to the local child protection services, number of court testimonies by children, number of police investigations referred to the State Prosecution, indictments – sentencing <u>Aggregative data</u>, are also gathered from all 27 local Child Protection Committees concerning the <u>victims</u> Other Agencies including the Police, the State Prosecution, the Courts Council and the University Hospital, hold statistics of cases according to their respective roles</p>	<p>In regards to the CT, analysis of statistical data from investigative interviews in Barnahus for the past three years</p>		<p>Given that there is mandatory reporting of all cases of suspected sexual abuse and exploitation to the local child protection services, the data collected annually by GACP are comprehensive and include all cases that are dealt with by other agencies such as the police, the prosecution and the health services</p>
Italy	<p>A national database on sexual abuse and sexual exploitation of children is set up as provided in law n.38/2006, by the Observatory for the fight against pedophilia and child pornography, established at the Presidency of the Council of Ministers - Department for Equal Opportunities. The database contains data provided by the Ministry of the</p>			<p><u>Information System on the care and protection of children and their families</u> collects <u>case-based data</u> on children followed by <u>local social services</u>, variables: profile of the child (age, gender, etc)/profile of the parents (age, educational level, etc)/ family conditions/ evaluation of the case and action taken <u>Ministry of Justice, Department of Juvenile Justice</u> carried out a study on child</p>

	<p>Interior, the Department for Juvenile Justice of the Ministry of Justice and by Istat.</p> <p>Data are collected by Ministry of Interior (police crime reports to the Judicial authorities) Social Services who treat victims of sexual abuse Institute for Political, Social and Economic Studies (Eurispes) Coordinated Italian Services against child abuse (CISMAI) Project S.In.Ba.; variables: profile of child, profile of parents, profile of family, actions taken</p>				<p>victims and child offenders of sexual offences for the years 2011-2012, <u>aggregated data</u>; variables: nationality, gender, age group, relationship, actions taken</p> <p><u>National Centre for Documentation and Analysis of Children and Adolescence in Florence</u>; feasibility study; an analytical approach mainly focused on child victims of sexual violence</p>
<p>Lithuania</p>	<p>Data collected by Social Welfare sector (Ministry of Social Security and Labor): <u>Information System of Social Support to Family (SPIS)</u> <u>aggregative data</u> on <u>victims</u> (gender is indicated), distinction whether the perpetrator was in the circle of trust or not</p> <p>Ministry of Interior, Information Technology and Communications Department</p> <p><u>Offenders (suspects) and victims</u> are registered into the <u>Departmental Register of Criminal Acts</u>: name/ nationality/ gender/ date of birth/ age/ education/ employment/ description of criminal act.</p>	<p>Ministry of Interior, Information Technology and Communication Department; <u>Offenders (suspects, accused and convicts)</u> are registered into the <u>Register of Suspects, Accused and Convicts</u>: name/ nationality/ gender/ date of birth/ data of criminal case/ decisions of prosecution service and court/ sanctions/ data concerning</p>			

		execution of sanctions.			
Luxembourg	No data collection neither by the Public Prosecution nor by the Ministry of Justice				
Malta	<p>Data collected by:</p> <p>Social Welfare sector: <u>Agenzija Appogg</u> (National Agency for Children, Families and the Community), which is part of the Foundation for Social Welfare Services, <i>case based data</i> come from the inputs of <u>Child Protection Service</u> into the Access Database. <i>aggregative data</i>: the Foundation for Social Welfare Service's <u>Research Office</u> processes these data and publishes annual and biannual reports</p>			No focal point has been identified with regards to statistical data on victims and offenders within the CT.	
		Justice sector: registration of (sexual and other) offenders who commit serious crimes against minors			
Republic of Moldova	<p>Justice/ law enforcement sectors: Interdepartmental Order to record data on children victims of crimes related to child abuse and neglect and especially of child sexual abuse including the relation between child and offender case-based data</p>	<p>Justice/ law enforcement sectors: Data collected on a number of crimes against children offenders including personal data on offending persons and their relation to children - victims</p>	Police, customs and general prosecution services are obliged to send pictures and video recordings of child pornography, their metadata, information regarding identified persons, and other information to a centralised informational system ("The Child Protection") set up within the Centre for combating cyber crimes (Ministry of Internal Affairs)		Data collected by Social Welfare sector: <u>Social Assistance Automated Information System</u> = tool for social workers; domestic violence & human trafficking <i>Case-based data</i> include all the beneficiaries of social services (e.g. victims of domestic violence or trafficking, persons affected by HIV, persons with disabilities)

<p>Montenegro</p>	<p>Each institution/agency keeps its own records <u>Database on Child Protection</u> (national and local): <i>Case-based data</i> Health care institution keep records in paper form</p>				<p>Though cases are reported to regional units of Police, Public Prosecutor's offices and social welfare centers, few cases are addressed before courts Problems in the procedure of reporting, identification of child victims, inter-agency cooperation, investigation and prosecution of cases</p>
<p>Netherlands</p>			<p>The National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, the Children's Ombudsman, the Healthcare Inspectorate, the Minister of Security and Justice, the periodical reports on the implementation of the UN Convention on the Rights of the Child and the hotline for online child pornography ("<i>meldpunt kinderpornografie op internet</i>"), provide statistical data on sexual abuse of children in the circle of trust.</p>		
<p>Portugal</p>	<p>Data collected by: Justice/ law enforcement sectors: Criminal Police (Policia Judiciara) holds a <u>database (SIIC)</u> with all reported crimes, processes <i>case-based data</i> and gives also <u>aggregative data</u> (statistics) regarding <u>each crime</u>. Ministry of Health; in the process of developing electronically registered information Justice/ law enforcement sectors: with regards to <u>sexual offences committed against children:</u> sexual abuse of children, sexual abuse of dependent minor, sexual activities with adolescents, child</p>				

	pornography, recruitment of minors for prostitution/ type of relationship between the perpetrator and the victim			
Romania	<p>Data by:</p> <p>Social Welfare sector</p> <p>Ministry of Labor, Family, Social Welfare and Elders, <u>Directorate for the Protection of Children</u> collects data at national level <u>aggregated data</u> on sexual abuse and exploitation</p> <p>the 47 <u>Directorates General for Social Work and Child Protection</u>, (DGSWCP) collect <u>case based data</u> on local level.; these data are collected on the basis of the mandatory reporting on cases of child abuse by any person or institution</p>			National Agency against Trafficking in Persons (ANITP) keeps the <u>Integrated System for Monitoring and Assessing Victims Database</u> : data on trafficked children for the purpose of exploitation in any possible way
San Marino	<p>Justice Sector:</p> <p>Due to the singularity of Magistrate's Court there both <u>case based and aggregative data</u> each year in regards to crimes against minors including information on age/type of abuse/ sex/ intervention applied. Such data are submitted to the Parliament and then to civil society annually in the form of an Annual Report</p> <p>Social Welfare/Health Sector:</p> <p><u>Authority for Equal Opportunities, Health Authority and Protection of Minors' and adolescents' Service</u> also cooperate in recording <u>case based and aggregative data</u> of child</p>			

	maltreatment including child sexual abuse data bearing also properties as indicated above in the case of Justice statistical data.				
Serbia	<p>Data collected by:</p> <p>Social Welfare sector Ministry of Labor, Employment & Social Policy; <u>Centers for Social Work</u> maintain records of registered <u>victims</u> (domestic violence, sexual abuse) and <u>offenders</u>, without a specific mandate to evaluate sexual abuse <u>case-based data</u></p> <p>Health sector <u>Institute of Public Health</u> has created a database to collect <u>case-based data</u> of possible CAN cases including child victims and their alleged perpetrator; it is anticipated to operate soon; data by healthcare institutions</p> <p>Health sector Ministry of Health; <u>Medical record</u>; <u>case based data</u> only for <u>victims</u> variables: Name and surname, name and surname of one parent-guardian, gender, date and year of birth, marital status, city, municipality and country of residence and birth and citizen's individual identification number Ministry of Health; <u>Registry Book</u>; keeping track of health conditions and diseases, including cases of suspected cases of child abuse and neglect</p>	<p>Justice sector <u>Republican Public Prosecutor's Office</u> keep records on perpetrators of crimes and their case's course</p>		<p>In Centers for Social Work, as well as within social welfare system generally, there are no coordinators or focal points in place to statistically observe and evaluate sexual abuse of children.</p>	<p><u>Ministry of Interior, the Institute for Public Health</u> collects data on human trafficking <u>Republic Institute for Statistics</u>: collects data provided by others</p>
Spain	<p>Data collected by:</p> <p>Health/Welfare sector <u>Ministry of Health, Social Services and Equality</u> in cooperation with the <u>Autonomous Regions</u> keeps a</p>		<p>Health/Welfare sector: <u>Ministry of Health, Social Services and Equality</u> collects data on child sexual abuse based on cases recorded by Autonomous</p>		

	<p><u>national on-line database with <i>case based data</i> of reports of child abuse cases (Unified Register of Child Abuse (RUMI)). All protection services have access to it; variables registered: age/ sex/ type of abuse/ severity of abuse/ origin of report/ nationality of victim</u></p> <p><u>Ministry of Health, Social Services and Equality; <i>aggregated data</i>, data by: protection services; variables: age, sex, type of abuse, origin of notification, nationality of the victim, degree of abuse</u></p>		<p>Regions. Social services, schools, health services and the police report these cases through notification sheets to primary care social centres and public entities responsible for the protection of minors in each Region.</p> <p><u><i>case based data</i></u> (notification records)</p> <p>Law Enforcement sector <u>Ministry of Home Affairs; “Plans of Action against the Sexual Exploitation of Children and Adolescents”;</u> <u><i>aggregated data</i></u> <u>Ministry of Home Affairs keeps records for crimes committed (including sexual abuse and exploitation against minors)</u></p>		
“The former Yugoslav Republic of Macedonia”	<p>Social Welfare Sector: Within the auspices of Ministry of Labor and Social Police in the Resource Center for children at social risk operating within the Public Institution – Institute for Social Activities, data are collected and records are kept for all children at risk that the Centers for Social Work are working with.</p>				
Turkey					<p>Within the years 2014-2018 a database will be created in order to keep track of cases of child abuse and exploitation (follow-up and monitoring mechanism)</p>
Ukraine	<p>Justice/ law enforcement sectors: Data collected on a number of crimes</p>				

	provided for by CCU concerning sexual violence <i>case-based data</i>				
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NOTES:

In the Table above characteristics checked and presented include: 1. Sector of data collection (juridical, law enforcement, social welfare, health, education, other) 2. The nature of data collection mechanism, viz. whether referring to aggregative data or case-based data. In the second instance of case-based data collection mechanisms the features cross-checked include: 1. Access of professionals 2. Variables registered (i.e. Child, Offender, Family-caregivers, Siblings-roommates, Reporter, Duration and multiplicity, History of child/family, Claims of the child, Consequences, Other indicators, etc).

Wherever it is mentioned “relationship” it implies “relationship between the victim and the offender”. Wherever in the second column the sub-categories of victim and offender are merged, the data collection mechanisms whether refers to both or to registering of the offence or in any case it is not particularly referring to victims or offenders. Wherever there is blank space there is no particular reference found in the replies of the parties.

**Table D - Best interest of the child in investigations and criminal proceedings concerning sexual abuse of children in the circle of trust
(Article 30§1)**

	<p>Article 30, para. 1 Legislative or other measures taken to ensure that investigations and criminal proceedings are carried out in the best interests and respecting the rights of the child victim of sexual abuse in the circle of trust</p>
Albania	<ul style="list-style-type: none"> • The Criminal Code is based on [...] the protection of the best interest of the child (Article 1/c of the Criminal Code).
Austria	<ul style="list-style-type: none"> • The criminal police, the public prosecutor’s office or the court have to take into account the victim’s rights and interests (Section 10 §2 of the CCP); • it is compulsory for the interrogations of a child (witness) who has not completed the age of 14 to have a person of trust (confidant); • larger prosecution authorities are required to establish departments of specially trained prosecutors competent for violence against children committed by persons of a socially close position and other forms of domestic violence.
Belgium	<ul style="list-style-type: none"> • Victims of offences and their close family must be treated in a proper and conscientious manner, particularly by supplying them with the necessary information and, if appropriate putting them in contact with the specialised services and notably with the justice counsellors. Victims receive inter alia useful information on conditions of joinder to criminal proceedings as damages claimant and for the injured person’s declaration; • the police put persons asking for aid or assistance in contact with the specialised services (Art 46 of the Code of Criminal Procedure); • for each police precinct, a “youth and family” service (composed of at least one person) specialised in questions regarding juveniles; • special attention to reception, practical assistance, information, drafting of a report and referral of victims, emphasising in each instance the specific approaches at each of these stages which are required for child victims generally and victims of sexual violence; • victims’ assistance services which are offered at all levels (police authorities, judicial authorities and the help sector) to victims generally and in particular to victims of sexual exploitation and sexual abuse; • taking statements via audio-visual media.
Bosnia and Herzegovina	<ul style="list-style-type: none"> • When the injured party in the criminal proceedings is a child or a juvenile, while a judge of the juvenile division, that is, the Panel whose president is a judge of the juvenile division or a judge with special knowledge (Art 184 §1 of the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings of the RS); • child or a juvenile to whose detriment the criminal offence was committed shall be treated with particular care in view of his/her age, personality, education and the circumstances (Criminal Procedure Code of the Federation of Bosnia and Herzegovina, Article 100(4)) • a child or a juvenile shall as a rule be examined in the presence of a pedagogue, psychologist or another professional • examination may be conducted two times maximum • audio or audio-visual recording of examination of juveniles under the age of 16 (Criminal Procedure Code of the FBiH, Article 100(5); Criminal Procedure Code of the RS, Article 279) • prosecutor or authorised official person not being in the same room with the witness (the questions shall be asked through the court) • a child or a junior juvenile may be examined in his/her flat or another place where (s)he spends his/her time, or in a social care centre

