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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

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### **Survey of data collection mechanisms regarding data on child sexual exploitation and sexual abuse**

Document adopted by the Committee on 15 February 2024

### **What does the Lanzarote Convention foresee in the context of data collection?**

1. The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (“Lanzarote Convention”), which entered into force on 1 July 2010, requires State Parties to observe and evaluate the phenomenon of sexual exploitation and sexual abuse of children, (see box below).

#### **Lanzarote Convention Article 10 National measures of co-ordination and collaboration Paragraph 2**

*“Each party shall take the necessary legislative or other measures to set up or designate:*

*b. mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection.”*

#### **Article 37, paragraph 1 of the Lanzarote Convention – Recording and storing of national data on convicted sexual offenders**

*“For the purposes of prevention and prosecution of the offences established in accordance with this Convention, each Party shall take the necessary legislative or other measures to collect and store, in accordance with the relevant provisions on the protection of personal data and other appropriate rules and guarantees as prescribed by domestic law, data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention.”*

This Convention obligation can be fulfilled through the collection of statistical data on victims and offenders which can then be used to inform policy and target resources in a strategic way to better protect children and prevent these crimes. The collection of data is crucial to allow States to take an evidence-based approach.

## Why a questionnaire on data collection mechanisms?

In December 2022, it was agreed that the Committee of the Parties to the Lanzarote Convention (“Lanzarote Committee” or “the Committee”) should collect updated data on the occurrence of sexual violence against children in Parties to the [Convention](#). To this end the Committee [requested](#) that the Secretariat prepare a questionnaire using as a basis the survey conducted in 2010 by the European Committee on Crime Problems (“CDPC survey”) and the relevant recommendations in Chapter 2 of its [first implementation report](#) “Protection of children against sexual abuse in the circle of trust: The framework”.

The 2010 CDPC survey was addressed to CDPC delegations and responses were received from 20 Council of Europe Member States. The survey asked four short questions on statistics. A copy of the compilation of replies to the survey was circulated to the Lanzarote Committee on 14/12/2022. The questions were silent as to the reference period to be covered in responses, therefore the responses received covered various periods (varying from 2006-2010). As a result, the comparability and compatibility of data received varied according to the responses.

During its 39<sup>th</sup> and 40<sup>th</sup> meetings, the Committee carefully examined the possibility of collecting statistical data from State Parties on child sexual exploitation and sexual abuse. However, due to the various challenges outlined below the Committee decided at its 40<sup>th</sup> meeting to firstly gather information about data collection mechanisms in State Parties before seeking to collect and analyse statistical data.

## What data has already been examined by the Lanzarote Committee?

The general overview questionnaire completed by each State Party when they ratify or accede to the Convention includes a question on the setting up or designation of mechanisms for data collection for the purposes of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children (Article 10.2.b.). It also contains a question on collecting data relating to the I.D. and DNA of persons convicted of offences established under the Lanzarote Convention (Article 37). The reference period concerning data collected under this questionnaire depends on the date that the State joins the Lanzarote Convention. The dates are therefore rolling over time depending on each Party’s date of ratification or accession to the Convention. This therefore does not allow for a coherent or up to date analysis of the situation in State Parties.

**The First Monitoring Round** [First implementation report](#) issued in May 2013 focused on the protection of children against sexual abuse in the circle of trust. In preparation for this report, the Committee asked State Parties if data was collected regarding sexual abuse in the circle of trust.<sup>1</sup> The monitoring was limited to examining if such mechanisms exist and did not require States to share statistical data on prevalence or trends.

Chapter II of this report recalls that Article 10.2.b. sets out an obligation of result (not means) to collect accurate and reliable data on the phenomenon of sexual abuse of children, this means that where there is a general data collection mechanism in place to collect data on child abuse and neglect it should be possible to extrapolate specific sub data sets relevant to sexual abuse of children including

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<sup>1</sup> 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.

whether this takes place in the circle of trust. The Lanzarote Committee made nine recommendations to State Parties on how to strengthen data collection, including inviting parties to record case-based data on child sexual exploitation and abuse in the circle of trust (R15), and to disaggregate data on the basis of the gender of the child victim and of the perpetrator (R17).

