



FACTSHEET – AUSTRIA

Lanzarote Committee's Implementation Report on:

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos (CSGSIV)”

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I. Introduction

Protecting children from sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs) is a common challenge faced by all States. The often transnational nature of these offences makes international cooperation of the utmost importance especially to identify and protect victims as well as to identify and prosecute perpetrators.

The Council of Europe [Convention on the Protection of Children against sexual exploitation and sexual abuse](#) (“Lanzarote Convention”) is a comprehensive instrument that sets out the applicable standards necessary to:

- Prevent child sexual exploitation and abuse, including where this is facilitated by ICTs;
- Protect victims;
- Prosecute perpetrators; and
- Promote national and international co-operation to strengthen these actions.

The [Committee of the Parties to the Lanzarote Convention](#) (“the Lanzarote Committee”) monitors the implementation of the Convention in thematic monitoring rounds. This allows for all Parties to be monitored simultaneously on the same theme.

Particularly concerned by the exponential increase in offences committed using child self-generated sexual images and/or videos (CSGSIV), the Lanzarote Committee decided to dedicate its second monitoring round to this topic. The 43 States that were Party to the Convention at the time the monitoring round was launched took part, including Austria.

The [implementation report](#) adopted by the Lanzarote Committee in the context of this monitoring round is based on information provided by [State Parties](#) and [other stakeholders](#) in response to a questionnaire. The implementation report also contains information received from 306 [children](#) in 10 Parties who chose to participate.

The Lanzarote Committee’s recommendations to improve or reinforce the protection of children against sexual exploitation and sexual abuse can be found in boxes in each of the 10 thematic chapters. The key messages resulting from the children’s participation are also reflected throughout the whole report. Each chapter also includes examples of promising practices.

The Lanzarote Committee indicates the different levels of urgency applicable to the recommendations made by using the following terms:

- **“Require”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by its Explanatory report;
- **“Request”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by documents adopted by the Committee (e.g. previous monitoring round findings, opinions, other)¹;
- **“Invite”**: when the steps recommended correspond to promising practices or other measures to enhance protection of children against sexual violence even beyond specific requirements of the Lanzarote Convention.

This factsheet is based on the implementation report and has been prepared by the Lanzarote Committee Secretariat as a practical tool to be used by Austria to clearly identify the relevant recommendations and actions addressed by the Lanzarote Committee to it. Therefore, it does not include updated information on measures implemented by the Parties since the adoption of the report in March 2022. Parties are

¹ See Rule 30 (General comments, proposals and opinions) of the Lanzarote Committee’s Rules of Procedure.

encouraged to inform the secretariat of any relevant measures implemented after that date, which may have an impact on the Committee's analysis and recommendations by completing this [online form](#) or by email to lanzarote.committee@coe.int.

Key findings of the implementation report as to all Parties

The Committee raised particular concerns that in the vast majority of State Parties, children are at risk of criminal liability in relation to their own self-generated materials, and that many Parties do not provide for the specific offence where a child is a victim of extortion involving the use of its CSGSIV.

Strengthening international cooperation was identified as of particular importance in this context, given that these offences often contain a transnational element. The Lanzarote Committee also called on Parties to establish jurisdiction where any constituent element of an offence takes place within their territory.

Many Parties were found to provide mechanisms to facilitate reporting of these crimes but without providing specific services to support and assist children who have been victims of online sexual abuse to recover. Lack of public awareness and education, including among children, about the specific risks associated with ICT facilitated sexual abuse and self-generated content was also identified as a common challenge.

II. Legal framework

Interpreting the Convention, in conjunction with its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (6 June 2019), the Committee identifies what Parties ought to have in place as well as what they are encouraged to do to better protect children against the exploitation of their self-generated sexual images and/or videos (CSGSIV).

