

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as “the Lanzarote Convention”

International conference on online investigations: Darknet and online sexual violence against children

General points:

1. The Lanzarote Convention is the most ambitious and comprehensive international (potentially universal) legal instrument on the protection of children against sexual exploitation and sexual abuse.

[https://www.coe.int/en/web/children/convention#%2212441481%22:\[0\]](https://www.coe.int/en/web/children/convention#%2212441481%22:[0])

2. All 47 Member States of the Council of Europe have signed the Convention and 44 of them have ratified it. The Convention is open for ratification to States outside the Council of Europe.

3. The Convention is based on four pillars, the four P’s: prevention, protection, prosecution and partnership.

4. The Convention covers sexual abuse within the child’s family or “circle of trust” as well as acts carried out for commercial or profitmaking purposes. It covers all possible kinds of sexual offences against children:

✚ sexual abuse of a child (art. 18)

✚ exploitation of children through prostitution (art. 19)

✚ offences related to child sexual abuse material (art. 20)

✚ participation of a child in pornographic performances (art. 21)

✚ corruption of children through exposure to sexual content and activities (art. 22)

✚ grooming (art.23).

5. The Lanzarote Committee (i.e. the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) is the body established to monitor whether Parties effectively implement the Lanzarote Convention.

The Lanzarote Convention in relation to ICT

6. In 2006 and 2007 when the Convention was drafted, the use of mobile phones and pc was not at all comparably as to what we know now.

Nevertheless in its preamble as well as in 5 articles there is a reference to ICT's.

7. Concerning the articles where ICT is mentioned: they fall into two categories:

- those concerning prevention and protection (Articles 6 concerning the risk of using ICT and art. 9 collaboration with the ICT sector in order to prevent sexual abuse and sexual exploitation and concerning self-regulation);
- those concerning prosecution (Articles 20 CSAM, art. 23 grooming, art. 30(5)^{2nd} concerning investigation of Child sexual abuse material made available through the use of ICT).

8. The Lanzarote Committee believes that the **Convention should be considered a living instrument that has to be interpreted as applicable to the dangers known at the moment it has been drafted as well as to the dangers that have appeared since that time and to those that still are to appear in the future. The best interest of the child would otherwise risk being jeopardised.**

9. On the 12th of May 2017 the Lanzarote Committee adopted an interpretative opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of Information and Communication Technologies.

[https://www.coe.int/en/web/children/lanzarote-committee#%2212441908%22:\[2\]](https://www.coe.int/en/web/children/lanzarote-committee#%2212441908%22:[2])

10. Long before the adoption of this interpretative opinion the Lanzarote Committee was concerned about developments in the use of ICT linked to sexual abuse crimes against children.

An opinion on grooming (art 23) was therefore adopted in 2015.

[https://www.coe.int/en/web/children/lanzarote-committee#%2212441908%22:\[2\]](https://www.coe.int/en/web/children/lanzarote-committee#%2212441908%22:[2])

11. In 2016 a Working Group was set up after a discussion of the need for the Committee to be more strategically focused on issues linked to the use of new technologies and sexual abuse and exploitation, such as sexting, sexual extortion, live streaming of sexual abuse, the use of the dark web and other similar phenomena. The Working Group's purpose was to draft a reflection paper on these trends, identifying gaps in current protection systems, as well as on possible ways forwards.

12. The work conducted by the working group lead to the second monitoring round concerning the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies with as main focus:

- Self-generated images (SGIMs) and sexting
- Sexual coercion and extortion

<https://www.coe.int/en/web/children/2nd-monitoring-round>

13. The committee examined in depth the challenges raised by child self-generated sexually explicit images/videos emerging from the scenarios in the answers giving by the Parties to the questionnaire and agreed to adopt an opinion on article 20 read in conjunction with article 18§3 to guide Parties in particular in addressing situations that do not

give rise to criminal offences and situations where prosecution should be considered as a last resort.

[https://www.coe.int/en/web/children/lanzarote-committee#{%2212441908%22:\[2\]}](https://www.coe.int/en/web/children/lanzarote-committee#{%2212441908%22:[2]})

14. It's of paramount importance not only to focus on criminalisation and prosecution but also on preventive actions. The recent technologies are bringing new challenges to child protection. For this reason, the Council of Europe proposed that the 2017 edition of the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse focused on the specific theme of "***The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)***".

The Council of Europe provided its partners with a series of tutorials (videos) as well as a booklet addressed to parents to give them information and advice in order to better understand the risks incurred by children, on the following themes: online protection of children; sextortion; self-generated sexually explicit images and materials involving children (sexting), sex-chatting, grooming, sexualised images used in revenge (Revenge Porn).

<https://www.coe.int/en/web/children/2017-edition>

Conclusion:

In 2019 the offline and online sexual abuse of children becomes so strongly linked to each other, that it is more and more difficult to separate them and consider them as two different worlds. It is very hard to protect children against sexual abuse and sexual exploitation linked to the use of ICT on the one hand and give them the freedom to explore the internet on the other hand.

The digital world including the possibilities of abusing children is moving with light speed. The Lanzarote Committee tried to tackle this problem already by drafting and adopting an opinion on grooming and self-generated sexual explicit images and by adopting an interpretative opinion on the applicability of the Convention to sexual offences against children facilitated by the use of ICT's.

Children want us to move forward as fast as we can and be as effective as we can. If we really want to prevent these crimes to take place, if we really want to fully protect children than we need to find ways to tackle the problem in an effective and efficient way.

De Craim Christel – vice chair of the Lanzarote Committee –September 30 -2019.