It should be noted that responses examined by the Committee revealed a wide variety of types of data collection from specific registries and surveillance mechanisms in some States compared to regular administrative data sources that were non-specific to child sexual abuse or child victimisation in other States. Few States had mechanisms for interdisciplinary and intersectoral data collection whereas other States collected data from one sector only (for example: criminal justice or law enforcement statistics). The Committee noted that in some Parties data were gathered by multiple administrations in parallel and were not compatible or comparable. In some Parties data were only available in aggregative estimates whereas in other Parties case-based data on child sexual victimisation was available. The Committee also noted that in some Parties data was only collected in relation to some specific sexual crimes against children, for example trafficking in human beings for sexual exploitation.

**The [Special Report](#) on Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse** requested Parties to provide data in relation to the numbers of children who were affected by the refugee crisis and the prevalence of sexual abuse in that context. The report concludes that robust systems for data collection of this type were not in place in the Parties.

**The Second Monitoring Round [Implementation Report](#)** focused on protecting children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs). The Lanzarote Committee found that there was a general lack of data collection on the number of victims of Online Child Sexual Exploitation and Abuse (OCSEA) who have received support and psychological help (§295). Further, that where data was available it was still limited and insufficient to develop evidence-based services and procedures (§298). The Committee also found that the majority of research undertaken in relation to child self-generated sexual images and/or videos (CSGSIV) took place within a wider framework and that research was not undertaken on this topic in all Parties. The Lanzarote Committee invites Parties to collect data and undertake research in this area (R XI-1 to 3) and specifically reiterates Parties' obligations to set up or designate mechanisms for data collection (R XI-4).

### **Specific challenges in collecting data on child sexual exploitation and sexual abuse**

There is a lack of common definitions or indicators for data collection related to child sexual exploitation and sexual abuse. A variety of definitions and indicators also exists at national level between administrations, professionals, researchers and sectors, for example social services generally gather case-based data which focuses on the child victim whereas criminal justice statistics focus more on aggregative data in relation to investigations, indictments, prosecutions, convictions, out of court or other disposal of cases.

In the first monitoring round, the Lanzarote Committee identified that there was a need for guidelines establishing a minimum set of variables and procedures to collect data on CSEA to make data internationally compatible and comparable (R16). This need has also been recognised in the Council of Europe [Recommendation](#) on strengthening reporting systems on violence against children.

There have been several attempts at an international level to define violence against children by UN Committee for the Rights of the Child General comment No. 13 (2011), "The right of the child to freedom from all forms of violence" [[CRC/C/GC/13 \(2011\)](#) §19-33], World Report on Violence against Children ([2006](#)), World Health Organisation and International Society for Prevention of Child Abuse and

Neglect ([2006](#)) and Centre for Disease Control ([2008](#)). The Luxembourg Terminology Guidelines ([2016](#)) provide guidance on terms and definitions, these are currently under review to be updated.

Several initiatives have also been taken to define a common set of indicators for reporting child sexual abuse. These are described in the section below.

Beyond these definitional difficulties, it is generally acknowledged that the vast majority of cases of child sexual exploitation and sexual abuse are never reported to the police, therefore relying on criminal justice statistics alone would not provide an accurate or holistic insight into the nature and phenomenon of these crimes.

Additional sources of data include helplines and hotlines that receive reports of child sexual exploitation and sexual abuse from the public and from victims themselves.

### **What data and indicators exist and are available to the Lanzarote Committee?**

The UN Office on Drugs and Crime (UNODC) has been [collecting data](#) on the realisation of the sustainable development goals (SDGs). In this context a set of indicators has been developed to allow for the collection of data in a harmonised way. Of relevance to the Committee is data collected on the basis of indicator 16.2.2 “number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation”. It is possible to disaggregate the data gathered here to obtain data on the number of child victims of trafficking in human beings for the purposes of sexual exploitation. It should however be born in mind that this represents only a small fraction of the total number of child victims of sexual exploitation in a given State as not all child victims of sexual exploitation will also meet the legal definition of trafficking in human beings. The UNODC also collects data on [victims of sexual violence](#) disaggregated by the relationship to the perpetrator, however, it is not possible to disaggregate this data by age of the victim, therefore it is impossible to use this to understand how many child victims are concerned. The UNODC has developed the International Classification of Crime for Statistical Purposes ([ICCS](#)) which provides indicators and detailed definitions of behaviours to be taken into account when collecting data. This provides clear indicators for data on child sexual exploitation however statutory rape and other sexual offences are excluded from this definition, in addition the indicators and definitions related to sexual violence are not specific to children.