Observations and recommendations of the Committee on the legal framework specific to Austria

The Committee observes that the legal framework of Austria refers explicitly to CSGSIV,² and that it uses the term “child pornography” as defined within Article 20(2) of the Convention.³

The Committee **invites** Austria:

- to rather use the term “child sexual abuse material” (CSAM) for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)⁴ in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children, as the Committee acknowledges that the term “child pornography” can be misleading and undermine the gravity of the crimes it refers to.⁵
- to strengthen the protection of children by introducing explicit references in their respective legal frameworks to conduct concerning CSGSIV, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort.⁶

With regard to Reservations allowed by Article 20(3) as regards own sexual images consensually produced and possessed by children for private use, the Committee stresses that Article 8(3) of EU Directive 2011/93 on combating the sexual

abuse and sexual exploitation of children and child pornography establishes that: “It shall be within the discretion of Member States to decide whether Article 5(2) and (6)⁷ apply to the production, acquisition or possession of material involving children who have reached the age of sexual consent where that material is produced and possessed with the consent of those children and only for the private use of the persons involved, in so far as the acts did not involve any abuse.”⁸ It notes from the Commission’s report (COM(2016) 871 final) to the European Parliament assessing the extent to which the Member States have taken the necessary measures to comply with EU Directive 2011/93 that Austria chose to apply the above-mentioned Article 8(3).

Austria informed the Committee that as it is not indicated otherwise, the term “persons” in Art. 8(3) of EU Directive 2011/93 has been understood to cover adults as well and was transposed it into national legislation by Art. 207a paras. 5 and 6 of the Austrian Criminal Code. The latter includes all the criteria listed by the Committee in this report’s Recommendation I-6 with the exception of the similarity of age and maturity of the persons involved.⁹

- The Committee therefore **requires** Austria, as it provides for exemptions for adults as regards the criminalisation of possession of CSGSIV to ensure that:

1. Member States shall take the necessary measures to ensure that the intentional conduct, when committed without right, referred to in paragraphs 2 to 6 is punishable.
2. Acquisition or possession of child pornography shall be punishable by a maximum term of imprisonment of at (...)
6. Production of child pornography shall be punishable by a maximum term of imprisonment of at least 3 years.

⁸ Para.59.

⁹ Para.60.

² Para.43.

³ Para.49.

⁴ The Terminology Guidelines also refer to the term “child sexual exploitation material”, indicating that this term can be used in a broader sense, see [“Luxembourg Terminology Guidelines”, pages 38-40 in particular.](#)

⁵ Recommendation II-1.

⁶ Recommendation II-2.

⁷ Article 5 (offences concerning “child pornography” of the EU Directive 2011/92 reads:

- the child depicted on such images has reached the legal age for sexual activities and has given his/her consent for the possession of such images and/or videos, and that
- the person possessing the CSGSIV and the child depicted on them are of similar ages and maturity (e.g., by setting a maximum age difference among them) in line with para 129 of the Lanzarote Convention's Explanatory Report, and that
- the production and possession of the mentioned images and/or videos did not involve any abuse.¹⁰

The Committee further observes that production and possession of CSGSIV are not criminalised in Austria when the child(ren) in question have reached the legal age for sexual activities,¹¹ and that the age of criminal responsibility below which children cannot be held criminally liable for acts they commit which is 14.¹² However, the Committee highlights that reliance upon the age of criminal responsibility alone to exclude criminal responsibility does not correspond to a situation of full compliance with paragraphs 3-6 of the 2019 Opinion, since older children (those above the age of criminal responsibility) cannot avail themselves of this exemption.¹³

- The Committee however **requests** Austria to ensure in its legal framework¹⁴ that a child will not be prosecuted when he/she possess:
 - their own self-generated sexually suggestive or explicit images and/or videos;
 - self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
 - the self-generated sexually suggestive or explicit images and/or videos of another child as a result of receiving them passively without actively asking for them.¹⁵

In addition, the Committee notes that Austria has rules that lead to the criminalisation of the distribution by children of CSGSIV of other

¹⁰ Recommendation II-5.

