



T-ES(2018)ICT-UA-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

### UKRAINE

"ROZRADA" (centre of practical psychology)

2<sup>nd</sup> thematic monitoring round

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

## Prevention

### Question 1 Awareness-raising or educational activities/tools/materials/measures

1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

There is not a big attention to the educational activities, tools, and materials, measures addressed to children about the risk they face when they produce and share such images or content in Ukrainian society as the whole, and in educational system, on TV or in Internet resources. As we know Stalin told that there is not sex in the soviet society. We can see three main problems in this context in Ukraine: 1) the problem of children sexual education on post- soviet space; 2) problem of safety of person education on post- soviet space; 3) problem of digital education in XXI century in Ukraine. Information and educational activities in Ukraine in this context are practically absent.

There were some efforts of moving to digital upbringing in the end of 20 – beginning of 21 centuries in Ukraine and other post-soviet countries. For example there were some researches that showed that many children have aggressive and distorted picture of the world. There were received such data: 44% children travelled in internet to the places with sexually explicit images and contents; 5% children have absolutely negative picture of the world; 13.6% of children have such “picture of the world” that troubles the professionals. There were published some materials about information psychological safety of ICT without real reaction of power and even of civil society. For example V. Bondarovska. Person in the Internet / “World of connection”.#3, 2000. In Russian. Valentina Bondarovska. New information technologies: clear and hidden factors. Universitat Politechnica de Catalunya Barcelonatech. ORP 2000. Bondarovska V.M. Psychological aspects of computers using. Danger of new information technologies and development of children capabilities by using computer. “Psychologist”, #25 (169), July 2005, 62 pp.

1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

There are some separate efforts of educational activities (materials, measures) for specifically targeting children and their parents. Only in the November 2017 we can see in Internet the translation to Ukrainian Info graphics of European Council about sexual children exploitation with result of 2014 research in Ukraine that show that 43% of children had contacts in Internet with unknown persons, 20% children communicated in on line regime, 11% sent their photos/video to unknown persons. Unfortunately these data were not in the centre of attention in mass media, there were not public discussion of this dangerous, there not developed educational programs for children, parents, teachers, etc. Ukrainian NGO “Prosperity of children” collected materials about children abuse and sexual exploitation

and presented these materials on Web site named "Internet and Sexual Violence". There is an important material about "Green room" and approach to questioning or interrogation of children who are victims or witnesses of violence. Unfortunately there is information about absence of legal rules about realization of these activities in Ukraine. NGO "ROZRADA" as centre of practical psychology directly work with cases of sexual violence against children and prepared and published booklet "How to poll children". Council of Europe shared educational textbook for parents about children defence in Internet. Some materials prepared and published Institute of political and social psychology. As we can see we have some point efforts without system approach.

1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Really there not system awareness raising activities addressed to parents and persons who have regular contacts with children. There is the state program for prevention of trafficking for 2016-2020 years with attention to information and explanation campaigns in the regions of Ukraine.

Really these programs are not constant. There is information regions about one or two seminars for parents, teachers, sometimes teenagers per year. Sometimes there is one or two seminars for officials under umbrella of Ministry of social policy of Ukraine. Sometimes some NGOs implement projects in this direction and publish some materials. For example Doctor Lubov Najdionova and her colleagues from Institute of political and social psychology (Kyiv) are realizing the program "Media culture and media education". They implement their project in 82 schools of Ukraine, are working with children and teenagers, teachers and parents. They are developing educational program with the same name. This work will be finished in 2020. As told Lubov Najdionova, "The main obstacle is the absence of professionals". There are different places where such programs are developing: colleges, universities, institutes of after university education, schools. But unfortunately this approach more attention pay to TV, general influence of Internet and don't pay attention to sexual violence across Internet and developing by children self-generated sexually explicit images/or video sharing this content.

NGO "Prosperity of children" developed Web site "Internet and sexual violence". This is the very useful materials for all persons who are responsible for children – parents, teachers, officials, etc. This in the case that somebody is interesting this problem or has an experience of such violence in own family or in own life. Unfortunately we have not national program for distribution of the information, discussion of such risks, upbringing children how to be safe in Internet, programs of sexual education of children.

The next problem is rehabilitation of sexual Internet violence on line. We even have not national program of psychological rehabilitation of children victims of such type of violence and support of their parents.

In the cases when some NGOs develop and publish some manuals, booklets and notes, quantity of such issues are very small. It is not enough for each school in Ukraine. For example we developed and published a manual "School for parents" with support of UNICEF. We published it 4 times, distributed it in regions of Ukraine. But it was our own initiative, and we had only 4,000 units. So we also can see absence of system approach. People on rural level really have not any necessary information.