UNICEF is also charged with collecting data on the realisation of the SDGs. Some limited and partial data is available via the [UNICEF data warehouse](#). Although a number of indicators used on this platform are relevant to the Committee’s work, data recorded for State parties to the Convention are only very partial. For six indicators specifically linked to the percentage of children having experienced sexual violence, partial data was available for only two State parties: Armenia and the United Kingdom. In June 2023, UNICEF published the [International Classification of Violence against Children](#) which includes statistical definitions of “sexual violence against a child”. This classification is intended for use in national statistical systems to gather data from law enforcement, health, and child protection sectors as well as population-based surveys.

EUROSTAT collects data on [police recorded offences](#) by crime including crimes of “sexual violence” disaggregated by the sex of the victim. However, it is not possible to disaggregate this data according to the age of the victim it is therefore not possible to obtain data on the number of child victims or the number of perpetrators of sexual exploitation and abuse. This data set includes information about the relationship to the offender for victims of intentional homicide only.

The European Union has been funding a project to develop a coordinated response to Child Abuse & Neglect via Minimum Data Set ([can-via-mds.eu](#)). This tool provides sets of operational definitions of

child sexual abuse and includes a pre-coded registration system for multidisciplinary and intersectoral recording of child abuse in a common registration system.

The European Commission for the Efficiency of Justice (CEPEJ) regularly collects data on the efficiency of justice in Council of Europe member states. The CEPEJ [Evaluation Report 2022](#) (on 2020 data) provides insights into the numbers of Council of Europe member States that provide victims of crime in general with access to a lawyer free of charge (figure 2.25 on page 36), training for judges and prosecutors on child-friendly justice (page 75), including specific training for prosecutors in matters related to CSEA (page 76). This report also provides insights into the provision of specific protections for children in judicial proceedings including use of Barnahus and child-friendly rooms to give evidence (page 106). The most recent [questionnaire](#) (2022) contains similar questions along with additional questions on the number of cases relating to child sexual abuse and child sexual abuse materials. Analysis of responses to this questionnaire is due to be published in 2024.

It appears that none of the data collection exercises identified above provide a clear and comprehensive insight into the phenomenon of child sexual exploitation and sexual abuse in State parties to the Convention.

### **What are the aims and objectives of the present questionnaire?**

The present survey has been prepared with reference to the CDPC survey circulated in 2010 and the relevant recommendations of the Lanzarote Committee on this subject. The aim of the survey is to map existing mechanisms for data collection on the nature and phenomenon of child sexual exploitation and sexual abuse in State Parties.

The survey seeks to examine the way that State Parties collect data on child sexual exploitation and sexual abuse, the present survey does not seek to collect statistical data. The responses received will be used to assess the implementation of the Lanzarote Convention and to make recommendations to State Parties to strengthen implementation.

### **Definitions**

<b>Term</b>	<b>Definition</b>
<b>Child</b>	Person under the age of 18 years (LC Article 3.a).
<b>Child Sexual Exploitation and Sexual Abuse</b>	Includes behaviours as referred to in Articles 18-23 of the Lanzarote Convention. (LC Article 3.b)
<b>Circle of trust</b>	“Circle of trust” includes members of the extended family, persons having care-taking functions or exercising control over the child, persons with which the child has relations, including his/her peers. Paragraph 123 of the Explanatory memorandum states that this “relates to abuse of a recognised position of trust, authority or influence over the child”. For more information see paragraphs 123-125 of the Explanatory Report of the Convention, and also 1 <sup>st</sup> Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”, p. 12. .
<b>Victim</b>	Any child subject to sexual exploitation and sexual abuse. (LC Article 3.c) It is important to note that the facts of the sexual exploitation or abuse do not have to be established before a child is to be considered a victim.LC Explanatory Report §51)

## Questions

### Survey on mechanisms for data collection on child sexual exploitation and sexual abuse

#### Data collection mechanisms – questions based on the Lanzarote Convention and Lanzarote Committee recommendations

The aim of this survey is to gather information to allow the Lanzarote Committee to assess how data is collected in State Parties and to identify promising practices for data collection.