¹¹ Para.73.

¹² Para.71.

¹³ Para. 72.

¹⁴ The expression "legal framework" is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

¹⁵ Recommendation II-6.

children.¹⁶

The Committee therefore **requests** Austria:

- to ensure that the distribution or transmission by children of self-generated sexually explicit images and/or videos of *other* children is prosecuted as a last resort when such images and/or videos qualify as "child pornography" in accordance with Article 20(2) Lanzarote Convention.¹⁷

On the "sexual extortion of children":

The Committee observes that in cases where the sexual extortion is intended to procure additional sexual images or videos, prosecutions would only be brought for offences related to child pornography, the presence of a threat not being taken into account. However, Austria also informed that further offences may be established, such as corruption of children and sexual coercion.¹⁸ When it is intended to procure other sexual favours from the child depicted in the images/videos or from other children, Austria reported that it would prosecute for sexual abuse of a child in accordance with Article 18 of the Convention, for offences related to child prostitution, participation in pornographic performances, corruption of children¹⁹, or sexual coercion in general (not specifically targeting children).²⁰ The possession of the initial child sexual image or videos would be prosecuted as an offence related to "child pornography" under Article 20.²¹ In the case where it is intended to procure a financial gain, or other property from the child, Austria informed that the conduct would be qualified as extortion or aggravated extortion.²² Finally, Austria did not submit information as to what would be the prosecutable offence if sexual extortion was used to procure any other gain (e.g. contacts of peers for their sexual solicitation).

The Committee therefore **invites** Austria:

¹⁶ Para.82.

¹⁷ Recommendation II-9.

¹⁸ Para.100.

¹⁹ Para.102.

²⁰ Para.104.

²¹ Para.103.

²² Para.106.

- when dealing with sexual extortion cases involving children, to take into account the situation where CSGSIV are used to force, coerce or threaten the child to give additional CSGSIV, other sexual favours, a financial gain or other gain to the offenders by:
 - either creating a specific incrimination to

address this situation,
 - or prosecuting both the initial detention of CSGSIV and the act of extortion.²³

- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.²⁴

Generic recommendations of the Committee on legal frameworks

The Committee **invites** all Parties, including Austria:

- to contemplate appropriate legal responses to conduct involving non-visual CSGSIV produced by children in the context of offences covered by the Convention.²⁵
- to adopt legislative or other measures which promote as a priority educational and

other measures that will aim to support children in safely exploring their sexual development while understanding and avoiding risks deriving from the production and possession of CSGSIV.²⁶

- to consider criminalising the offence of "grooming" (solicitation of children for sexual purposes), even when it does not lead to a face-to-face meeting or producing CSAM.²⁷

Promising practice:

In Austria, an amendment of the Criminal Law in January 2016 decriminalised the consensual sharing of self-generated material between consenting children. The sharing of said material with individuals other than those participating and consenting in the exchange remains a criminal offence for the purposes of the national criminal law.

²³ Recommendation II-11.

²⁴ Recommendation II-12.

²⁵ Recommendation II-4.

²⁶ Recommendation II-7.

²⁷ Recommendation II-10.

III. Investigations and prosecution

In its [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies](#) (ICTs) (12 May 2017), the Committee called on Parties to ensure effective investigation and prosecution of ICT facilitated sexual exploitation and sexual abuse by providing resources and training to responsible authorities.