	<ul style="list-style-type: none"> • when parents demand to attend examination of a injured party, particular care shall be required and the opinion by a psychologist, pedagogue or another professional, or other evidence indicating such necessity should be obtained • a person injured by a criminal offence cannot be asked about his/her sex life prior to the criminal offence subject to the proceedings.
Bulgaria	<ul style="list-style-type: none"> • The safeguards for best interest of the child victim and enjoyment of his/her rights in the investigation stage and during the judicial proceeding are enshrined in the special Child Protection Act. • the main safeguards for the best interest of the child are envisaged in art 15 of the CPA, where is regulated the child involvement in proceedings • the hearings conditions, the participation of a representative from the SAD and presentation of the social report, the right of the child of legal aid and complaints in all proceedings which affects his/her rights or interests. (see Child Protection Act)
Croatia	<ul style="list-style-type: none"> • The Law on Juvenile Courts extends the protection of the children victims to the age of 16, when children victims are questioned for the criminal offences referred in article 113 of the said Act. • the questioning takes place in a room where the child is located without either the judge or the parties being present and is conducted via audio-visual link; • the questioning takes place with the assistance of a social educator, a social worker or a psychologist, if not contrary to the interests of the child, then in the presence of a parent or a guardian or in the presence of a person whom the child trusts; • the videotaped questioning will always be transcribed; • only exceptionally and provided this is done in the same manner as the first time may the child be re-questioned; • when questioning a child, special care must be taken in order to avoid the questioning having a harmful effect on the child's mental condition; • criminal proceedings in which the victim is a child take place without the presence of the public (Article 44 of the CPA).
Denmark	<ul style="list-style-type: none"> • The police informs the child victim of its rights and the services at its disposal; • the child victim will receive the name and telephone number of a contact person from the police service whom the child can call and talk to about the case; • the child victim will receive information about important steps in the investigation; • interviews with a child victim or witness up to and including the age of 12 may be videotaped, and the videotaped interviews may be used as evidence during court proceedings; • when the recording of a videotaped interview with a victim of rape or sexual abuse within the family is played in court, the victim may request that the court proceedings be held in camera; • the court may decide that the accused has to leave the courtroom while the victim testifies.
Finland	<p>The general rules on investigations and criminal proceedings apply to all cases regardless of the relationship between the child and the alleged offender. No further information.</p>

France	France had already adopted the necessary legislative measures or regulatory measures for criminal investigations and proceedings to be held in accordance with the child's best interests and rights cf. replies to question 21 GOQ.
Greece	<ul style="list-style-type: none"> • No particular legal or formal provisions for specific measures taken in order to ensure that investigations and criminal proceedings are carried out in the best interests and respecting the rights of the child victim in cases where the alleged perpetrator is a member of the victim's family or has otherwise been in a recognised position of trust or authority towards him/her; • under prosecuting procedures often the best interests of the child represent a primary theme of consideration in cases of child sexual victimization within the circle of trust. However, given that most often professionals involved are untrained in matters of sexual abuse or children's rights, occasionally there might be incidents in which operational procedures (for prosecution, etc.) might be prioritized instead.
Iceland	<ul style="list-style-type: none"> • According to Article 40 in The Law on Criminal Procedure the police is obligated to inform the victim on its legal rights when needed. The police is also obligated to inform the victim if the investigation is closed. The victim has the right to justification on that matter. Furthermore, the police is obligated to inform the victim that the decision is open to appeal to the State Prosecutor. The police is also obligated to inform the victim or its legal counsel when an indictment is issued, if the victim has no knowledge in that regard; • the child victim is most often heard in a court testimony either in the <i>Barnahus</i> or special facility in the courthouse in Reykjavik. There are no restrictions on the child victims to supply evidence; • in the Barnahus suspected offenders are not allowed on the premises except in the very exceptional cases when decided by the court judge, in which case special arrangements are made to prevent contact are made; • all court hearings in cases of sexual abuse and sexual exploitation of children are closed hearings. • other information that should be kept in confidence should also be removed from judgements before they are published.
Italy	Investigations in the Italian legal systems are ruled by a principle of strict legality; consequently, even in cases where the alleged offender is a member of the victim's family or is in another close personal relationship, investigations will always only aim at ascertaining criminal liability, protecting the victim at the same time through the measures described above.
Lithuania	<ul style="list-style-type: none"> • Cases of crimes and misdemeanours against freedom of sexual self-determination and inviolability may be heard in camera; • a juvenile witness or a victim under eighteen years of age is, as a rule, examined during a pre-trial investigation not more than once; • video and audio recording may be made during their examination; • a juvenile witness or a victim under eighteen years of age is summoned to a sentencing hearing only in exceptional cases; • for the protection of a juvenile witness or a victim under eighteen years of age a pre-trial judge by a ruling may prohibit the suspect and other participants of the proceedings, • with the exception of a representative from a state child rights protection institution or a psychologist, to be present in the premises where examination is carried out; • upon the request of the participants of the proceedings or upon the initiative of a pre-trial investigation officer, prosecutor or pre-trial judge, a representative from a state child rights protection institution or a psychologist must be summoned to the examination of a juvenile witness or a victim under eighteen years of age, who help to question a minor with regard to his social and psychological maturity (Article 186 of the CPC).
Luxembourg	<ul style="list-style-type: none"> • The Code of Criminal Investigation does not prescribe any different procedure for these cases, so that the usual rules apply;

	<ul style="list-style-type: none"> • nevertheless, the youth welfare arm of the prosecution department, specifically in charge of centralising all such case files, is responsible for ensuring compliance with the child's best interests; • if the prosecution department considers that the child continues to be in danger or needs specific attention, it refers the case to the juvenile judge whom it requests to take the necessary protective measures.
Malta	<ul style="list-style-type: none"> • Hearing of vulnerable witnesses by means of a contemporaneous video conference - this is used to allow children to testify in the quiet of the magistrate's/judge's chambers without being present in front of the perpetrator; • Child Protection Services strives to ensure that the rights of the child are upheld at all moments, acting as champions and advocates for the needs and wellbeing of children in such situations.
Republic of Moldova	Respect for the rights, freedoms and human dignity" - for when a minor victim or witness will act to meet its interests at any stage of the criminal process (Art. 10 §6 Code of Criminal Procedure).
Montenegro	<ul style="list-style-type: none"> • Urgency of procedures, taking into account the interests and welfare of the victim (within the framework of Gender Equality Programme IPA 2010) • victims have the right to free legal aid.
Netherlands	<p>Referred to question 9 of thematic questionnaire :</p> <ul style="list-style-type: none"> • Several special protection measures for victims, such as: the Temporary Domestic Exclusion Order Act and the Temporary Domestic Exclusion Order Decree, and easily accessible youth care (Youth Care Act). Moreover, the Child Care and Protection Board can request the court to impose a child protection measure, such as: a familysupervision order, discharge of parental authority or relief from parental authority.
Portugal	Provisions aim at the protection of childhood, specially through the explicit inscription of the principle of the protection of the best interests of the child (Article 4 of the Law on the Protection of Children and Youngsters at Risk): the intervention should primarily serve the interests and rights of the children and young persons in particular on the continuity of the relationships of affection and quality and meaningful relationships without prejudice to the consideration that is due to other legitimate interests within the plurality of the interests in the present case.
Romania	<ul style="list-style-type: none"> • Judicial bodies have the obligation to inform the victims of crimes about: services and organizations which provide psychological counselling or any other forms of assistance to victims, depending on their needs, the law enforcement agency where they can file a complaint, the right to legal assistance and the institution where they can exercise this right, conditions and the procedure for granting free legal assistance, procedural rights of the injured person and of the civil party, conditions and the procedure to benefit from the provisions of art. 113 of the Code of criminal procedure, as well as the provisions of Law No. 682/2002 concerning witness protection, as subsequently amended and supplemented, conditions and the procedure for granting financial compensation by the state, the right to be informed, in case the defendant will be deprived of liberty or convicted to imprisonment, about his release in any way, according with the Code of criminal procedure; • if the public trial could affect the moral, dignity or private life of a person or the interests of children, the court can, upon request of the prosecutor, parties or ex officio, declare the hearing not-public for its entire duration or just for a certain part of the trial.
San Marino	No reference to the Best interest

Serbia	<ul style="list-style-type: none"> • State authorities that conduct/are involved in the procedure that is conducted for committed criminal offences against juveniles must have special knowledge in the field of the right of the child and criminal law protection of juveniles; • questioning of a child or juvenile shall be conducted with the assistance of psychologist, pedagogue or other qualified person; • questioning may be conducted at most twice, and exceptionally more if necessary to achieve the purpose of criminal proceeding; • questioning of the juvenile with the aid of technical devices for transmitting of image and sound; • juveniles may be questioned as witness victims in their apartment or other premises and/or authorised institution; • proceeding in a manner that completely prevents the defendant from seeing the juvenile.
Spain	<p>Article 2 of the Organic Act 1/1996 on the Legal Protection of Minors, amended by Organic Act 8/2015, provides that all public and private measures concerning minors have to assess and consider primarily their best interest. As regards measures adopted by public and private authorities, courts and legislative bodies, the best interest of the child will prevail over any other legitimate interest. Furthermore, the measures carried out in the best interest of the child will ensure her/his right to be informed and heard and to participate in the proceedings as well. Qualified professionals or experts will also take part and a multidisciplinary group will report the measures concerning the child that are particularly relevant.</p> <p>On another point, article 23 of the Statute of Crime Victim Act states that minors’ protection measures adopted throughout criminal proceedings will take into account their personal circumstances, immediate needs, age, genre, disability and maturity, and will fully respect their physical, mental and moral integrity.</p>
“The Former Yugoslav Republic of Macedonia”	<p>No reply to this specific question</p>
Turkey	<p>These measures may be that the child is taken from the mother and the father, a guardian is appointed, the child is taken under protection or given to foster care while being monitored by the state. An attorney is appointed to represent the child without seeking his/her request. In this way, the system ensures that the child’s rights and best interests are guaranteed.</p>
Ukraine	<ul style="list-style-type: none"> • Interview of a child or an individual under the age of majority may not last more than one hour without breaks, and, overall not more than two hours per day; • photographing, audio or/and video recording may be made during interviewing; • a minor or an underage individual is interviewed in the presence of the legal representative, a pedagogue, or psychologist and a medical practitioner, if necessary; • so-called “green room” method.

Table E - Possibility of removing the victim from his or her family environment and role of the best interest of the child principle in determining the conditions and duration of removal (Article 14§3)

Albania	Based on Law No. 9669, dated 18.12.2006 "On Measures Against Domestic Violence " in cases of sexual abuse against a person (child) in family relationships, is required from the court an „Emergency Protection Order“. After evaluating the case, one of the measures that can be undertaken by court, is the immediate establishment of victim / s (minor) in temporary shelters, by considering in any case the best interests of the child (Article 10) Police together with Child Protection Units or State Social Services can intervene in cases of imminent danger to remove the child and take under protection (DCM 265, 2012, Instruction 10 , 2015).
Austria	The Civil Code (Section 211) allows youth welfare authorities to remove a child from the family (persons responsible for their care) when it is in imminent danger. The youth welfare authorities have to apply by court for approval of this decision within eight days. The youth welfare law determines the conditions and duration of such removal as always the least severe measure possible has to be chosen (principle of subsidiarity in Section 1 par. 5 of the Federal Child and Youth Services Act).
Belgium	<p>paragraph 1: <u>In the Flemish community:</u> Decree of 12 July 2013 on comprehensive assistance to young persons Art. 48 §1. The juvenile court and the juvenile judge may, after an application as provided in Article 47 (1), take the following measures: 1 issue an educational directive to the minor’s parents or where relevant to those in charge of his/her upbringing; 2 place the minor under the surveillance of the welfare department for one year at the most; 3 order contextual guidance for one year at the most; 4 require the minor to undergo an educational scheme for six months at the most or assign the minor to a scheme, possibly in conjunction with his/her parents or, where relevant, those in charge of his/her upbringing; 5 require the minor to make visits to a mobile facility for one year at the most; 6 allow a minor who has reached seventeen years of age and has an adequate income to live independently for one year at the most; 7 allow a minor who has reached seventeen years of age to live in a room under constant surveillance for one year at the most; 8 place the minor under the guidance of a reception and orientation centre for thirty days at the most; 9 place the minor under the guidance of an observation centre for sixty days at the most; 10 entrust the minor to a fostering candidate or a foster home as set out in article 14 (1) or (3) of the decree of 29 June 2012 organising family placement for three years at the most, whether or not in accordance with article 5 of the aforementioned decree; 11 exceptionally and for one year at the most, entrust the minor to an appropriate open establishment; 12 exceptionally and for three months at the most, entrust a minor who has reached fourteen years of age to an appropriate closed establishment if it is proven that the minor has evaded the measures referred to in paras. 10 and 11 on two or more occasions and that this measure is necessary to preserve the minor’s personal integrity; 13 entrust the minor for one year at the most to a psychiatric clinic if it proves necessary after a psychiatric assessment.</p> <p><u>In the French community:</u> Decree of 4 March 1991 on assistance to young persons</p>

	<p>Article 9: The measures and decisions taken by the adviser or the director of the assistance to young persons tend by priority to enhancing the vitality of the young person in his/her family living environment. However, if the young person's interest requires his/her withdrawal from care, the help provided should at all events ensure living and developmental conditions suited to his/her needs and age. The counsellor, director and juvenile court ensure, unless impossible or against the young person's interests, that he/she is not separated from siblings.</p> <p>Article 38 of the same decree provides that the juvenile court may, after establishing the need for use of compulsion, decide in exceptional situations that the child will be temporarily accommodated outside the family setting for treatment, upbringing, education or vocational training or to enable the child, if aged over sixteen, to take up independent or supervised residence.</p> <p>Article 39 provides that in case of urgent need the juvenile court may, without the consent of the persons concerned, order the placement of a child whose physical or mental integrity is in direct and immediate serious peril.</p> <p><u>The Brussels order</u> provides in articles 8 and 9 that, after finding that the health or safety of a young person is in immediate serious jeopardy and that voluntary assistance has been refused or has failed, or in situations of danger necessitating urgent placement, the juvenile court may take a measure of placement as provided in Article 10:</p> <ul style="list-style-type: none"> - place the young person in a reception centre in case of urgency; - place the young person in an observation and/or guidance centre; - place the young person in a family or with a trustworthy person; - decide in exceptional circumstances that the young person will be temporarily accommodated in a suitable open establishment for treatment, upbringing, education or vocational training. <p>2nd paragraph: Q15c of the GQ Deprivation of parental authority If only one parent has incurred deprivation, the juvenile court designates to replace him or her, the non-deprived parent where the minor's interests do not preclude it. Reference should also be made to Article 29 of the law of 8 April 1965 concerning guardianship in respect of family benefits, also a measure to protect minors which may rather be considered 'a measure of guided assistance' of an educational kind, in particular to show the beneficiary how the benefits should be used in the child's interest.</p> <p>The court appoints a guardian who has the duty of drawing, in place of the beneficiary, the amount of benefits and of devoting the benefits to the sole needs of the minor.</p>
Bosnia and Herzegovina	<p>When it comes to the types of assistance, "Medica" from Zenica provides short-term and long-term accommodation in the Safe House and other services to the victims of sexual exploitation and children who are victims of sexual abuse.</p> <p>Individual plan of work for each client is developed in cooperation with the client and other professionals and on the basis of individual needs.</p>

