



T-ES(2018)ICT-BE-NGO

LANZAROTE CONVENTION

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Comments on the replies to the thematic questionnaire

BELGIUM

ECPAT and CHILD FOCUS

2nd thematic monitoring round

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”

Replies registered by the Secretariat on 26 January 2018



ECPAT Belgium and Child Focus would like to thank the Lanzarote Committee for inviting them to comment on the replies submitted by the Belgian authorities.

We find most of the replies from the Belgian authorities relevant and in line with our observations. However, we would like to raise the following points to the attention of the Lanzarote Committee.

RESEARCH

- There is a need to better understand the links between self-generated indecent materials, grooming, sextortion and other forms of sexual exploitation of children (e.g. trafficking, sexual abuse in travel and tourism)
- No research is available in Belgium on the psychological impact of victims of online “sexual problems” such as being a victim of problematic sexting, sextortion, etc. while such research would be highly recommendable

AWARENESS-RAISING

- Question 1.1: ECPAT Belgium has developed a project called “Make-IT-Safe” (<http://www.make-it-safe.net>) to empower children and young people to become responsible digital citizens. The originality of the project is that young people (12-18 years) have taken an active part in its implementation since they have trained their peers and developed materials on the responsible use of new technologies, including the possible consequences of producing and sharing self-generated sexually explicit materials: comics (<https://ecpat.be/wp-content/uploads/2017/12/BD-anglais.pdf>) and video-clips (<https://ecpat.be/en/category/videos-en/>). Two handbooks, one for peer experts (https://ecpat.be/wp-content/uploads/2017/12/peers_en.pdf) and one for coaches (https://ecpat.be/wp-content/uploads/2017/12/coach_en.pdf) have also been developed.

- Question 1.3:

- In the Federation Wallonia-Brussels, there are also initiatives targeting parents on how to promote the responsible use of the new technologies amongst their children, www.webetic.be. A similar initiative exists in Flanders www.veiligonline.be which is managed by Child Focus and the Gezinsbond.
- In the framework of the Make-IT-Safe project, ECPAT Belgium has also developed materials for parents: Recommendations for parents to discuss online behaviour with their children (http://ecpat.de/fileadmin/user_upload/Materialien/Flyer/Make_IT_Safe_English_WEB.pdf).

The flyer exists in 15 languages (<http://www.make-it-safe.net/index.php/en/news>).

- Child Focus gives training sessions to:
 - o teachers and social workers on how to teach the children they work with how to stay safe online;
 - o Police agents and prevention officers of cities and municipalities on giving training session about e-safety to children;
 - o Children through Dossier 116000: an animated workshop giving more information about Child Focus and its activities combined with prevention messages on running away but also (online) sexual exploitation.

All training sessions can be found on <http://www.childfocus.be/fr/child-focus-academy>

- Question 2.1: Flemish Community

- The Flemish ministry of Education supports Child Focus in its e-safety initiatives.
- The Flemish ministry of Wellbeing supports Child Focus in its work on victims of child prostitution (teen pimps).
- The Flemish ministry of Youth and Media supports several initiatives on how to stay safe online, like the creation of www.mediawijs.be, initiatives with National Broadcasting Network or from youth organizations.
- The Flemish Ministry of sport installed a parliamentary research commission on sexual abuse and exploitation in sports.

ASSISTANCE TO VICTIMS

- Question 6.1: Child Focus could be added among initiatives in this respect. Child Focus is the Belgian Safer Internet Centre and has a 24/7-hotline where children, their parents or anybody can report such problems and get the help they require, especially if there are problems with online sexual abuse, which is how Child Focus labels "sexting gone wrong".

- Question 6.2: it could be added that in 2017 Child Focus treated 144 cases of children encountering problems online, of which 110 were about self-produced images that children initially sent out voluntarily in a sexting-scenario.

LEGISLATION

- Question 8.1.a: The question is aimed at knowing whether there is a reference in the Belgian Criminal Code to "self-generated sexually explicit images and/or videos". The current answer to this question mentions "sexually explicit images and/or videos" and not "self-generated sexually explicit images and/or videos". It seems to be assumed that article 383bis of the Belgian Criminal Code, by forbidding the creation and/or production of child sexually explicit materials, explicitly forbids child self-generated sexually explicit content. ECPAT Belgium considers that this assumption is not based on any jurisprudential basis and,

therefore, only reflects a legal vacuum on the matter of self-generated sexually explicit materials in the context of offences covered by the Lanzarote Convention.

- Question 9.10: Since 2017, "revenge porn" and "sending sexual images of a person without his or her consent" became a criminal offence in Belgium's Criminal Code (Art. 371/1,2).

PROSECUTION

- Question 14: the answer is quite one-sided. There are so many problems that victims, police, judiciary face in the prosecution phase. First of all, there is the problem of under-reporting because victims blame themselves for what happened, especially when the material is self-produced. Secondly, child victims and their parents are encouraged by Child Focus/ECPAT Belgium to report the abuse to the authorities but they are not taken seriously because of a lack of knowledge among the "first reporting police instance" with the new realities that kids face online. Then comes the problem of prioritization of case-load within the judiciary. It is highly unlikely that a magistrate would bring a "sexting gone wrong"-case before a juvenile court, because the seriousness of the case is often underestimated.

In most sexting cases, Child Focus would not recommend bringing juvenile offenders to court: such cases should be handled between parents, schools, victim and offender, etc. When it comes to grooming, sextortion, and all other forms of online sexual abuse which involves a minor victim and an adult offender, the recommendation is obviously different. However, because police and judiciary are lagging behind in investigative techniques, victim identification techniques and overall knowledge on how to deal with such cases, the detection, prosecution and conviction rate for these offences is very low. Moreover, the current data collection system of criminal offences does not allow to have an overview on the different categories of child sexual abuse online such as grooming, sexting, sextortion, etc.

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