#### 1. Who collects data?

- i. Is there a specific mechanism or focal point responsible for collecting data on child sexual exploitation and sexual abuse? If so, please provide details. (Article 10.2b of the Lanzarote Convention and R13 of the first implementation report of first monitoring round)

**AT: No, data are collected in the case management system and transferred to the data warehouse.**

- ii. If not: Do existing general data collection mechanisms collect data on child sexual abuse? Please describe how these mechanisms collect data taking into account all forms of child sexual abuse and exploitation, including online. (Article 10.2b of the Lanzarote Convention and R14 of the first implementation report of first monitoring round)

**AT: The data on the perpetrators and victims, as with all criminal proceedings, is recorded in the justice case management system and automatically forwarded to the justice data warehouse. Standardized and, if necessary, ad hoc evaluations of the data are carried out here. In principle, the data is already recorded by the police and sent electronically to the justice system.**

- iii. Are data on child sexual exploitation and sexual abuse collected through a multisectoral mechanism involving more than one sector of public administration? Please list sectors involved and who operates the mechanism.

**AT: See ii, in a few exceptional cases, data on child abuse is also seized by the forensic officers of the Ministry of Finance (tax investigation) and subsequently forwarded to the Ministry of Justice, a so-called chance find.**

#### 2. What data is collected?

- i. Does your State collect data in relation to all of the offences covered by Articles 18-23 of the Convention?

Article	Data collected yes/no/partially?	Can data on this be easily produced? (less than 3 weeks) Yes/No
Sexual abuse (Article 18)	<b>Yes</b>	<b>Yes</b>
Offences concerning child prostitution (Article 19)	<b>Yes</b>	<b>Yes</b>
Offences concerning child pornography (Article 20)	<b>Yes</b>	<b>Yes</b>
Offences concerning the participation of a child in pornographic performances (Article 21)	<b>Yes</b>	<b>Yes</b>
Corruption of children (Article 22)	<b>Yes</b>	<b>Yes</b>
Solicitation of children for sexual purposes (Article 23)	<b>Yes</b>	<b>Yes</b>

If you have indicated “no” or “partially” please provide more information:

- ii. Does your State collect case-based data for child sexual abuse in the circle of trust, including specific aspects mentioned in the table below? (R15 of the first implementation report of the first monitoring round)

**AT: Regarding police data, the data on victims of reported crimes is processed within the police files. Neither the number of victims nor the number of offenders is limited within the police file. Therefore, a police file can contain data on multiple victims. Available information on relationship: other family connection. Further information regarding the type of family connection is not available. It should be noted that the Committee’s understanding of case-based data remains somewhat unclear to Austria.**

	Data collected? Yes/No/partially	Can data on this be easily produced? (less than 3 weeks) Yes/No
a. Number of children (under 18) that were victimized, disaggregated by sex/gender	<b>Yes (on persons defined as victims in the police file)</b>	<b>Yes</b>
b. Number of children (under 18) that were victimized in the context of: i. reports ii. prosecutions	<b>Partially; no data on convictions</b>	<b>Yes, as available; but not on prosecutions and convictions</b>