	<p>“Medica” Zenica also has services intended for children only, such as the Children’s Day Care Centre “Medica” Zenica, where children staying in the Safe House spend their free time.</p>
<p>Bulgaria</p>	<p>Art 25 of CPA “Grounds for placement out of the family” stipulates among others that a child could be placed out of his/her family if he/she is a victim of violence in the family and there is a serious threat of harm of his/her physical, mental, moral, intellectual or social development.</p> <p>Art 37 of the Child Protection Act provides legal possibility to provide police protection to a child by the specialized bodies of the Ministry of Interior, and article 38 specifies the prerequisites for taking any emergency measures. The cases of sexual offences against a child are encompassed in article 38, item 1 - when a child is a subject of crime or there is imminent danger for his/her life or health, as well as when a child is in danger of getting involved in crime.</p> <p>The Implementing Regulation on the Child Protection Act provides one more opportunity for a separation of a child from his/her circle of trust (family environment where parents and those who care for the child involved in sexual abuse). In these cases, the "Social Assistance" Directorate may take measures for emergency placement outside of the family when there is a danger for life and health of the child. The placement is carried out immediately after receiving the signal by an order of the Director of the "Social Assistance" Directorate (SAD).</p> <p>In the context of criminal proceedings can also be applied a protection under the Criminal Procedure Code (CPC) - Art. 67 "Prohibition to approach the victim."</p> <p>Protection from Domestic Violence Act</p> <p>Art. 5</p> <p>(1) The protection measures against domestic are:</p> <ol style="list-style-type: none"> 1. placing the respondent under an obligation to refrain from applying domestic violence; 2. removing the respondent from the common dwelling-house for a period specified by the court; 3. prohibiting the respondent from getting in the vicinity of the victim, the home, the place of work, and the places where the victim has his or her social contacts or recreation, on such terms and conditions and for such a period as is specified by the court; 4. temporarily relocating the residence of the child with the parent who is the victim or with the parent who has not carried out the violent act at stake, on such terms and conditions and for such a period as is specified by the court, provided that this is not inconsistent with the best interests of the child; 5. placing the respondent under an obligation to attend specialised programmes; 6. advising the victims to attend recovery programmes. <p>(2) The measures under para 1, points 2, 3, and 4 shall be imposed for a period from three months to eighteen months.</p> <p>1st Indent</p> <p>The steps stipulated in the regulations for implementing the measure “placement outside the home” safeguards the compliance with this principle. The first step is maintaining a comprehensive social inspection, which is the basis for the risk assessment for the child and his/her needs, and subsequently preparation of an action plan for the case; the action plan is reviewed at every six months. Legal safeguard of the principle is the established judicial review of the decisions of the bodies for child protection for the undertaken measure. Another safeguard for the best interest of the child is the prosecutor’s involvement in the judicial proceedings for placement of a child outside the family</p>

<p>Croatia</p>	<p>The Family Act lays down measures for the protection of the rights and well-being of the child. They include removing the child from the family, i.e., depriving the parents of their right to live with the child and raise him/her. In such a case, some other person, institution, or legal person providing social welfare services is entrusted with the care and upbringing of the child. The length of time for which this measure is ordered must not exceed one year and since the measure taken is an urgent one, and the child's removal from his/her family, where he/she is at risk, is immediate, we may say that the removal is done in the child's best interests. Since the procedures in question involve the participation of social welfare centres, these centres are the first stop at which the victims' families may receive assistance in the form of advice as well as other types of assistance.</p> <p>Paragraph 3 of Article 14 of the Convention requires from member states to intervene in terms of removing the victim from his/her environment where it is suspected that the parents or persons taking care of the child are involved in his/her sexual exploitation.</p> <p>Article 134 of the Family Act aimed at protecting the rights and well-being of the child. Under the said Article, the social welfare centre is required, immediately upon having been informed, to look into the matter, take measures to protect the child's rights, and institute non-contentious civil proceedings in which the court will deprive the parent(s) abusing or grossly violating parental responsibility of their right to parental care.</p> <p>Q15b of GQ: This duty of the court also exists in cases (among others) where it has been established that the parent is sexually exploiting the child or inducing him/her to socially unacceptable behaviour. Furthermore, under Article 154 of the Family Act the court may in non-contentious judicial proceedings prohibit a parent, grand-mother or grand-father, sister or brother, or half-sister or half-brother who does not live with the child to approach the child without authorisation in certain places or within a certain distance. This decision must be taken immediately or no later than 15 days from the day the request is submitted.</p> <p>From Q21e of the GQ: Precautionary measures that may be ordered in a concrete case for the purpose of protecting the victim in accordance with the Convention include, for instance: prohibition to approach a certain person, prohibition to establish or maintain contact with a certain person, prohibition to stalk or harass the victim or another person, and removal from the home. The assessment of the need to prolong a precautionary measure is made every three months. Thus statutory regulations serve to ensure in the above described manner the safety of both the victim, his/her family and the other witnesses in the proceedings.</p> <p>Moreover, the child victim is questioned in the manner provided by statute 123, whereby the revictimisation of the child victim is prevented. The revictimisation is also prevented by providing for victim data confidentiality and the exclusion of the public. The excluding of the public from the trial also indirectly serves to protect against further victimisation other persons appearing as witnesses.</p>
<p>Denmark</p>	<p>From Q 15b: An order to leave one's home may not be issued, and such order may not be extended, if this would be a disproportionate measure in the circumstances.</p> <p>Pursuant to the Act on Social Services children can be placed outside the home if their parents or persons caring for the child are involved in sexual exploitation or sexual abuse.</p> <p>In September 2012, the Health and Medicines Authority published a report on the topic of sexual exploitation and abuse of children. The report presented a series of recommendations with regard to the establishment of Child Advocacy Centres (børnehuse), which are facilities for children who have been exposed to sexual offences where experts can provide help and assistance.</p>

Finland	<p>Question 15b of the General Questionnaire: Act on Restraining Orders (898/1998) allows for the alleged perpetrator to be removed from the family home (Section 2 §2).</p> <p>A person on whom an inside-the family restraining order has been imposed must leave the residence where he or she and the person protected permanently live together, and he or she may not return there (Section 3 §2).</p> <p>A person on whom an inside-the family restraining order has been imposed must leave the residence where he or she and the person protected permanently live together, and he or she may not return there (Section 3 §2).</p>
France	<p>If the parents or persons with a minor in their care are implicated in the acts of sexual abuse sustained by the minor, he/she is deemed to be in a situation of danger, and articles 375 et seq. of the Civil Code (in particular article 375-4) enable the juvenile judge and, in urgent cases, the state prosecutor, to grant custody of the minor either to the other parent, or to a family member, a trustworthy third party or the child welfare service. Article 375-1 of the Civil Code provides that the juvenile judge “should always rule strictly in accordance with the child’s interest”.</p>
Greece	<p>Under Law 3500/2006 there is the possibility of removing the perpetrator for as long as it is needed from the family’s house; of setting restraint orders such as not approaching the house, the school, the houses of close relatives, the child’s school or residential care setting (art. 15 and 18).</p> <p>Though in practice the victim is sometimes the one being removed in virtue of the perpetrator ownership of the place of residence and other mostly economic constraints, it is noteworthy that this measure is closer to the child’s best interests; however a possible removal of the child might be considered by him/her as “punishment” for having disclosed his/her abuse. Moreover, removing the child from its residence inflicts additional implications such as changing school, neighborhood etc which can be experienced as secondary victimization by the child.</p>
Iceland	<p>From Q 15b & Q15c: The removal of the perpetrator is generally the preferred course of action if the safety of the child is ensured and the child victim is supported by other family members, esp. the non-offending parent.</p> <p>Art 24. – 29 of the Act on Child Protection specify the measures and procedures on interventions when a child is at risk, including the possibility of removing the child victim from his or her family environment in situations where the child is considered at risk of sexual abuse by a family member. The local child protection service can take emergency decisions on the placement of the child outside the home but it has to present the case to the District Court within 2 months of such ruling if longer duration of the placement is considered necessary. The court judge decides the duration of placement, which can either be up to a year or permanently in cases when it is regarded to be in the best interest of the child that parental rights are removed.</p>
Italy	<p>As to amendments to the Civil Code implemented by Law no. 149/2001, the regulation above envisaged a significant form of protection of the minor from harmful behaviours of the parent, establishing that the Juvenile Court, when adopting a decision of disqualification of the parental authority (art. 330 of the Italian Civil Code) or another appropriate decision (art. 333 of the Italian Civil Code), in the event there is “serious harm to the child”, can let not only the minor leave the family home, as was the original provision of the regulation, but also the violent parent or partner in cohabitation.</p> <p>In articles 330-333 of the Italian Civil Code the separation from the family home is a decision that is strictly ancillary to that regarding the disqualification or limitation of parental authority and, therefore, it always requires the taking of a main decision which affects it. Jurisprudence, however, appears to</p>

	<p>establish that art. 330 of the Italian Civil Code can be applied not only to abuse or maltreatment directly committed on the minor, but also to indirect ones, perpetrated against close relatives dear to him, such as seeing repeated physical aggressions to the mother by the father.</p> <p>342-bis of the Italian Civil Code: Apart from the order to stop the harmful behaviour and to leave the family house, the content of the civil and criminal decision may include the order not to come near to places where the victim usually goes (workplace, domicile of the original family, of other relatives or of other people) or near places of education of the children of the couple, unless the removed relative is obliged to go to the same places because of his work. The judge can also order that an allowance is periodically paid when the people living under the same roof remain without appropriate means because of the decision of separation. The civil protective measure can include the ancillary decision regarding the action of local social services or of a family mediation centre, as well as of the association whose statutory purpose is the support and hospitality of women and minors or other subjects who are victims of abuse and have been maltreated.</p> <p>In criminal terms, the protection of the minor according to law no. 154/2001 gives the opportunity to remove from the family home a family person who is violent against a minor if the judge, upon request from the public prosecutor, adopts the relevant precautionary measure, as is envisaged by art. 282-bis of the Code of Civil Procedure.</p> <p>The reasons for the application of the criminal decision are present in serious evidence of guilt as per art. 273 of the Code of Criminal Procedure (so called <i>fumus commissi delicti</i>), in the existence of at least one of the precautionary needs indicated in art. 274 Code of Criminal Procedure (so called <i>pericula libertatis</i>) and in the existence of specific limitations of the sanction as per art. 280 clause 1 Code of Criminal Procedure (a violent relative can be separated only in the presence of crimes committed or attempted punished with a life sentence or imprisonment of generally more than three years) i.e. in the presence of some compulsory hypothesis of crime, such as infringement of the obligations of family support (art. 570 Criminal Code), abuse of means of punishment (art. 571 Criminal Code), child prostitution and child pornography (art. 600-bis clause 2 and 600-ter clause 4 Criminal Code), possession of pornographic material (art. 600-quater Criminal Code), sexual abuse (art. 609-bis clause 3 Criminal Code), sexual acts with a minor (art. 609-quater clause 3 Criminal Code), corruption of a minor (art. 609-quinquies Criminal Code), gang rape (art. 609-bis clause 3, as is mentioned by art. 609-octies Criminal Code).</p> <p>Article 282-bis of the Code of Criminal Procedure - Removal from the family home.</p>
Lithuania	<p>Article 1321 of the Criminal Procedure Code of the Republic of Lithuania (hereinafter referred to as the CPC) stipulates a supervision measure – an obligation to live separately from the victim, i.e. the suspect may be obliged to live separately from the victim or there are reasonable grounds for considering that if the suspect lives together with the victim... When imposing an obligation to live separately from the victim, the suspect may also be obliged not to communicate or seek contact with the victim and persons living together and not to visit specified places visited by the victim or persons living together. A victim stays in the housing which was the permanent place of residence for the suspect and the victim.</p> <p>Article 56(3) of the effective Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child establishes that when parents (father, mother) or another lawful representative of a child abuses the parental authority by committing acts of violence or otherwise causing danger to the child and therefore there is a real threat to the child’s health or life, the state institution for the protection of the rights of the child or a state institution for the protection of the rights of the child together with the police shall immediately take the child away from the parents or any lawful representatives of the child and transfer him for guardianship (custody) in accordance with the procedure laid down by the Civil Code.</p>

