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Steering Committee for the Rights of the Child

Opinion by the Steering Committee for the Rights of the Child (CDENF) on PACE Recommendation 2225 (2022) "For an assessment of the means and provisions to combat children's exposure to pornographic content"

Document adopted by the CDENF at its 5th plenary meeting (4-6 July 2022)

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Opinion by the Steering Committee for the Rights of the Child (CDENF)

on Recommendation 2225 (2022) of the Parliamentary Assembly of the Council of Europe (PACE) "For an assessment of the means and provisions to combat children's exposure to pornographic content"

1. Following the adoption on 25 April 2022 of Recommendation 2225 (2022) "For an assessment of the means and provisions to combat children's exposure to pornographic content" by the Parliamentary Assembly of the Council of Europe ("PACE"), the Committee of Ministers adopted the decision, at its 1434th meeting on 11 May 2022, "*to communicate it to the Steering Committee for the Rights of the Child (CDENF) […] for information and possible comments by 17 June 2022"* (NB: This deadline was exceptionally extended to allow for adoption by the CDENF at its 5th Plenary meeting (4-6 July 2022)).

2. The Bureau of the CDENF examined the Recommendation during its meeting on 16 May 2022 and approved the draft opinion - as prepared by the Secretariat - through written proceedings. The draft opinion was then submitted to and revised and approved by the CDENF at its 5th Plenary meeting, held in an online format on 4-6 July 2022. It takes into account comments made by the Secretariat of the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee / Lanzarote Convention).

3. The CDENF welcomes the initiative taken by the PACE, shares its growing concern on the exposure of children to pornographic content and its consequences on children's physical and mental development, and takes note of the specific invitation (in paragraph 3.1. of the Recommendation) to "encourage relevant bodies, such as the Steering Committee for the Rights of the Child (CDENF), the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), […] to give due consideration to the issue of children's exposure to pornographic content in its relevant activities and to support member States in combating children's exposure to pornographic content, for example by:" (3.1.1.) "facilitating the exchange of good practices"; (3.1.2.) "organising capacity building events"; and (3.1.4.) "facilitating a stocktaking exercise on relevant initiatives and lessons learned and developing a roadmap for future action".

4. As explicitly recognised in Recommendation 2225(2022), the Council of Europe Strategy for the Rights of the Child (2022-2027), adopted by the Committee of Ministers on 23 February 2022, includes two strategic objectives which are both directly linked to the topic, namely ensuring access to and safe use of technologies for all children and freedom from violence for all children. Concretely, its objective 3.1.1 is focused on "Protecting children online, e.g. from violence, […] from exposure to pornographic and other harmful content, […], thus following the "4C" approach (content, conduct, contact and contract risks)", while objective 1.2.10 is committed to "Exploring efficient ways to prevent and combat sexual violence against children, including by developing new instruments to support States in developing age-appropriate and comprehensive sexuality education".

5. Bearing in mind the aforementioned objectives of the Strategy, it is important to recall that, in its Terms of Reference, the CDENF has been instructed to "oversee the implementation of the Strategy for the Rights of the Child (2022-2027)"; to "facilitate regular exchanges of knowledge, good practices and experiences among member States in the areas covered by the Strategy"; to "provide expertise to member States on the development of legislation, policies, practice, training schemes and awareness raising material to support implementation of international standards"; and to "orient and oversee the activities carried out by its subordinate bodies, notably the

Committee of experts on the prevention of violence (ENF-VAE)". With these specific tasks, the CDENF covers some of the actions called for by the PACE.

6. The PACE additionally recommends (also in paragraph 3.1. of the Recommendation) to "encourage the (CDENF) […] to give due consideration to the issue of children's exposure to pornographic content in its relevant activities and to support member States in combating children's exposure to pornographic content, for example by (3.1.3.) providing advice on age-appropriate and comprehensive sexuality education, including pornography harm awareness measures, at all levels of education". The CDENF, convinced that quality sexuality education is firmly grounded in international human rights standards (see in particular Article 6 of the Lanzarote Convention), attaches great importance to age-appropriate and comprehensive sexuality education as an important tool for preventing violence and harmful sexual behaviour and will look at this subject matter under its Terms of Reference as of 2023. Amongst the measures to be considered will be appropriate training for parents and teachers in effectively limiting children's access to pornographic content and the most effective solutions such as verifying the age of pornography "consumers". Under the authority of the Committee of Ministers, the CDENF, supported by its Committee of experts on the prevention of violence (ENF-VAE), is expected to prepare (1) a feasibility study and (2) a draft non-binding instrument on age-appropriate comprehensive sexuality education to strengthen responses for *inter alia* preventing and combatting violence against children, including sexual violence and harmful behaviour; on this occasion, concrete awareness-raising and protection measures aimed at preventing and fighting harm caused by the exposure to pornographic content could be considered. Furthermore, the feasibility study would certainly, at least partly, respond to the PACE's call for a "stocktaking exercise".