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

## Question 2. Civil society involvement

2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Really State don't encourage the implementation of prevention projects and programmes carried out by civil society. State budget really has not money for financial support such projects. Ukraine has a law about social services but still State don't support such projects. From other side, state cost of implementation of projects is so small that it impossible to realize any important and system project.

Practically State try to use the results of NGOs activities for gaining end of points of state programs. NGOs professionals are members of interdepartmental commissions. For example, president of NGO "ROZRADA", Doctor Valentina Bondarovska is a member of Interdepartmental Commission of domestic violence and trafficking, and child psychologist of NGO "ROZRADA" Ulianna Ur-Evtushenko is a member of Interdepartmental Commission of sexual violence against children.

State constantly uses the booklets and notes, manuals, books that developed and published by NGOs.

Also representatives of NGO participate in the processes of developing and discussions of State Programs and changes of Legislation of Ukraine.

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

NGOs always participate in all activities on prevention of consequences of using Internet by children. Unfortunately Ukrainian society is not ready to challenges of using Internet by children. Professionals of NGO "ROZRADA" many years studied physical and psychological influence of information technologies to physical and mental health of children users of computer technologies. There are a lot of publications of results of these researches from 1980 year. This problem was discussed on European psychological Congress (London, 2001) in symposium "Human surviving in the information technologies space" (Chairperson Doctor Valentina Bondarovska). In particular it was discussed forming into the children mind virtual concept of Death when he/her plays in computer games. Then teenager who shoot in people can think and feel that killed people will survive and recommence as in computer games.

Ukrainian society is not ready to challenges of Internet social network such as "Blue whale" when someone converts child user into a slave and takes to suicide. We could see a great mass media hysterics, a lot of information noise, and no system state and NGOs program.

Almost the same situation we have challenges of Internet sexual violence, self-generated sexually explicit images and /or videos, the violence in schools and violence between teenagers, even girls. Ukraine really needs prevention and educational activities as from State as well from NGOs.

### Question 3. National curriculum

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

As we know there are not such programs in Ukraine, we have only point efforts now.

### Question 4. Higher education curriculum and continuous training

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

We don't know about such programs.

## Question 5. Research

5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

There is not information about such programs.

5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:

- a. self-generated sexually explicit images and/or videos as children have been shared online?
- b. self-generated sexual content as children has been shared online?

Civil society is not involved to providing of such researches from state side. NGOs are working inside their projects and practices. When State structures or other NGOs clash with such cases they apply in NGJs where work the professional psychologists. In NGO "ROZRADA" work child and family psychologists. We always answer to appeals of State structures and also of parents, lawyers, judges and attorneys. So we really give psychological help to children victims of sexual violence and paedophilia. There are many obstacles that meet children and their parents when they seek a psychological and other help in real life in Ukraine. It is necessary to work for developing of on line rehabilitation programs. But we believe that more important to work for on line prevention programs and educational programs for parents.

## Protection

## Question 6. Assistance to victims

6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

Really we can receive the information about NGO La Strada Ukraine hot telephone line for children time by time on seminars, trainings, meetings of NGOs, conferences, etc. We know that there are some psychologists in this NGO who work on this hot line, As usual we can hear about quantity of callings per month or per year. Psychologist of NGO "ROZRADA" always are ready to give psychological support children suffered from sexual violence and paedophilia. We helped 5 such children and their parents by face to face counselling after their calling to children or general La Strada hotline.

We think that hot line must have two possibilities of helping. One possibility is on line counselling especially for those persons who are in critical situation. They need immediate help. ROZRADA psychologists developed and provided Webinar "Telephone counselling" for 26 Mobil teams on East Ukraine with materials for working on line with such persons (supported by Health Right fund, Kyiv)(See You tube). Second possibility as we can see the main possibility, is counselling child and his/her parents face to face. It is important because we need a lot of time for finding reasons of such behaviour and needs, nature of such behaviour models and for rehabilitation child and his/her parents. We have real experience of such psychological work for months and even years.

Our point of view on children hotline.

It is not enough to have telephone hotline. It is also not enough to have some psychologists working in hot line.

It is necessary:

- to have power hard and software for providing access to this hot line in each city, town and village of Ukraine;
- to provide constant information campaigns about possibilities to get information and different support if person will call to hot line. Our investigation "The obstacles that meet women victims of violence when they seek the assistance and support in Ukraine" showed that the most subjects don't know about hot line and don't trust the information about such hot line;
- the hot line system must have around it the network of institutions including NGOs that can answer to questions of respondent and give real help. For example, such member of network must have free counselling fund and be ready to give free psychological help. Respondents must have possibilities to have access to these institutions around the clock. This is only one right way to be useful to respondents.

P.S. ROZRADA psychologists have an experience for saving respondents from suicide (5 respondents).