	<p>Taking the child away from his parents or other lawful representatives is also regulated by the Regulations of Temporary Child Guardianship (Custody). Paragraphs 7–7.6 of the above Regulations.</p>
Luxembourg	<p>Yes, there is the possibility of removing the child from the family setting where the parents or the persons having custody are implicated in the acts of sexual abuse suffered by him/her. In such a case, the arrangements and the duration are determined in accordance with the child’s best interest.</p>
Malta	<p>National law provides for the possibility of removing the victim from his or her family environment when parents or persons who have care of the child are involved in his or her sexual abuse through the issue of an interim care order in virtue of article 5 of the Children and Young Persons (Care Orders) Act of a care order in virtue of article 4 of the said Act. An interim care order is valid for twenty one days and may or may not be followed by a care order which is for an indefinite duration. The conditions and duration of the care order are determined by a Children and Young Persons Advisory Board who, upon the information provided by assigned social workers make recommendations to the competent Minister entrusted with the care of such minors, depending on the best interest of the child.</p> <p>Child Protection Social Workers also recommend therapy for children who are victims of sexual abuse when the court deems so as appropriate following the child’s testimony in court.</p>
Republic of Moldova	<p>Under Law no. 45 of 1 March 2007 on prevention and combating domestic violence in cases of violence and / or abuse the following protective measures shall apply. The court shall, within 24 hours of receiving the request, issue an order of protection, which can assist the victim, applying to the aggressor the following measures:</p> <ul style="list-style-type: none"> a) an order to temporarily leave the joint dwelling or stay away from the victim's home without deciding on the ownership of the goods; b) an order to stay away from the victim; c) the obligation not to contact with the victim, children or other dependents to the victim; d) prohibition of visiting the place of work and living of the victim; e) an order, until the case is resolved, to contribute to the maintenance of children which he/she has in common with the victim; f) an order to pay costs and damages caused by acts of violence, including medical expenses and the replacement or repair of destroyed or damaged property; g) limiting unilateral disposal of common goods; h) order to participate in a special program of treatment or counselling if such action is determined by the court to be necessary to reduce or eliminate violence; i) establishment of a temporary visitation of children; j) prohibition to keep and wear arms.
Montenegro	<p>In the case of knowledge / suspicion of the committed domestic violence in which the child is a victim (direct or indirect), the professional worker of the social welfare centre urgently / immediately reports the case to the police; urgently determines the plan of assistance and measures for the protection of child victim of domestic violence – while being guided by the principle of the best interests of the child in each specific case; appoints a guardian for the child if the parents are not able to perform this role, or if there is a conflict of interest between parents and child (special guardian); makes a decision on</p>

	<p>the removal of the child from the family only in exceptional cases, i.e. when it is impossible to find another safe place for the child victims of domestic violence; considers appropriate accommodation in a foster home if this is established as necessary and the only good solution for the child victim; continuously monitors the case and at least once a month visits the family in which the child victim of violence is staying; establishes and continuously maintains contact with experts in the health and educational institutions (preschool, primary and secondary schools) in the event that a child is a victim of domestic violence (either directly or indirectly); initiates civil proceedings before a competent court.</p>
Netherlands	<p>As explained in the answer to question 15B of the GOQ, there are several special protection measures for victims, such as: the Temporary Domestic Exclusion Order Act and the Temporary Domestic Exclusion Order Decree, and easily accessible youth care (Youth Care Act). Moreover, the Child Care and Protection Board can request the court to impose a child protection measure, such as: a family supervision order, discharge of parental authority or relief from parental authority.</p>
Portugal	<p>Yes. The Portuguese legal system of protection of children and youngsters at risk (Law nr. 147/99, of 1st September), allows for the possibility of removing a child from his/her family environment when the carers are involved in acts of abuse or other type of ill treatment.</p> <p>In the case of sexual abuse in the circle of trust, removal of the child from the family environment is one of the possible measures of promotion and protection available to child care experts.</p> <p>This removal may take place through various options: by placing the child with another family member (Article 35 (1) b)), confiding him/her to a suitable person (Article 35 (1) c)), support for the autonomy of life (Article 35 (1) d)), host into a family (Article 35 (1) e)), host into an institution (Article 35 (1) f)), trust the child to a selected person for adoption, or to an institution with a view to future adoption (Article 35 (1) g)).</p> <p>In addition, removal may also take place according to the urgent procedure set forth in Articles 91 and 92 of the said Law nr. 147/99, which allows for the removal of the child in a maximum delay of 48 hours in the case where an actual or imminent danger to the life of the child exists and the holders of the parental powers or de facto guardians oppose to the removal. In these cases, the police authorities immediately report the fact to the Public Prosecutor and withdraw the child from the situation of danger, ensuring emergency protection in a temporary shelter or other suitable premises.</p> <p>The urgent procedure of the Law for the protection and promotion of children and youth at risk provides for the removal of children in a situation of real or imminent danger to their life or of serious compromise of physical or psychological integrity of the child or young person, ensuring emergency protection in foster homes, at the premises of the entities referred to in Article 7 or in another suitable location until the beginning of an emergency judicial procedure. The court has to issue a provisional decision within forty-eight hours, confirming the arrangements made for the immediate protection of the child or young person, applying any of the measures provided for in Article 35 of the law or determining what it deems suitable on the fate of the child or young person.</p> <p>Under Article 37 as a precautionary measure, the court may apply the measures provided for in subparagraphs a) to f) of paragraph 1 of Article 35, pursuant to paragraph 1 of Article 92, or while the diagnosis of the situation of children and the definition of its subsequent referral takes place.</p> <p>The commissions may apply the measures provided for in the preceding paragraph while the diagnosis of the situation of children and the definition of their subsequent referral takes place, subject to the need of concluding an agreement for the promotion and protection under the general rules.</p>

	<p>The measures implemented under the previous points have a maximum duration of six months and should be reviewed within three months.</p> <p>In addition, the Law on Domestic Violence (Law nr. 113/2009, of 17 September) has introduced the possibility of withdrawal of the perpetrator from the family house ensuring that this prohibition is enforced by means of electronic surveillance techniques, thus preserving the environment of the household, the daily routines of the victims and minimizing further victimisation.</p> <p>The conditions and duration of the removal are always determined according to the best interests of the child.</p>
<p>Romania</p>	<p>In order to protect the child who is abused or neglected or the child who, regardless of the reason, for his/her best interests, cannot be left in the care of his/her parents, Law no. 272/2004 provides for the measure of placement or the measure of emergency placement.</p> <p>Article 54</p> <p>(1) The general department for social security and child protection must draft the individualized protection plan immediately after receiving the request to enforce a special protection measure or immediately after the director of the general department for social security and child protection has decided on the emergency placement of the child.</p> <p>(2) In the case of the child for whom a legal guardian has been appointed, the provisions of paragraph (1) are not applicable.</p> <p>(3) Upon establishing the objectives of the individualized protection plan, special priority is given to the re-integration of the child in the family or, if this is not possible, the placement of the child in the extended family. The plan's objectives are established by obligatorily consulting the parents and the members of the extended family who have been identified.</p> <p>(4) The individualized protection plan may stipulate the placement of the child in a residential type of service, only if no legal guardianship could be established or no placement with the extended family, with a maternal assistant or with another person or family could be achieved, in accordance with the present law.</p> <p>Article 55</p> <p>The special child protection measures are:</p> <ol style="list-style-type: none"> a) placement; b) emergency placement; c) specialised supervision. <p>Article 56</p> <p>The beneficiaries of the special child protection measures established by the present law are:</p> <ol style="list-style-type: none"> a) the child whose parents are deceased, unknown, deprived of the exercise of parental rights or have been enforced the penalty of denial of parental rights, placed under interdiction, declared dead or missing by a court of law and for whom no legal guardianship could be established; b) the child who, in view of protecting the his or her best interests, cannot be left in the care of the parents, for reasons for which the parents cannot be held accountable; c) the abused or neglected child; d) the foundling or the child who has been abandoned by the mother in a hospital ward;

	<p>e) the child who has committed an act stipulated by the criminal law and who is not criminally liable.</p> <p>Section 2 – Placement Article 58 (1) The placement of the child represents a temporary special child protection measure, which, in accordance with the present law and by case, may be decided, as follows: a) with a person or family; b) with a maternal assistant; c) in a residential service, stipulated under Article 110, paragraph (2) and licensed in accordance with the law. (2) The person or family who is legally responsible for the placed child must have residence in Romania and must be evaluated by the general department for social security and child protection with regard to the moral warranties and the material conditions that have to be fulfilled, in order to receive a child in placement.</p> <p>Article 59 Throughout the entire duration of the placement measure, the domicile of the child is the same with that of the person, family, maternal assistant or the residential service who is legally responsible for the child.</p> <p>Article 60 (1) The placement of the child who has not reached the age of 2 years old may only be decided with the extended or substitute family and it is forbidden to place him or her in a residential service. (2) As an exception to the provisions stipulated under paragraph (1), the placement in a residential service of the child who has not reached the age of 2 years old may only occur in the case in which the child has severe disability and is dependent on specialized residential care services. (3) The following issues will be targeted upon establishing the placement measure: a) giving priority to the placement of the child in the extended or the substitute family; b) placing the siblings together; c) facilitating the parents’ opportunity to exercise the right to visit the child and to maintain personal relations with the child.</p> <p>Section 3 - Emergency placement Article 64 (1) The emergency placement of the child is a temporary special child protection measure, which is undertaken in the situation of the abused or neglected child, as well as in the situation of the foundling or of the child abandoned in healthcare institutions.</p>
<p>San Marino</p>	<p>Art.86 bis (Limitation of parental rights) of Law no. 49, 26 April 1986, "Family law reform" as modified by Law no. 68, 28 April, 2008 "Regulations on inter-country adoption and protection of minors" “1. When the parent’s conduct is detrimental to the minor but not so serious as to determine the lapse of parental rights, the judge shall adopt any decision as he may deem appropriate for the interests of the minor, reducing parental rights in particular by prescribing, inter alia, to accept the</p>

	<p>supervision and support of the Minors' Service.</p> <p>2. If the parent does not respect such prescriptions, the judge shall order indirect coercion envisaging a more strict limitation of parental rights or, in most serious cases, the removal of the minor child. If the minor is to be removed from the family, the judge shall decide for proper accommodation to be arranged by the Minors' Service, upon which he can entrust the actual execution of the removal, also conferring the Service the right to request the assistance from the Gendarmerie.</p> <p>3. The Minors' Service or any other entity who has been conferred the power to protect the minor's interests, shall periodically report to the judge, who may in any moment change or withdraw his decision, which shall otherwise lapse when the protected person comes of age."</p> <p>Law no. 97 of 20 June 2008 provides for removing the victim from the alleged perpetrator. In particular Art. 22 (Special precautionary measures in criminal proceedings) states: "When judging an offence against personal safety, personal freedom or family maltreatment by a co-habiting person, the Investigating Judge may, upon the victim's request, order the suspect or the defendant to stay away from the family house and not to return or enter it without his authorisation, and, if necessary, establish visitation rules. In cases where the safety of the victim or of his/her close relatives is at stake and needs to be protected, the Investigating Judge may, upon the victim's request, order the defendant or the suspect to stay away from places usually frequented by the victim, in particular the workplace, the domicile of the family of origin or of his/her close relatives, unless it is necessary for work-related reasons. In the latter case, the Judge shall establish the relevant rules and may impose limitations.</p> <p>Following the request, the Judge shall collect any relevant information and take measures through a motivated decree, after listening to the defendant and, if necessary, the requesting party, except in urgent cases. Upon the victim's request and in compliance with cross-examination procedure, the Investigating Judge may also order that a cheque is regularly paid off to the co-habiting persons who have no adequate financial means as a result of the precautionary measure adopted. The Judge shall determine the amount to be paid based on the offender's income, as well as the methods and terms of payment. The Judge may order, if necessary, that the cheque be directly paid to the beneficiary by the offender's employer, who deducts it from his/her wages. The order of payment is an enforceable act.</p> <p>The provisions described in the second and fourth paragraphs may be also adopted after the measure referred to in the first paragraph, provided that this measure has not been repealed or become null. Though adopted at a later time, these measures shall become null if the measure mentioned in the first paragraph is repealed or becomes null. The measure set forth in the fourth paragraph shall become null if it is in favour of the spouse or the children, as well as in cases where the Civil Judge issues a measure in a legal separation case or another measure concerning the economic and property relationships between spouses or the financial support of children.</p> <p>The measure envisaged in the fourth paragraph may be amended should the situation of the person obliged to pay or of the beneficiary change, and it shall be repealed if co-habitation resumes."</p>
Serbia	<p>Family Code of the Republic of Serbia: protection measure from domestic violence is envisaged on the basis of which the court shall issue an injunction ordering the offender (perpetrator of violence) to be evicted from the family apartment, or house, regardless of the ownership title over the immovable property, or real estate lease. Pronouncement of this measure is purposeful if the individual – member of family – has committed violence (sexual abuse), while it is believed that other members of the family may protect the child, i.e. may provide assistance and support to the child to overcome the</p>

	<p>consequences.</p> <p>A child, legal representative – other parent, public prosecutor or centre for social work – guardianship authority, may press charges seeking protection from violence/domestic violence/abuse. Also, a child, other parent and centre for social work – guardianship authority, in order to protect the right of the child, may press charges seeking the violator to become deprived of parental responsibility. In both cases, the court proceedings are deemed highly urgent. If several members of family (by acting or omission) are involved in child abuse, centre for social work is bound to immediately (within 24 hours), separates the child from the family and place it under temporary guardianship protection.</p> <p>Placement of a child to a kinship or foster family, placement in a residential care facility and placement under immediate guardianship of the centre for social work – guardianship authority. All the measures under the family law are undertaken taking into account the best interest of the child. Measures of protection from domestic violence may be extended as long as there are reasons on account of which the measure has been ordered in the first place.</p>
<p>Spain</p>	<p>Article 192 of the Spanish Criminal Code: “The ascendants, tutors, carers, minders, teachers or any other person in charge de facto or de jure of the minor or incapacitated person, who acted as principals or accomplices of commit the felonies included in this Title, shall be punished with the relevant punishment, in its upper half.</p> <p>This rule shall not be applied when the circumstance it contains is specifically included in the definition of the crime concerned.</p> <p>The Judge or Court of Law may also hand down a reasoned punishment of special barring from the exercise of parental rights, guardianship, care, safekeeping, public employment and office or practice of the profession or trade, for the term of six months to six years, or permanent deprivation of parental rights”.</p> <p>Article 2 of the Organic Act 1/1996 on the Legal Protection of Minors, amended by Organic Act 8/2015, provides that all public and private actions concerning minors have to assess and consider primarily their best interest. As regards measures adopted by public and private authorities, courts and legislative bodies, the best interest of the child will prevail over any other legitimate interest.</p> <p>Moreover, article 23 of the Statute of Crime Victim Act states that minors’ protection measures adopted throughout criminal proceedings will take into account their personal circumstances, immediate needs, age, genre, disability and maturity, and will fully respect their physical, mental and moral integrity.</p>
<p>“The Former Yugoslav Republic of Macedonia”</p>	<p>Ministry of Labour and Social Policy</p> <p>Pursuant to the Family Law, the Center for Social Work, upon obtaining information that there is danger of abuse of parental rights and danger of severe neglect of parental duties, is obliged to undertake measures for protection of the person, rights and interests of the child immediately.</p> <p>The Center for Social Work shall remove the child-victim of sexual abuse from the home, and shall provide the child with adequate accommodation, healthcare, urgent psycho-social protection for the child and close relatives, and shall take other measures, whilst constantly bearing in mind the best interests of the child.</p>