iii. convictions		
c. Number of perpetrators under investigation, disaggregated by sex/gender	<b>Yes</b>	<b>Yes</b>
d. Number of convicted perpetrators, disaggregated by sex/gender	<b>Yes</b>	<b>Yes</b>
e. Number of cases where the person convicted was a minor, disaggregated by sex/gender	<b>Yes</b>	<b>Yes</b>
f. Number of cases where the victim and the perpetrator had a prior acquaintance.	<b>Partially (regarding police data; regarding judicial data: the relationship between perpetrator and victim is not recorded)</b>	<b>Partially (regarding police data)</b>
g. Number of cases where the victim and the perpetrator were strangers.	<b>Partially (regarding police data; regarding judicial data: the relationship between perpetrator and victim is not recorded)</b>	<b>Partially (regarding police data)</b>
h. Number of cases committed within the family (including extended family) of the child victim,	<b>Partially (regarding police data; regarding judicial data: the relationship between perpetrator and victim is not recorded)</b>	<b>Partially (regarding police data)</b>
i. Information on the relationship between the victim and the perpetrator	<b>Partially (regarding police data:</b>	<b>No in respect of judicial data</b>

	Predefined categories on the type of relationship between the victim and the offender); regarding judicial data: the relationship between perpetrator and victim is not recorded	
j. Information on the environment in which the child sexual abuse was alleged to be committed (home, school, workplace, other)	Partially; police data: predefined categories on the type of sites; judicial data: data about the crime scene is not recorded.	No in respect of judicial data
k. Information about the age of the child victim and the perpetrator	Partially; the age of the victim is recorded, but it is not possible to determine how old the victim was at the time of the crime; with regard to the perpetrators only age categories are recorded (youth, adult)	Yes, as available
l. If you have responded “partially” to any of the questions above please indicate what data is not collected <b>See above.</b>		

iii. Is data collected by relevant agencies specifically on CSEA?

**AT: Not with regard to police data.**

iv. Does your State collect aggregative data on child sexual exploitation and sexual abuse?

**AT: Only ad hoc evaluations.**

v. Does your State use standardised operational definitions and indicators of CSEA to classify data across administrations and sectors at national level?

**AT: No; however, with regard to police data, the data is collected based on the national penal law.**

vi. Does your State use internationally agreed definitions and indicators, such as the International Classification of Crime for Statistical Purposes, to gather data related to child sexual exploitation?

**AT: The national police authorities collect data based on the national penal law and “translate” is to the definitions provided in the ICCS.**

vii. Does your State collect data on the number of persons convicted of any form of sexual exploitation or sexual abuse of a child committed outside your territory but convicted in your country?

**AT: No**

viii. Does your State collect data on the number of persons convicted of any form of child sexual exploitation or sexual abuse committed outside your territory and convicted outside your territory? Please specify if this includes your nationals and persons with habitual residence in your country?

**AT: No**

ix. Does your State collect data on the numbers of suspected cases of CSEA which are not substantiated after investigation?

**AT: Yes, terminations of criminal proceedings are collected.**

x. Does your State collect data relating to the identity and genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention? (Article 37 paragraph 1 of the Lanzarote Convention)

**AT: No**

- xi. Is it possible for information about the identity and genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention to be transmitted to the competent authority of another Party? (Article 37 paragraph 3 of the Lanzarote Convention)

**AT: No**

- xii. Does your State collect the data referred to above in accordance with relevant provisions on the protection of personal data? (as provided for by Articles 10 paragraph 2 and 37 paragraph 1 of the Lanzarote Convention)

**AT: Yes**

### **3. Use of data collected**

- i. Does your State provide data on CSEA to international organisations such as: Council of Europe, World Health Organisation, EUROSTAT, UN Office of Drugs and Crime and UNICEF?

**AT: If available, the data will be provided upon request to international organizations.**

- ii. Has your State appointed a national or local agency tasked with providing periodic reports on aggregated data or recording information on child sexual abuse committed in the circle of trust? Please specify the agency responsible. (R20 of the first implementation report of first monitoring round).

**AT: No**

### **4. Evaluation of data collection mechanisms**

- i. How does your State evaluate the effectiveness of the mechanisms or focal points for data collection (for example through audits) as regards the accuracy and reliability of the data collected, including any issues of under-reporting? (R21 of the first implementation report of first monitoring round)

**AT: The correct recording of data is the responsibility of the courts and public prosecutors. Regarding police authorities, mechanisms are in place to ensure the quality of data in police-recorded crime statistics.**

- ii. Is there a system in place to validate the data?

**AT: Regarding police data, the process of data collection is part of the documentation system of the police files, which are validated.**