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

We don't know about such cases. We think that Ukraine needs a new legal approach to legislative measures. For example, about 17 teenagers had suicide after being in network "Blue whale" in 2016-2017. Ukrainian police and Special services could find person who was responsible for this dangerous network but there is not law about punishment for such crimes in Ukraine.

The situation with psychological help to victims of information space networks victims especially children is chaotic, not system. NGO "ROZRADA" developed project of state standard about psychological help in Ukraine (2016). It was given to Ministry of social policy of Ukraine. It was appeared that psychological help is not in the list of social services in Ukraine. Absence of the list was the reason for ignore such effort of NGJ professionals.

#### Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

State collaborate with NGOs experts in many directions:

- developing of changes in Legislation of Ukraine in the context of ratification of International Conventions and other normative acts;
- discussions of new approaches to social services, preventing and overcoming of domestic violence, trafficking, sexual violence against children, gender equality, etc.
- using results of NGOs working – sharing methods, books, booklets, notes that were developed and published by NGOs;
- participation of NGOs representatives in interdepartmental commissions and working groups;
- supporting of NGOs proposals for international projects.

## Prosecution

#### Question 8. Legislation

- 8.1. Does national law contain any reference to:
- a. self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
  - b. self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
  - c. non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

We don't know about such referring.

- 8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:
- a. self-generated sexually explicit images and/or videos?
  - b. self-generated sexual content?

It seems that national law tackle don't involve of more than one child.



- 8.3. Are there specificities related to the fact that more children appear on the:
- a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?
  - b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

It seems to psychologists that the absence of the wide and exact information for all people about crimes in this context and risks for children who are involved and their families has issue about impunity of such activities. From other side absence of attention to this problem from parents and teachers also support such crime activities.

#### Question 9. Criminalisation

- 9.1. Does national law criminalise cases when adults:<sup>1</sup>
- a. possess child self-generated sexually explicit images and/or videos?
  - b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?
  - c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

There are some points in Criminal code of Ukraine but it is necessary to provide constantly deep analysis of Criminal Code points and do changes in it in correspondence with contemporary challenges. It is not enough all that we have now.

- 9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

It seems that there are a lot of such cases. They must be finalised and changed in the contemporary context.

- 9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

It is known that such cases are very difficult to take to punishment.

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<sup>1</sup> If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

- 9.4. Does national law criminalise cases when adults:<sup>2</sup>
- a. possess child self-generated sexual content?
  - b. distribute or transmit child self-generated sexual content to other adults?
  - c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

We only know that investigators, persecutors, judges and attorneys are not ready to work with such cases.

- 9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Really there are a lot of such cases.

- 9.6. What are the legal consequences of the above behaviours (9.4.a-c)?

Situation is very indefinite.

- 9.7. Does national law criminalise cases when children:<sup>3</sup>
- a. produce self-generated sexually explicit images and/or videos?
  - b. possess self-generated sexually explicit images and/or videos?
  - c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?
  - d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?
  - e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?
  - f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

We know that there are special department in police and Special services that expose such cases, visit houses of such teenagers' houses and withdraw their computers and carriers of information. Later they investigate the case and do conversations with teenager and his/her parents if this case was the first.

- 9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Yes, there are such cases.

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<sup>2</sup> If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

<sup>3</sup> This question does not in any way suggest that these behaviours should be criminalised.

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

These consequences are quite different in in the different situations and different corpus delict.

- 9.10. Does national law criminalise cases when children:<sup>4</sup>
- a. produce self-generated sexual content?
  - b. possess self-generated sexual content?
  - c. distribute or transmit self-generated sexual content to peers?
  - d. distribute or transmit self-generated sexual content to adults?
  - e. distribute or transmit self-generated sexual content of other children to peers?
  - f. distribute or transmit self-generated sexual content of other children to adults?

We don't know exactly.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

We think that police and Special services have the different reactions and have their department instructions. Society in general has not wide shared information.

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

We have a special law about children pornography (2010) and a Law about social moral. There are some legal consequences in general. It seems that these laws both need the serious changes in this context.

There are such cases.

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2<sup>5</sup>

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

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<sup>4</sup> This question does not in any way suggest that these behaviours should be criminalised.

<sup>5</sup> Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2<sup>6</sup>

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

We don't know about this.

Question 12. Jurisdiction rules<sup>7</sup>

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

Question 13. Specialised units/departments/sections

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

- a. in law enforcement?
- b. in prosecution?
- c. in courts?

We know that specialized units have Police and Special services.

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

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<sup>6</sup> Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

<sup>7</sup> Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

→ As regards law enforcement, please indicate if:

- a. there is a victim identification function?
- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

#### Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

#### Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?
- b. prosecutors?
- c. judges?

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

## Partnerships

#### Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?