	<p>The Law on Prevention, Combating and Protection against Domestic Violence is the first special systemic law in this field, which will enhance and establish a comprehensive and coordinated system for taking actions aimed at prevention, combating and protection against domestic violence. The adoption of this regulation raises the social response for non-tolerance of domestic violence by:</p> <ul style="list-style-type: none"> - continuously undertaking measures by all relevant stakeholders at the national and local level in the field of prevention of domestic violence, raising awareness and sensitizing the general and expert public; - raising the level of responsibility for immediate, mandatory and efficient actions by officials and institutions aimed at combating domestic violence; - providing necessary, efficient and effective protection to the victims, in compliance with the needs and interests thereof. <p>The integrated national policies will be implemented with the adoption of the National Strategy for Prevention, Combating and Protection against Domestic Violence and the establishment of the National Body for Domestic Violence, with a mandate to monitor and analyse the situations of domestic violence in the country, to coordinate the activities of all competent institutions and to propose measures for improving the situation and for implementation of the envisaged activities.</p>
Turkey	<p>The possibility that the victim be removed from the family environment is envisaged in domestic law in the event that the persons, who are responsible for the care of the parent or the child, subject the child to abuse. In such a case, as indicated in the answer to Question 22/d of the General Overview Questionnaire, the custody right of the mother and father shall be abolished</p> <p>Throughout this process, the conditions for the removal of the child from his/her parents, as well as the duration, are decided upon according to the best interest of the child.</p> <p>On the other hand, taking into consideration the best interests of children, the Ministry of Family and Social Policies has developed a project entitled "Compassion Houses." This project ensures that children, who have been taken under the protection of the state because they were subject to sexual abuse or because they were orphans, have a family environment in homes designed for a regular family where they stay in groups of 4-6 children, accompanied by an expert.</p>

Ukraine	<p>In accordance with Article 170 of the Family Code of Ukraine regulates the removal of the child from the family environment if they are threatening his life, health and moral education. According to Items 8 and 31 of the Instruction on the proceedings of the Protection of Children's Rights by the guardianship, as approved by Cabinet Ministers of Ukraine 24.09.2008 № 866, if there is a direct threat to the life or health of the child, the guardianship authority, who became aware of it, takes the immediate removal of the child from the family.</p> <p>Transfer of information is conducted in accordance with the Instructions on processing claims and appeals as to cruel treatment of children or realistic risk of such treatment, as approved by the Order #5/34/24/11 of the State Committee of Ukraine on Family and Youth, Ministry of Internal Affairs of Ukraine, Ministry of Education and Science of Ukraine, Ministry of Health of Ukraine as of 16.01.2004.</p> <p>The coordinating body tasked with protection of children from cruel treatment, including sexual exploitation and abuse, is the State Service for Children. The regulatory frameworks that ensure coordination include:</p> <ul style="list-style-type: none">• Instructions as to collaboration of departments (units) for family, youth and sports, services for children, social service centres for family, children and youth and relevant units of the Ministry of Internal Affairs to take measures to prevent domestic violence;• Instructions as to departments of the State Service for Children on registering children currently facing harsh life circumstances;• Instructions as to operating the Unified electronic database of children currently facing harsh life circumstances.
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Table F - Legislative or other measures to ensure that persons close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care (Article 14§4)

Albania	No reply to this specific question.
Austria	<ol style="list-style-type: none"> 1. The Austrian social system offers thorough medical and therapeutical care to child victims and their relatives via the health system and the health insurance respectively. If necessary, psychotherapy is also given to the victim`s relatives (decision of a doctor). 2. Close relatives of child victims of abuse are entitled to benefits of the Victims of Crime Act as well.
Belgium	No reply to this specific question.
Bosnia & Herzegovina	During the stay of children clients in the Safe House, " <i>Medica</i> " <i>Zenica</i> , in cooperation with other institutions involved in caring for the clients, works with the parents and other family members, if there are no obstacles to it, such as that the parents and/or other family members participated in the child exploitation/abuse. Also, when it comes to clients who are of age, " <i>Medica</i> " <i>Zenica</i> also works with the family on developing mutual understanding and support between the family and the client, on reducing the stigma and rejection by the family, but also on fixing the symptoms that family members developed when learning about what the child had been through.
Bulgaria	No reply to this specific question.
Croatia	<p>Also, within the regular health-care system the child's parents (the so-called non-abusing parent) also take parts in the treatment, most frequently in the following two ways:</p> <ol style="list-style-type: none"> 1. through counselling with a professional, which focuses on the behaviour of the child and the behaviour towards the child at certain stages of the treatment; 2. through conversation and counselling that are intended for them so that they can express their feelings in relation to the sexual abuse of the child. The professional may assess that the parent is not coping well with the events and may suggest that the parent(s) undergo additional treatment with the therapist. <p>The involvement of parents in the treatment of a child also depends on the child's age: the younger the child, the greater the emphasis on working with the parent and strengthening his/her role as the primary assistance provider.</p> <p>Under the Sexual Violence Protocol, extra institutional assistance and support involves wider measures of assistance and support to victims of sexual violence. In addition to counselling and/or psychotherapy (individual or group), these measures include working with family members, preparations for court proceedings and monitoring of the victim during the proceedings, as well as efforts to further improve the treatment of victims.</p> <p>Support to Perpetrators - The (Domestic Violence) Act lays down the following protective measures: mandatory psychosocial treatment, prohibition to approach the victim of domestic violence, prohibition to harass or stalk the person exposed to violence, removal from the apartment, house or some</p>

	<p>other residential premise, mandatory treatment for addiction, and seizure of the item used or intended to be used in the commission of the offence.</p> <p>Since the procedures in question involve the participation of social welfare centres, these centres are the first stop at which the victims' families may receive assistance in the form of advice as well as other types of assistance.</p>
Denmark	The Childrens House may provide assistance such as psychological help to one or more of the child's caregivers.
Finland	No reply to this specific question.
France	No reply to this specific question.
Greece	There is a provision in Law 3727/2008 (ratification of the Lanzarote Convention) for persons close to the victim to be accorded psychological support (Chapter A, art. 2 §2).
Iceland	<p>See answers to question 15c). It should be added that the local child protection services have extensive legal obligations to support parents. Hence in situations where emergency psychological care is needed the parents would be provided appropriate support free of charge.</p> <p>The <i>Barnahus</i> provides the medical and psychological support to the child victims in such situation. The local child protection and social services is responsible for supporting the non-offending parent and significant other for other appropriate support and services, including temporary housing, financial assistance, social counselling and psychological help.</p>
Italy	<p>From Q15 of the GQ: the creation of specialist teams of experts in maltreatment in the local services; the opening of specialist centres; the setting up of coordination groups for the diagnosis of situations of suspected sexual abuse. Depending on the cases, counselling may be given to the local social workers in charge of the case, or the case may be evaluated directly by the specialists, who may also deal with the minor and his/her family.</p> <p>A critical element is the clinical aspect of the long-term intervention, i.e. the psychological and therapeutic treatment of the ill-treated or abused child and of the ill-treating, abusing families and individuals. Indeed, the quality of services is not up to requirements because of the lack of specialized personnel: this is mainly due to the fact that most of the economic and professional resources are invested for the detection and evaluation of cases of abuse and not for their treatment.</p> <p>Other services which provide protection also to minors are the anti-violence centres for women victims of psychological, economic, physical and sexual maltreatment.</p> <p>The family shelters have experimented some specific psychological and educational measures to help children who witnessed violence and to provide support to parents.</p> <p>Furthermore, action is taken by regions, local authorities and the third sector in order to provide the necessary support for victims, their close relatives and for any person responsible for their care. This has been established by Italian Internal law, specifically with the article 609 decies of the Penal</p>

	<p>Code.</p> <p>Article 342 bis: In the event the harmful behaviour is that of one parent, the rule keeps however the door open towards reconstructing the recovering family relationships: these measures do not envisage a final break of the relationship with one's parents or spouse, unlike the situation of adoption or divorce.</p>
Lithuania	<ul style="list-style-type: none"> - attention should be given to the approved succession of the National 2011-2015 Programme on the Prevention of violence against children and support for children, following the Order No. A1-2 of 3 January 2011 of the Republic of Lithuania Minister of Social Security and Labour. On the basis of this Programme complex support (psychological, medical, social and legal) is provided since 2005 to victims of sexual exploitation and sexual abuse of children, as well as to their family members. - Furthermore, pursuant to Order No. 110 of 9 March 199 of the Minister of Health "On the Basic Price of the Primary Outpatient Mental Health Care Services, Provisions Thereof and Payment Procedure and the Sample Statute of a Mental Health Care Centre and Activities of its Specialists" (a person shall have an possibility of addressing directly (without an appointment card) a mental health care centre and receive primary mental health care services provided by psychiatrist, psychologist, with persons afraid of committing criminal act against children's freedom of sexual self-determination and inviolability being no exception to that). - In the system of Health Care a short-term specialised in-patient assistance to victims of violence against children is regulated in the Health Minister Order No. 730 of 14 December 2000 concerning the "Description of Principles in organising the provision of psychiatric and psychological services to children and adolescents, and the requirements for providing such services", - Non-governmental organisations/sector provides complex assistance (psychological, social and legal) to victims of sexual exploitation and sexual abuse of children, as well as to their family members through the implementation of national and international projects.
Luxembourg	<p>No specific legislative measures are prescribed, but there is the possibility of compelling the child's close family members to undergo therapy by way of a judgment ordering retention in the family circle subject to conditions (eg psychological monitoring) or incentive for family members to commence counselling as a condition for the child's possible return to the family circle (if placed elsewhere). On the other hand, there is no specific programme for emergency care.</p>
Malta	<p>There are no measures in place that allow a child access to psychological assistance prior to their testimony. A number of defence lawyers contest in court that giving therapy to a child before their testimony may result in influencing the child and so prosecuting police have always requested that therapy is afforded after the child has given testimony. The child is nevertheless supported by school professionals and CPS social workers.</p>
Republic of Moldova	<p>No reply to this specific question.</p>
Montenegro	<p>Child victims and their families are provided comprehensive protection and support through the multi-disciplinary approach under the Law on the Protection against Domestic Violence.</p>

Netherlands	As explained in the answer to question 15A of the GOQ, persons who are close to the victim can get help from Victim Support the Netherlands (<i>Slachtofferhulp Nederland</i>) and from the Rape Centre (<i>Centrum Seksueel Geweld</i>).
Portugal	Psychological support to people who are close to the victim is provided by the Portuguese Association for Victim Support (APAV), a non-profit organization that has support from the State. APAV seeks to guarantee emotional and psychological support to victims of crime, their families and friends, providing them with free and confidential services. The APAV provides support through its National Network of staff and their telephone helpline – 707 2000 77. It has recently been established that especially vulnerable victims benefit from all the health services given by the national health service for free (Article 22 , law 130/2015, from the 4th of September 2015) According to Article 26 of the victims' status, victims are entitled to be assisted by health services integrated in the National Health Service located in the area where the host structure is incorporated, as an alternative to health services in his home.
Romania	No reply to this specific question.
San Marino	Law no. 97 of 20 June 2008 also provides for special assistance for victims of family and sexual violence. In particular Art. 4 (Assistance to the victims of violence) states: "The State shall guarantee the following to the victims of domestic and sexual violence: a) information on the measures envisaged by the law for the protection, safety and right to assistance and support for victims of violence; b) services employing specifically trained staff with social and assistance competence, which are conveniently located and easily accessible to the victims; c) services able to face emergency situations, also providing psychological support, and to guarantee medium-term assistance, also for the purpose of family reunification; d) planning of social interventions, protection measures, support for education, training and access to the labour market; e) in the most serious cases, where staying in the family is deemed to be dangerous, victims are admitted to a family-sized community for the time necessary to develop a social reintegration project; f) if necessary, programs for the protection and social reintegration of the victims of violence which also address housing needs and ensure that their residence permit is extended at least for the duration of criminal proceedings, should it expire before the judgement is rendered, as well as programs for professional reintegration, care and support of dependent children; g) specific training for the Judges entrusted with judicial proceedings described in this Law and for law enforcement agencies."
Serbia	No reply to this specific question.
Spain	Articles 10 and 28 of the Statute of Crime Victim Act provide that the victim's relatives may have access to public support services (i.e. psychological care) under regulatory requirements. This provision will apply in the event of offences that cause particularly serious harm.
"The Former	When a child-victim of sexual abuse is removed from the home child, the Center for Social Work shall provide the child with adequate

Yugoslav Republic of Macedonia	<p>accommodation, healthcare, urgent psycho-social protection for the child and close relatives, and shall take other measures, whilst constantly bearing in mind the best interests of the child.</p> <p>The institutional response is strengthened by assigning specially trained professional workers to undertake measures for assistance and protection of victims and by establishing new responsibilities. The Centre for Social Work shall coordinate the multi-sectoral expert team, with the aim of preparing a safety plan for assistance to the victim, whenever they find that the life and health of the victim and members of the family thereof are endangered, as well as when a child is a victim of domestic violence.</p>
Turkey	<p>No reply to this specific question.</p>
Ukraine	<p>No reply to this specific question.</p>

Table G - Measures in relation to perpetrators, such as withdrawal of parental rights or monitoring or supervision of convicted persons (Article 27§4)