7. In this context, it is also relevant to mention that, at the High-level Launching Conference for the new Strategy (Rome, 7-8 April 2022), a dedicated thematic session on "comprehensive and age-appropriate sexuality education for preventing violence" was held, including relevant discussions on the consequences of pornographic content on children's health. The conclusions of the Conference will be published on the Conference website in June 2022.

8. The PACE also recommends (in paragraph 3.3. of the Recommendation) that the Committee of Ministers "call on the Council of Europe member States to fully implement the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, Lanzarote Convention), the recommendations of the Lanzarote Committee, and the 2018 Committee of Ministers Recommendation CM/Rec(2018)7 entitled "Guidelines to protect, respect and fulfil the rights of the child in the digital environment". The CDENF will progress on this recommendation – taking due account of any relevant work by the Lanzarote Committee – as suggested, by following the implementation of the non-binding instruments that it has prepared and, where appropriate, reviewing the implementation of relevant Committee of Ministers' recommendations, wherever appropriate in interaction with other bodies and committees.

9. Finally, the CDENF takes note of the invitation by the PACE to the Committee of Ministers to "consider closer co-operation with the European Commission, with a view to developing pan-European regulations on combating children's exposure to pornographic content". Through the past years, partnerships have been maintained and further consolidated between the CDENF and relevant bodies of the European Union, both formally through committees and informally at Secretariat level. The Secretariat has recently participated in a targeted consultation towards the preparation of the Better Internet for Kids (BIK) Strategy, adopted by the European Commission on 11 May 2022. Most recently, the Children's Rights Division has also supported activities under the Council of Europe Digital Partnership. Any extension of such activities towards a government platform partnership, its opportunity and feasibility would certainly first have to be further explored with the competent services of the Council of Europe.

Annex

Recommendation 2225(2022) Provisional version[1]

For an assessment of the means and provisions to combat children's exposure to pornographic content

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Resolution 2429 (2022) “For an assessment of the means and provisions to combat children's exposure to pornographic content”, as well as to its Resolution 2412 (2021) “Gender aspects and human rights implications of pornography”, Resolution 2330 (2020) and Recommendation 2175 (2020) “Addressing sexual violence against children: stepping up action and co-operation in Europe”, Resolution 2119 (2016) and Recommendation 2092 (2016) “Fighting the over-sexualisation of children” and Resolution 1835 (2011) and Recommendation 1981 (2011) “Violent and extreme pornography”.

2. The Assembly welcomes the recent adoption by the Committee of Ministers of the Council of Europe Strategy for the Rights of the Child 2022-2027, which includes strategic objectives on “Access to and safe use of technologies for all children” and “Freedom from violence for all children”.

3. The Assembly recommends that the Committee of Ministers:

3.1. encourage relevant bodies, such as the Steering Committee on the Rights of the Child (CDENF), the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), the Ad hoc Committee on Artificial Intelligence (CAHAI), and the Steering Committee for Education (CDEDU), to give due consideration to the issue of children's exposure to pornographic content in their relevant activities and to support member States in combating children’s exposure to pornographic content, for example by:

3.1.1. facilitating the exchange of good practice;

3.1.2. organising capacity-building events;

3.1.3. providing advice on age-appropriate and comprehensive sexuality education, including pornography harm awareness measures, at all levels of education;

3.1.4. facilitating a stocktaking exercise on relevant initiatives and lessons learned, and developing a roadmap for future action;

3.2. examine possible follow up to be given to this recommendation and the above-mentioned resolutions and recommendations in the framework of the Council of Europe Partnership with Digital Companies, which was signed with representatives of leading technology firms and associations in 2017, in order to promote an open and safe internet, where human rights, democracy, and the rule of law are respected in the online environment; envisage a parliamentary dimension and co-operation with civil society organisations, including parents’ and children’s organisations in this context;

3.3. call on the Council of Europe member States to fully implement the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, Lanzarote Convention), the recommendations of the Lanzarote Committee, and the 2018 Committee of Ministers Recommendation CM/Rec(2018)7 entitled “Guidelines to protect, respect and fulfil the rights of the child in the digital environment”;

3.4. consider closer co-operation with the European Commission, with a view to developing pan-European regulations on combating children’s exposure to pornographic content;

[1] Assembly debate on 25 April 2022 (10th sitting) (see Doc. 15494, report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Dimitri Houbron; and Doc. 15505, opinion of the Committee on Culture, Science, Education and Media, rapporteur: Mr Stefan Schennach). Text adopted by the Assembly on 25 April 2022 (10th sitting).

3.5. support co-operation with relevant United Nations bodies, such as the United Nations Children's Fund (UNICEF), and the United Nations Special Representative of the Secretary-General on Violence Against Children, and in this context, propose the setting up of a government platform partnership, with the participation of digital companies and adult content providers, in order to develop a co-ordinated, cost-effective, and sustainable global response with a view to combating children’s exposure to pornographic content.