	Withdrawal of parental rights	Monitoring or supervision of convicted persons
Albania	Withdrawal of parental rights (Article 43/a of the Criminal Code)	No provisions for monitoring or supervision of convicted persons are currently in force.
Austria	Parental rights are withdrawn (Section 181 of the Civil Code)	Person subject to a suspended sentence or on conditional release can be given instructions (Sections 50 and 51 of the CC), (e.g. to announce every change of his/her whereabouts or of employment, to report regularly to the court or to another authority.) If the court has ordered the sentenced person to attend rehabilitation/social programs, the supervision is done by the court (Section 52a of the CC).
Belgium	Complete or partial deprivation of parental authority in respect of all one's children (Art 32 of the law of 8 April 1965 on the protection of young people)	Further information in replies 3a, 10 and 21f of the General Overview Questionnaire, in particular: Exclusion of certain offences of a sexual nature from a sentence of electronic monitoring imposed as an autonomous penalty (see Law of 7 February 2014, Moniteur Belge of 28/02/2014) Articles 35 and 36 of the Law of 20 July 1990: arrangements for monitoring of guidance or treatment may be imposed (not solely for offences of a sexual nature). Article 20 of the Law of 5 August 1992 on the function of the police (general obligation for law enforcement services to monitor all persons granted early release, whether in the context of pre-trial detention, probation or release before completion of sentence. The position of the victim in relation to the enforcement of sentences has subsequently been governed mainly by the Law of 17 May 2006 on the external legal status of persons sentenced to deprivation of liberty and the rights accorded to victims in the context of the modalities for the enforcement of sentences. Under this law, victims of offences may ask to be informed and/or given a hearing, depending on their choice, on the conditions to be imposed, in their interests, on the following modalities for enforcement of sentences: <ul style="list-style-type: none"> • prison leave • interruption of sentence • limited detention

		<ul style="list-style-type: none"> • electronic monitoring • conditional release • release with a view to deportation or handing over • final release
Bosnia and Herzegovina	Withdrawal of parental rights (Family Law of Republika Srpska, Article 106(1))	Information provided with regard to urgency measures, not once the case has been proceeded.
Bulgaria	<p>Deprivation of parental rights according to the Family Code</p> <p>Art. 131 (1) In cases, where the behaviour of the parent is threatening the personality, health, education or the property of the child, the Regional court shall take the relevant measures in the child's interest, by restricting the parental rights – shall withdraw or put conditions for exercising some of them and may appoint another person to realize them. In case of necessity the place of the child's residence may be changed or he/she may be placed out of the family.</p> <p>Art. 132</p> <p>(1) The parent may be deprived from parental rights:</p> <ol style="list-style-type: none"> 1. in especially heavy cases under Art. 131; 2. when without valid reasons permanently fails to take care of the child and does not support hi/her. <p>(2) In case of depriving one of the parents from parental rights, when there is no other parent, or exercising the parental rights by him/her is not in the child's interest, the court shall undertake protection measures and shall place him/her out of the family.</p>	Based on the provisions of the Penal Code regulating sexual offenses against children, it can be concluded that this penalty is provided only in the provision of art. 155b .
Croatia	Deprivation of parental rights according to the Family Act.	<p>Criminal Code, Article 76.</p> <p>Protective Supervision after Serving a Full Prison Sentence</p> <p>(1) If the perpetrator was imposed a sentence of imprisonment for a term of five or more years for an intentionally committed criminal offence or for a term of two or more years for an intentionally committed criminal offence with elements of violence of or for another criminal offence referred to in Title XVI or XVII of this Act and if the sentence has been served in full because provisional release was not approved the perpetrator shall immediately upon his/her release from prison be subjected to protective supervision in accordance with Article</p>

		<p>64 of this Act and to special obligations referred to in Article 62§2, items 7 to 13, if the latter have been imposed on him together with protective supervision.</p> <p>(2) The period of probation shall last for one year unless the offense from paragraph 1 is committed against a child when the period of probation is three years. On a proposal from the probation service and before the period of probation expires, the court may extend the said period by one year if an absence of such supervision would pose the risk of any of the criminal offences specified in paragraph 1 of this Article being committed anew.</p> <p>(3) The court may desist from implementing protective supervision if it has reason to believe that its absence will not result in the person committing a new criminal offence.</p> <p>Note: Title XVI - Criminal Offences Against Sexual Freedom ; Title XVII - Criminal Offences of Sexual Abuse and Sexual Exploitation of Children</p> <p>Supervision over parental care in cases where mistakes and omissions in the care provided to the child are frequent or various or when parents need to be provided with special assistance in raising the child.</p>
Denmark	Withdrawal of parental rights according to the family law.	Monitoring or supervision of convicted persons may be ordered in connection with a suspended sentence or a conditional release. Such measures, however, cease, at the latest, when the full term of imprisonment has been served. Orders not to contact another person or not to enter a specified area may, depending on the circumstances, be imposed for a period of time extending beyond serving the full term of imprisonment.
Finland	The child can be taken into care but it is not possible to permanently withdraw parental rights.	The monitoring or supervision of the offender is done by the general rule on supervision of convicted persons. If the child has been taken into care and the offender has been given a right to meet the child a supervised meeting can be organised where a social worker is present.
France	<p>Article 227-27-3 of the Penal Code makes a similar provision in the event of conviction on the charge of sexual assault committed by a person holding parental authority over the underage victim.</p> <p>Moreover, law no. 2014-873 of 4 August 2014 furthering real gender equality instituted articles 221-5-5 and 222-48-2 of the Penal Code, requiring the trial court to rule on complete or partial withdrawal of parental authority when convicting someone of a crime or offence of</p>	<p>The legislation requires a ruling on parental authority: article 222-31-2 of the Penal Code notably provides: "Where the rape or sexual assault is perpetrated against a minor by a person holding parental authority over him or her, the trial court must rule on the complete or partial withdrawal of that authority in pursuance of articles 378 and 379-1 of the Civil Code.</p> <p>It may then rule on the withdrawal of that authority in so far as it concerns the victim's underage brothers and sisters.</p> <p>If the prosecution takes place before the assize court, it shall rule on this question without the jurors in attendance.</p>

	deliberately attempting a person's life, deliberate bodily harm, rape and sexual assault or harassment committed by the father or mother against their child or the other parent. The implementation of this new provision presupposes that the court is fully informed as to the family situation of the convicted person.	
Greece	Termination of his/her parental rights under civil procedure.	Monitoring or supervision of convicted parents in practice faces substantial difficulties in implementation, mainly due to lack of staff in social services. In years 2010-2012 under the framework of EU's DAPHNE program, the Institute of Child Health had implemented a particular project (DAP/) in female prisons (Elaionas and Korydallos) for maintaining under supervision and appropriate support relationship between imprisoned mothers with their children developing also training material for prisons' social services or other relevant services in order to replicate such actions in their daily practice.
Iceland	Custody deprivation in court, the non-offending parent can seek soul custody.	<ul style="list-style-type: none"> • Possible to exclude a person from its home; • possible to prohibit the accused person from being in a certain place or area, and from following, visiting or otherwise making contact with a child if it is considered necessary to ensure the safety of the child.
Italy	Loss of parental authority under Civil Code.	No information.
Lithuania	<p>Loss of parental authority under Civil Code, Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child</p> <p>- Article 56(3) of the effective Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child establishes that when parents (father, mother) or another lawful representative of a child abuses the parental authority by committing acts of violence or otherwise causing danger to the child and therefore there is a real threat to the child's health or life, the state institution for the protection of the rights of the child or a state institution for the protection of the rights of the child together with the police shall immediately take the child away from the parents or any lawful representatives of the child and transfer him for guardianship (custody) in accordance with the procedure laid down by the Civil</p>	<p>- Article 1321 of the Criminal Procedure Code of the Republic of Lithuania (hereinafter referred to as the CPC) stipulates a supervision measure – an obligation to live separately from the victim, i.e. the suspect may be obliged to live separately from the victim or there are reasonable grounds for considering that if the suspect lives together with the victim..... When imposing an obligation to live separately from the victim, the suspect may also be obliged not to communicate or seek contact with the victim and persons living together and not to visit specified places visited by the victim or persons living together. A victim stays in the housing which was the permanent place of residence for the suspect and the victim.</p> <p>- Taking the child away from his parents or other lawful representatives is also regulated by the Regulations of Temporary Child Guardianship (Custody). Paragraphs 7–7.6 of the above Regulations.</p> <ul style="list-style-type: none"> • Participation in the programmes addressing violent behaviour; • Prohibition to approach the victim; • Prohibition to visit certain places; • Prohibition to communicate with certain individuals or groups of individuals; • Payment of a Contribution to the Fund of Crime Victims;

	Code.	All these penal sanctions may be imposed upon a person who commits a criminal act by a court.
Luxembourg	Deprivation of parental authority may be decided.	Monitoring and surveillance of the convicted perpetrator are possible through the application of the probationary suspended sentence procedure or in the framework of conditional release, otherwise it rests with the juvenile judge to ensure the safety of the child victim.
Malta	The Court may also order that the offender be temporarily or permanently prevented from exercising activities related to the supervision of children. This also applies in the case of convictions for offences of inducing or instigating with violence persons under age into prostitution, participating in sexual acts with a minor and other unlawful sexual activities and solicitation of persons under age	No sanctions for monitoring or supervision of convicted persons are currently in force.
Republic of Moldova	Deprivation of parental rights	No information.
Montenegro	Deprivation of parental rights.	No information.
Netherlands	Relief from parental authority	There are several special protection measures for victims, such as: the Temporary Domestic Exclusion Order Act and the Temporary Domestic Exclusion Order Decree, and easily accessible youth care (Youth Care Act). Moreover, the Child Care and Protection Board can request the court to impose a child protection measure, such as: a family supervision order, discharge of parental authority or relief from parental authority.
Portugal	New article 69C of the penal Code on prohibition of assuming minor's trust and inhibition of parental responsibilities (Law 103/2015, 24 August 2015) 1 – It may convicted of the prohibition of assuming the minor's trust, particularly adoption, guardianship, guardianship, foster care, civil sponsorship, delivery, custody or trust of minors, for a period set between two and 20 years, given the concrete seriousness of the fact and its connection with the function performed by the agent, whoever is punished for the crimes foreseen in Articles 163 to 176-A, when the victim is not a minor.	No information.

	<p>2 – It shall be convicted of the prohibition of assuming the minor’s trust, particularly adoption, guardianship, guardianship, foster care, civil sponsorship, delivery, custody or trust of minors, for a period set between five and 20 years, given the concrete seriousness of the fact and its connection with the function performed by the agent, whoever is punished for the crimes foreseen in Articles 163 to 176-A, when the victim is a minor.</p> <p>3 – It shall be convicted of the inhibition of performing parental responsibilities for a period set between five and 20 years, whoever is punished for the crimes foreseen in Articles 163 to 176-A, practiced against descendant of the agent, of the agent’s spouse or of a person with whom the agent holds a relationship similar to that of spouses.</p> <p>4 – It applies the provisions of paragraphs 1 and 2 for the already established relationships.</p>	
Romania	The prohibition on the exercise of parental rights, as a complimentary or accessory penalty.	No information
San Marino	The loss of parental rights (also known as “disqualification”) is provided by the Criminal Code. It may have several degrees, depending on the duration of the punishment.	The Law provides that the suspect may be ordered to stay away from the home/not return without authorisation. This restriction may also apply to other places usually frequented by the victim.
Serbia	Termination of parental rights	Long term monitoring of the family
Spain	Withdrawal of parental rights (article 192 of the Criminal Code)	Probation after the sentence of imprisonment (article 192 of the Criminal Code)

“The Former Yugoslav Republic of Macedonia”	No reply to this specific question	
Turkey	Lifting the parental right	Article 348 of the Turkish Civil Code (TCC) provides that in case the parents neglect their responsibilities arising out of their parental rights towards the child, as a result of which the child remains unprotected, the parental rights of the parents shall be lifted and a guardian shall be appointed for the child by the court. (there is detailed information into the answer of Question 22/d of the General Overview Questionnaire.)
Ukraine	No information	No information

Table H - Appointment of a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child, in proceedings related to sexual abuse and exploitation (Article 31§4)

	Who may be appointed?	What are her/his tasks?	Conditions for the appointment of a special representative
Albania	Guardian (may be temporary) is appointed from the Court. Guardian is chosen first within the biological family, kinship, persons acquainted with the child, foster family or residential institution. (Family Code)	The Guardian represents the child in all administrative or legal activities.	The Court may appoint a temporary guardian in cases where the child needs to be protected, while a more suitable guardian is identified. (Art 281 , Family Code “ Urgent measures”)
Austria	A special representative	No information	In case of a conflict of interest between the holder of the parental responsibility and the victim the court will cooperate with the youth welfare office and they will appoint a special representative (<i>Kollisionskurator</i>) if necessary (Section 271 of the Civil Code).
Belgium	Yes, see article 378, §2, 405 and 410, § 1, 7° of the Civil Code. (guardian, <i>ad hoc</i> guardian)	See Art 405 §1 The guardian may be joined as damages claimant or issue a direct summons without the permission of the district court	<ul style="list-style-type: none"> • It should firstly be pointed out that the rule which prevents a minor from acting alone applies only to legal actions before a court (civil or criminal); • there is no objection to a minor’s acting alone during the preparatory phase of the criminal proceedings.
Bosnia and Herzegovina	No information	No information	No information
Bulgaria	A special representative – attorney-at-law	The special representative shall participate in the penal procedure as a trustee.	A special representative – attorney-at-law shall be appointed to the injured, if he/she is incapacitated or of limited capability and his/her interests are in contradiction with the interests of his/her guardian or trustee
Croatia	<ul style="list-style-type: none"> • Representative • a representative from among attorneys-at-law • special guardian 	Protection of the legal interests of the child victim.	<ul style="list-style-type: none"> • The child victim of a criminal offence is entitled to a representative; • in cases where the criminal offence in question carries the sentence of five years' imprisonment or a more severe penalty as well as when the perpetrator of a criminal offence against

			<p>sexual freedom and a criminal offence of child sexual abuse and exploitation is the child's direct-line relative, a third-degree collateral relative, a relative by affinity up to and including the second degree of kinship, or the adoptive parent;</p> <ul style="list-style-type: none"> • special guardian appointed by the social welfare body if the interests of the child are contrary of the parents.
Denmark	The court may appoint counsel	Council will assist the victim during the trial and with presenting any claim for compensation.	When the case concerns sexual abuse of a child there are no requirements
Finland	Legal guardian	The role of the legal guardian is to see that the best interests of the child are taken into consideration during the proceedings	Criminal Investigations Act the court has to assign a legal guardian to the child victim for the duration of the criminal proceedings if there is a reason to believe that the holder of the parental responsibility is not able to supervise the best interests of the child.
France	<i>Ad hoc</i> administrator	Where the protection of the minor's interests is not fully assured by his/her legal representatives or by one of them.	The ad hoc administrator ensures the protection of the minor's interests and if necessary exercises on his/her behalf the rights secured to the party claiming damages. Where a claim for damages is entered, the judge designates court-appointed counsel for the minor if he/she has not already briefed a lawyer.
Greece	Special representative	Solely to defend the child's interests in judicial proceedings.	Whenever there is a conflict of interest between the parents and the child, a special representative is assigned to the child (art. 1517 of the Civil Code).
Iceland	<ul style="list-style-type: none"> • Legal counsel • guardian 	<ul style="list-style-type: none"> • Legal counsel protects the interest of the child during the investigation and provides needed legal assistance. The legal counsel also assists the victim on making compensation claims if an indictment is issued. The legal counsel is required to keep confidential anything pertaining to the representation of the victim. Furthermore, the legal counsel is always allowed be present during a hearing of the victim 	The police is obligated to appoint the victim legal counsel if the victim is under the age of 18 at the beginning of the investigation (Article 41 in The Law on Criminal Procedure).

		<ul style="list-style-type: none"> the guardian makes decisions on behalf of the minor when he or she isn't considered to have the capacity to do so. 	
Italy	<ul style="list-style-type: none"> Guardian the guardian <i>ad litem</i> lawyer 	<ul style="list-style-type: none"> The guardian informs the child of the outcomes and the status of the proceedings that interest him/her, and represents the child in all civil acts (Art. 357 c.c); the guardian <i>ad litem</i> is appointed to ensure the adequate representation of the child from the beginning of the preliminary investigation. This is particularly useful when the abusers are the parents. 	<ul style="list-style-type: none"> The guardian is appointed by the judge, or in some cases by the Juvenile Court, when the child's parents have died or for other reasons are not in a position to exercise parental authority (art. 343 c.c.); in addition, in criminal matters, in the event of a conflict of interest between the child under the age of 14 years, who is victim of a crime, and his/her legal representatives, it is possible to appoint a guardian ad litem who shall perform specific functions in order to court procedures. The appointment may also be promoted by organizations that have as their purpose the care, education, housing of minors; <p>Appointment of a lawyer for the child and for his/her parents in the procedures relating to the declaration of the state of adoptability.</p>
Lithuania	Legal representative	Representing the interests of a minor	the pre-trial investigation officer, prosecutor, or the court shall ensure the participation in the proceedings of another legal representative, and through absence of such possibility – to appoint temporarily, until the issue of the new legal representative is addressed, as a representative any other person adequate of properly representing the interests of a minor (Article 53 §3 of the Criminal Procedure Code).
Luxembourg	<ul style="list-style-type: none"> Barrister or An <i>ad hoc</i> administrator. 	The <i>ad hoc</i> administrator ensures the protection of the minor's interests and if necessary exercises on his/her behalf the rights secured to the damages claimant.	The state prosecutor or the investigating judge, having before them acts deliberately committed against a minor, appoints an <i>ad hoc</i> administrator chosen from the list of barristers published by the councils of the bar association, where the protection of the minor's interests is not fully assured by at least one of his/her legal representatives.

Malta	<ul style="list-style-type: none"> • Children’s Advocate; • Child Protection Service worker. 	The social worker’s primary role implies support to the child before and after giving witness.	<ul style="list-style-type: none"> • The law provides for a child advocate to be appointed to a child upon the request of the child, or the parents, but remains at the discretion of the judge/magistrate; • an understanding exists with the judiciary and the police prosecuting the case to allow a social worker from Child Protection Service to accompany the child during his/her testimony.
Republic of Moldova	Representative/ guardian/tutor	Powers over the person admitted to an institution of public welfare, education, treatment or a similar institution are exercised by those institutions, unless the person has a guardian/tutor or curato	<ul style="list-style-type: none"> • Guardianship/tutoring authority is required to appoint a representative to defend the rights and interests of the child. <p>When the child is taken from parents without loss of parental rights, parents lose the right to communicate with him/her, to personally attend his/her education and to represent his/her interests</p>
Montenegro	<ul style="list-style-type: none"> • A temporary guardian for the child, who may be a person of exceptional trust, indicated by the child as such, or a person from the ranks of professionals who has special expertise in working with children; • a legal counsel from among the lawyers who have, as a rule, gained special knowledge in the field of children’s rights and procedures with juveniles in criminal proceedings. 	The guardianship authority has the right to become familiar with the course of the proceedings during the proceedings involving a juvenile, as well as to file motions during the proceedings and to point out the facts and evidence that are important for making the right decision.	<ul style="list-style-type: none"> • In cases where the injured part (victim) is a child, and his / her legal Representative (parent, adoptive parent or guardian) is precluded from representing the child; • by the judge or the presiding judge, following the motion of the public prosecutor, guardianship body or <i>ex officio</i>, in line with the equity requirements, if he / she finds that this is in the best interest of the protection of the juvenile’s personality.
Netherlands	The special curator	The special curator will represent the child de jure and in practical situations.	<ul style="list-style-type: none"> • A judge can install a special curator to deal with matters with respect to take care of nurturing and educating children; • child care and Probation Board asks to appoint a special curator.
Portugal	Prosecutor	The prosecutor has the power to represent the child. The Public Prosecution Service is also responsible for representing the minor in case of a civil claim.	<p>Victims under 16 can be constituted as party in the proceedings and, in this case, they may have a legal representative (article 68 §1 d) of the victims’ status)</p> <p>According to the Victim's Status, where the victim is a child and there is a conflict of interests between him/her and the holders of</p>

			parental authority that prevents them from represent him/her or the child victim is not accompanied by his/her family or is separate from it, a representative should be appointed to the child victim under the law.
Romania	Special guardianship	The special guardian has all rights and obligations provided for by the law for the legal representative which means that he can perform any procedural acts on behalf of the child he represents and can participate in the criminal trial instead of the child, except the cases in which the presence of the child is absolutely necessary, like for example the hearing of the child.	Guardian can be appointed by the court which has jurisdiction for the case from among the lawyers especially designated by the Bar for each court.
San Marino	Children's representative in criminal proceedings: When the victim of an offence against personal freedom or of violence is a child and the offence is committed by the ascendant, the guardian, the adopter or other relatives or third parties having a close relationship with the child or his/her parents, a special curator is specifically appointed by the Guardianship Judge, upon immediate request by the Investigating Judge, to represent the child in Court with a view to protecting his/her rights. If the offence referred to in the first paragraph is not prosecutable ex officio, the complaint is filed by the special curator, and the time limit for the filing of the complaint runs from the date when the curator is appointed. Procedural acts detrimental to the child's interests in which the special curator has not taken part are considered null and		

	void. With regard to the legal assistance of children represented by a curator, the provisions of article 17 apply.		
Serbia	<ul style="list-style-type: none"> • collision guardian; • temporary representative (both within the family law) • legal representative 	No information	A child who has reached the age of ten and who is able to reason has the right to request from the guardianship authority, personally or through another person or institution, to appoint a collision guardian or temporary representative for him/her.
Spain	A defender	A defender represents child in the court and out of court	Whenever the father's and mother's interest should be opposed to that of their non-emancipated children, the latter shall be appointed a defender.
"The Former Yugoslav Republic of Macedonia"	No reply to this specific question		
Turkey	An attorney	An attorney represents the child without seeking his/her request to ensure the child's rights.	Whenever the child is sexually abused or exploited by the persons within his/her circle of trust, protective measures are applied for the child. In this context, a guardian can be appointed. Otherwise, an attorney is also appointed for child when the investigation is opened against the perpetrators.
Ukraine	Legal representative	No information	By decision of investigator / public prosecutor / investigating judge / court shall be replaced with another one chosen from among individuals who can be appointed legal representatives.

Table I - Corporate liability (Article 26)

	May a legal person be held liable for an offence established in accordance with Article 26 (Yes/No) and under which conditions in law?	Other measures foreseen with respect to the theme of circle of trust?
Albania	<p>Yes Criminal liability (Art 45 of the Criminal Code): The legal persons, with the exception of the state, are criminally responsible for criminal acts performed by their bodies or representatives on their behalf or for their benefit. The local government entities are criminally responsible only for the actions performed during the exercise of their activity that may be exercised by the delegating public services. The criminal responsibility of the legal persons does not exclude that of the physical persons that have committed criminal acts or are collaborators for the committal of the same criminal acts. The criminal acts and the sanctioning measures taken against the legal entities, as well as the procedures for the approval and application of these measures are regulated by a special law.</p>	No specificities related to the circle of trust
Austria	<p>Yes Austrian Federal Statute on the Responsibility of Entities for Criminal Offences (<i>Verbandsverantwortlichkeitsgesetz – VbVG</i>): provides for a general criminal liability for legal persons and other bodies like partnerships for all criminal offences, intentional and negligent, in addition to and independent of the liability of natural persons involved. The criminal liability of a legal person requires that a criminal act has been committed for the benefit of the legal person or in violation of obligations of the legal person. The main penalty against a legal person is a fine (cf GRETA)</p>	Criminal offences committed in the circle of trust included in the general criminal liability for legal persons, therefore no further measures foreseen or considered necessary.
Belgium	<p>Yes Criminal liability (Art 5 Criminal code) The punishments stipulated for legal entities are fines, confiscation, dissolution, a temporary or definitive ban on exercising an activity, temporary or definitive closure of one or more establishments, and publication or dissemination of the decision (cf GRETA). Public bodies such as the federal state, regions, communities, provinces... are not considered as legal persons which can be held liable for criminal acts.</p>	No specificities related to the circle of trust
Bosnia and Herzegovina	<p>Yes Criminal liability: Chapter XIV of the criminal code. Legal persons can be held criminally liable; penalties include fines, confiscation of property (for criminal offences</p>	No indication

	punishable by a prison sentence of at least five years) and dissolution of the legal person (when its activities were entirely or partly used for the purpose of perpetrating criminal offences) (cf GRETA)	
Bulgaria	<p>Yes</p> <p>No criminal responsibility for legal entities.</p> <p>There is an administrative responsibility of legal persons (see Article 83a of the Law on Administrative Violations and Sanctions. Pursuant to this article, a legal person which has enriched or may enrich itself from a crime committed by 1. a person empowered to form the will of the legal person;</p> <p>2. a person, who represents the legal person;</p> <p>3. a person elected as a controlling or a supervising body of the legal person, or</p> <p>4. a worker or employee to whom the legal person has assigned certain work, whereas the crime is committed at or in connection with this work,</p> <p>a property sanction in amount to 1 000 000 BGN, but not less than of the value of the benefit, when it is of property nature; a sanction of 1 000 000 BGN shall be imposed also where the benefit is not of property nature or its amount cannot be evaluated.</p>	No specificities related to the circle of trust
Croatia	<p>Yes</p> <p>Within the meaning of the law, the responsible person is any natural person in charge of the operations of the legal person or entrusted with carrying out the tasks falling within the legal person's sphere of activity.</p> <p>Criminal liability: Criminal Act + Act on Corporate Liability for Criminal Offences</p> <p>Corporate liability is based on the responsible person's established guilt. It exists where the responsible person has violated the legal person's duty or where the legal person acquired or was to obtain unlawful pecuniary benefit for itself or another person. According to the reply to question 17 of the GOQ, the Republic of Croatia has fulfilled the conditions for the punishment of legal persons where the latter committed a criminal offence established in the Convention.</p> <p>The sanctions that may be imposed on legal entities include closure of business, monetary fine, suspended sentence, ban on carrying out certain activities, ban on subventions, as well as ban on doing business with beneficiaries of the state budget (cf GRETA).</p>	No specificities related to the circle of trust
Denmark	<p>Yes</p> <p>Criminal liability as provided in Section 306 of the Criminal Code.</p> <p>Part 5, section 27(1) of the Criminal Code reads: "It is a condition precedent to the criminal liability of a legal person that an offence has been committed in the course of its activities and that the offence was caused by one or more natural persons connected to the legal person or by the legal person as such."(unofficial translation)</p>	No specificities related to the circle of trust

<p>Finland</p>	<p>Yes Criminal liability as provided in Chapter 9 of the Criminal Code. At the end of each Chapter of the Criminal Code there is a provision on corporate criminal liability. These provisions define which of the offences in that Chapter may give rise to a corporate fine. The liability of legal persons has been attached to those offences established in accordance with the Convention where it has been considered that it is possible that the crime has been committed in the framework of a legal person (See Criminal Code Chapter 17, Section 24; Chapter 20, Section 13; Chapter 25, Section 10). A corporation may be sentenced to a corporate fine if a person who is part of its statutory organ or other management or who exercises actual decision-making authority therein has been an accomplice in an offence or allowed the commission of the offence or if the care and diligence necessary for the prevention of the offence have not been observed in the operations of the corporation. A corporate fine may be imposed even if the offender cannot be identified or otherwise is not punished (Chapter 9, Section 2). In cases where criminal liability is not possible it is still possible to order a legal person to pay damages for the harm.</p>	<p>No specificities related to the circle of trust</p>
<p>France</p>	<p>Yes Criminal liability: Article 121-2 of the Criminal Code (for all legal persons except the State): Legal persons, with the exception of the State, are criminally liable for the offences committed on their account by their organs or representatives, according to the distinctions set out in articles 121-4 and 121-7. However, local public authorities and their associations incur criminal liability only for offences committed in the course of their activities which may be exercised through public service delegation conventions. The criminal liability of legal persons does not exclude that of any natural persons who are perpetrators or accomplices to the same act, subject to the provisions of the fourth paragraph of article 121-3.</p>	<p>No specificities related to the circle of trust</p>
<p>Greece</p>	<p>Yes Administrative responsibility: Article 4 of Law 3625/2007 (incorporating the Optional protocol for the Protection of the Rights of the Child) states that the legal person is punished if any crime related to sexual abuse or exploitation of children is conducted via or for the benefit of or on behalf of a legal person or association, by a natural person, who has the power to act for that legal person. The sanctions are administrative and are imposed independently of the civil or criminal liability of the natural persons. Sanctions vary according to the gravity of misconduct, the degree of culpability, the legal person's financial strength and recidivism. The legal person is held liable even in cases, where misconducts were able to take place because of lack of supervision or control over the natural person-perpetrator.</p>	<p>No specificities related to the circle of trust</p>
<p>Iceland</p>	<p>Yes Criminal liability: Article 19 of the General Penal Code Criminal liability applies to any entity who while not being a natural person is capable of enjoying rights and bearing duties under Icelandic Law, including public limited liability Companies, private limited liability Companies,</p>	<p>No specificities related to the circle of trust</p>

	Companies with mixed liability of owners, European Interest Groupings, partnership Companies, co-operative societies, public associations, independent foundations, administrative authorities, institutes and Municipalities. A legal person can only be made criminally liable if its spokesman, employee or other person acting on its behalf has committed a criminal and unlawful act in the course of its business. Administrative authorities can only be made criminally liable if a criminal and an unlawful act have been committed in the course of an operation deemed comparable to the operations of private entities.	
Italy	Yes Criminal liability Law 38/2006: punishment of legal persons in relation to offenses of sexual exploitation of minors Art. 25 quinquies of Legislative Decree (D.lgs.) 8 june 2001, n. 231 on liability ex crimine of legal persons stipulates that a legal person may be held liable for offences about child prostitution and child pornography: pecuniary sanctions	No specificities related to the circle of trust
Lithuania	Yes Criminal liability: article 20 of the Criminal Code (CC). A legal entity shall be held liable for criminal acts committed by a natural person only in the cases, when the natural person committed the criminal act for the benefit or in the interests of the legal entity, acting individually or on behalf of the legal entity, given the natural person in performing his duties in the legal entity was entitled to: 1) represent the legal entity, or 2) take decisions on behalf of the legal entity, or 3) control the activities of the legal entity. A legal entity may also be held liable for criminal acts in such cases, when criminal acts for the benefit of the legal entity were committed by an employee of the legal entity or an authorised representative thereof as a result of insufficient supervision or control. This is defined for the rape of a juvenile or a minor (Article 149 §6 CC), sexual abuse (Article 150 §6 CC), coercion of a minor to sexual intercourse (Article 151 §4 CC), satisfying sexual desires by violating the freedom of sexual self-determination and/or inviolability of the minor (Article 151 CC), purchase or sale of a child (Article 157 §3 CC), exploitation of a child for pornography (Article 162 CC), profiting from prostitution of another person (Article 307 §4 CC), the involvement in prostitution (Article 308 §3 CC), disposal of pornographic material (Article 309 §5 CC).	No specificities related to the circle of trust
Luxembourg	Yes Criminal liability: article 34 of the Criminal Code: where a crime is committed on behalf or for the benefit of a legal person by one of its statutory bodies or by one or more of its de jure or de facto managers, this legal person may be declared criminally liable and incur the penalties provided for in Articles 35 to 38 (fines, confiscation, exclusion from participation in public tenders, dissolution). These provisions apply to all legal persons with the exception of the state and municipalities.	No specificities related to the circle of trust
Malta	No information	No information

<p>Republic of Moldova</p>	<p>Probably yes</p> <p>Criminal liability:</p> <p>Article 206 of the Criminal Code stipulates that for actions provided for in paragraph (1) or (2) a public person, an official, by an official foreign or international official, shall be punished with imprisonment from 15 to 20 years, with the deprivation of the right to occupy certain positions or to practice certain activities for a term of 3-5 years or life imprisonment and the legal entity shall be punished by a fine in size from 7000 to 9000 of conventional units with the deprivation of the right to carry out certain activities, or liquidation of the legal entity. Article 206 Moldovan Criminal Code seems to refer to child prostitution.</p>	<p>No specificities related to the circle of trust</p>
<p>Montenegro</p>	<p>Yes</p> <p>Criminal liability</p> <p>Law on Liability of Legal Entities for Criminal Offences.</p> <p>This Law sets several conditions which must be cumulatively met in order for the liability of legal entities to exist:</p> <ol style="list-style-type: none"> 1. it is necessary that the criminal offence was committed by a natural person; 2. That person must have the position of the person responsible in the legal entity; 3. The person responsible acted on behalf of the legal entity; 4. The person responsible acted within his / her powers; and 5. The liability of legal entities exists only where there was certain intention of the person responsible, i.e. intention to provide some benefit for the legal entity. <p>In addition to the above requirements, the liability of the legal entity also exists when the actions of the person responsible was contrary to the business policy or instructions of the legal entity. The Law provides for three types of sanctions against legal entities: 1) penalty; 2) a suspended sentence; and 3) security measures. The penalty can be a fine and termination of the legal entity status.</p> <p>The legal entity that may be liable for a criminal offence is a business organisation, foreign company and part of a foreign company, public utility company, public institution, domestic and foreign non-governmental organisation, investment fund, other fund (with the exception of a fund exclusively performing public functions), sports organisation, political party, as well as another association or organisation that within its operations regularly or occasionally gains or obtains funds and manages them (cf GRETA)</p>	<p>According to Article 9 of the Law on the Protection from Domestic Violence (2010) (which includes sexual abuse by members of the family) a state administration agency, other agency, a health, education or other institution have the duty to report to police the incidence of violence that they learn of in the discharge of affairs within their authority or in conduct of their activities.</p> <p>A fine ranging from 100 to 500 euro shall be imposed on the head of a state administration body, other body, a health care and social care institution, teacher, pre-school teacher and other person for not reporting to the police an incidence of violence he learns (Article 39).</p>
<p>Netherlands</p>	<p>Yes</p> <p>Criminal liability</p> <p>A legal person can be held liable for criminal offences (including those penalised by the Lanzarote Convention) on the basis of article 51 of the Dutch Criminal Code.</p> <p>A fine ranging from 100 to 500 euro shall be imposed on:</p> <ol style="list-style-type: none"> 1) the head of a state administration body, other body, a health care and social care institution, teacher, pre-school teacher and other person for not reporting to the police an incidence of violence he learns (cf GRETA) 	<p>No specificities related to the circle of trust</p>

<p>Portugal</p>	<p>Yes Criminal liability Legal persons and equivalent entities, with the exception of the state, of other public legal persons and of international organisations of public law, are held liable for the offences provided for in Articles 163 to 166 Criminal Code (sexual coercion, rape, sexual abuse of a person unable to resist, sexual abuse of interned person) when the victim is a child, and Articles 171 to 176 Criminal Code (sexual abuse of children, sexual abuse of dependant minors, sexual activities with adolescents, recourse to child prostitution, minors' pandering and pornography of minors), when the offence is committed: (i) on their behalf and in the collective interest by persons who have a leading position therein or, (ii) by whoever acting under the authority of the persons referred, by virtue of a breach of the supervision or control duties incumbent upon them. The responsibility of legal persons and equivalent entities does not exclude the individual responsibility of the respective agents nor is dependent on them being responsible. The main penalties applicable to legal entities are fines or closure (The following additional penalties may also be imposed on them: court order; prohibition of activity; prohibition of entering into certain kinds of contracts or of the conclusion of contracts with certain entities; loss of entitlement to subsidies or incentives; closure of the establishment; publication of the judgment). (cf GRETA)</p>	<p>No specificities related to the circle of trust</p>
<p>Romania</p>	<p>Yes Criminal liability Criminal Code, Articles 135 to 145: A legal entity can be subject to criminal liability (except the state and public authority). The responsibility of legal persons and equivalent entities does not exclude the individual responsibility of the respective agents. Conditions: 1) actions are committed for the achievement of their scope of activity or in the interest or the name of the legal entity; 2) the action must also be subject to the private area. Sentences: Fine + a complementary sentence (dissolution of the legal entity; suspension of the activity or of one of the activities conducted by the legal entity for 3 months to 3 years; closing certain operating units for 3 months to 3 years; prohibition of the participation to public procurement procedures for one to 3 years; placement under judicial supervision; display or publication of the sentencing judgment).</p>	<p>No specificities related to the circle of trust</p>
<p>San Marino</p>	<p>Yes Civil and Criminal liability Law no. 6, 21 January 21 2010 and expanded by Law no. 99, 29 July 2013: According to the law, legal persons are held liable for intentional offences committed on their behalf or in their interest by a person having the power to act on their behalf. They are also liable for offences committed while performing their activities, if such offences were due to an organization shortcoming attributable to the legal person, to a lack of supervision or control or on instructions of the legal person's top management. Legal persons are also held liable for criminal offences committed in the context of an activity subject to the</p>	<p>No specificities related to the circle of trust</p>

	direction or control of another legal person considering that liability under this Law also applies to the legal person exercising the direction or control. Such liability shall continue to apply in case of transformation and merger of the legal person.	
Serbia	<p>Yes</p> <p>Criminal liability (2008 Law on Liability of Legal Entities for Criminal Offence, Official Gazette of RS, 97/08). The Law shall regulate conditions governing liability of legal entities for criminal offences, penal sanctions that may be imposed on legal entities as well as procedural rules when ruling on the liability of legal entities, on imposing penal sanctions, passing a decision on rehabilitation, termination of security measure or legal consequences of the conviction, and on enforcement of court decisions. Conditions are set up in the Law. Pursuant to Article 13 of the Law, the sanctions include a fine and termination of the status of the legal entity (cf GRETA) Should a legal entity cease to exist before the completion of criminal proceedings, a fine, security measures and confiscation of the proceeds from crime may be imposed against the legal entity being a legal successor thereof, if the liability of the legal entity that ceased to exist had been established (see Article 8 of the Law).</p>	No specificities related to the circle of trust
Spain	<p>Yes</p> <p>Criminal liability Article 31bis of the Criminal Code (on corporate liability) In the circumstances provided for in this Code, legal entities shall be criminally liable:</p> <ul style="list-style-type: none"> a) For offences committed in their name or on their behalf, and for their direct or indirect benefit, by their legal representatives or any person, acting either individually or as a part of an organ of the legal person, who is authorised to take decisions in the name of the legal entity or exercise powers of organisation and control within it. b) For offences committed, in the course of their business and on their behalf and for their direct or indirect benefit, by those who, being subject to the authority of the individuals referred to in the preceding paragraph, may have committed the acts on account of a serious breach of the duty to monitor, supervise and control their activity, given the specific circumstances of the case. <p>Article 33 §7, sub-sections b) to g) of the Criminal Code (penalties applicable to legal persons):</p> <ul style="list-style-type: none"> b) Dissolution of the legal person. The dissolution shall cause definitive loss of its legal personality, as well as of its capacity to act in any way in legal transactions, or to carry out any kind of activity, even if lawful. c) Suspension of its activities for a term that may not exceed five years; d) Closure of its premises and establishments for a term that may not exceed five years; e) Prohibition to carry out the activities through which it has committed, favoured or concealed the felony in the future. Such prohibition may be temporary or definitive. If temporary, the term may not exceed fifteen years; f) Barring from obtaining public subsidies and aid, to enter into contracts with the public sector and to enjoy tax 	No specificities related to the circle of trust

	<p>or Social Security benefits and incentives, for a term that may not exceed fifteen years;</p> <p>g) Judicial intervention to safeguard the rights of the workers or creditors for the time deemed necessary, which may not exceed five years.</p> <p>Article 116: (...) the criminal accountability of a legal person shall involve its civil liability ..., jointly and severally with the natural persons who are found guilty on the same acts.</p> <p>Article 189bis of the Criminal Code (on responsibility of legal persons for the offences of prostitution, sexual exploitation and corruption of minors)</p> <p>When, pursuant to the terms established in article 31 bis, a legal person is responsible for the offences included in this Chapter, it shall have the following penalties imposed thereon:</p> <p>a) Fine from three to five times the profit obtained, if the offence committed by a natural person has a punishment of imprisonment foreseen exceeding five years;</p> <p>b) Fine of two to four times the profit obtained, if the offence committed by a natural person has a punishment of imprisonment foreseen exceeding two years not included in the preceding Section.</p> <p>c) Fine of two to three times the profit obtained, in the rest of the cases.</p> <p>Pursuant to the rules established in Article 66 bis, the Judges and Courts of Law may also impose the penalties established in Sub-Sections b) to g) of Section 7 of Article 33.</p>	
<p>“The former Yugoslav Republic of Macedonia”</p>	<p>Yes</p> <p>Criminal liability</p> <p>The criminal liability of legal persons is regulated in Articles 28 a, b and c of the Criminal Code. It is based on the principle of presumed liability for legal entities, whose basis is the act or omission of proper supervision by the authorities of the management, the responsible or other person authorized to act on behalf of the legal person. The responsibility of the legal person does not exclude criminal responsibility of the individual as the perpetrator of the crime. (Article 28 §1 b). The legal person respond for the crime committed under the following conditions: First, in the specific part for the committed crime to be prescribed the responsibility of the legal entity. Second, the crime to be done by a responsible person of the entity and third the offense is committed in the name, for the account or benefit of a legal person.</p> <p>The legal entity is also responsible for a crime committed by his employee or agent of the legal entity which has achieved significant benefits or other inflicted considerable damage under the conditions regulated with the article 28-a.</p> <p>In accordance with Articles 96-a and 96-b of the Criminal Code, the main penalty for criminal offences committed by legal entities is a fine.</p> <p>If the court considers that the legal entity has neglected its duty and there is a potential risk of repeating the illegal activity in the future, it can impose one or several of the following penalties:</p> <ol style="list-style-type: none"> 1) prohibition on obtaining permits, licenses, concessions, authorisations or other rights determined by special law; 2) prohibition on participation in public call procedures, granting public procurement contracts and contracts for public-private partnership; 	

	<ul style="list-style-type: none"> 3) prohibition on establishing new legal entities; 4) prohibition on benefiting from subsidies and loans; 5) prohibition on the use of means of financing of political parties from the State budget; 6) confiscation of permit, license, concession, authorisation or other right determined by special law; 7) temporary ban on performing a specific business; 8) permanent ban on doing a specific business, and 9) termination of the legal entity. 	
Turkey	<p>Yes</p> <p>Security measures</p> <p>No criminal sanctions due to the commission of an offence but security measures may be ordered for offenses listed in the Convention against legal entities (Article 20 of the Penal Code). These measures may be (under Article 60 of the Penal Code): the operating license of the entity may be cancelled and, depending on the circumstances provisions relating to partial or total confiscation may be applied on the entity's assets</p>	No specificities related to the circle of trust
Ukraine	<p>No</p> <p>Criminal / administrative law does not contain norms, which would enable holding a legal person liable for criminal or administrative offenses due to commission of actions, which should be punishable in Ukraine as a member-state of the Convention.</p>	No specificities related to the circle of trust