Observations and recommendations of the Committee on investigations and prosecution specific to Austria

The Committee observes that Austria's investigation and prosecution services are already in line with some of its recommendations as in Austria:

- specialised units deal with ICT facilitated offences against children within law enforcement.²⁸ Such units are dedicated exclusively to cyber or sexual crimes against children.²⁹
- cases concerning sexual abuse or sexual exploitation of children facilitated by ICTs are managed by prosecution offices dedicated to sexual crimes and to child protection in general.³⁰
- according to Art. 26 para. 6 of the Federal Court Organisation Act (GOG), all cases concerning sexual offences have to be handled within specialised court units.³¹
- specialised prosecution services handle ICT facilitated sexual offences committed by children.³² On this, the Committee **invites** Austria to also have *law-enforcement* units, sections or persons specialised in ICT facilitated sexual offences committed by children against other children.³³
- training modules are in place for law enforcement agents³⁴, prosecutors³⁵, and judges³⁶ related to aspects of child sexual exploitation and sexual abuse. Prosecutors can attend training, as well as biannual voluntary seminars on child pornography and sexual

abuse of minors.³⁷ The Committee welcomes Austria's place among the Parties that offer training for prosecutors specifically on child sexual abuse material (CSAM).³⁸ It also notes that judges benefit from the same opportunities, as judges and prosecutors are trained together and/or have the same training options available to them.³⁹

- victim identification units exist within law enforcement for cases of ICT facilitated sexual offences against children.⁴⁰

The Committee also notes that Austria makes an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image and video database.⁴¹

The Committee finally notes certain challenges in the prosecution of perpetrators, voiced by some Parties, including Austria. In particular, Austria mentioned that:

- perpetrators who have sexually abused children, produced or disseminated child sexual abuse material are often difficult to trace and identify, when child abuse material has been shared multiple times.⁴²
- a key challenge for a successful prosecution phase is to obtain electronic evidence that can be validly used before courts,⁴³ as there is a high risk that evidence is erased.⁴⁴

²⁸ Para.115.

²⁹ Para.116.

³⁰ Para.125.

³¹ Para.130.

³² Para.138.

³³ Recommendation III-11.

³⁴ Para.146.

³⁵ Para.157.

³⁶ Para.167.

³⁷ Para.161.

³⁸ Paras.164-165.

³⁹ Para.167.

⁴⁰ Para.180.

⁴¹ Para.186.

⁴² Para.194.

⁴³ Para.203.

⁴⁴ Para.204.

Generic recommendations of the Committee on investigation and prosecution

On the specialisation and training of authorities:

Mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, the Committee **requests** those Parties that are not already doing so to ensure that law enforcement and prosecution units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training.⁴⁵

The Committee **invites** all Parties, including Austria:

- to ensure that the capacities of any investigative unit specialised in ICT facilitated sexual offences against children take into account evolving technologies and online behaviours and reflect current practices used by perpetrators.⁴⁶
- to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children adequately cover and/or are specialised in offences against children involving CSGSIV.⁴⁷
- to ensure that units, services or persons within courts responsible for ICT facilitated sexual offences against children have the necessary specialisation in the intersecting areas of children's rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge.⁴⁸
- to ensure that units, services or persons within courts responsible for ICT facilitated sexual offences against children have sufficient specialisation in offences involving CSGSIV.⁴⁹
- to provide specific training on ICT facilitated sexual offences against children, including when such offences involve CSGSIV, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come

into contact with such cases.⁵⁰⁵¹

- to ensure that training on the challenges raised by CSGSIV and ICT facilitated coercion or extortion of children is available to prosecutors and to judges.⁵²
- to ensure that training on ICT-facilitated sexual offences against children for law-enforcement, prosecutors and judges contains a practical element, involving simulated or real cases.⁵³

On measures to ensure the effective investigation and prosecution of offenders:

The Committee **requires** all Parties to ensure that investigations and criminal proceedings in ICT facilitated sexual offences against children are treated as priority and carried out without any unjustified delay.⁵⁴

It also **invites** all Parties, including Austria:

- to ensure that measures, services and technology available to those in charge of identifying child victims of ICT-facilitated sexual offences are up to date, reflect current practices across Parties, including establishing and using national child abuse material databases, and that resources are sufficiently allocated.⁵⁵
- to engage in and strengthen inter-Party cooperation for the purpose of identifying child victims and perpetrators of ICT facilitated sexual offences, including, where appropriate, by providing access to each other's databases or shared databases, including those containing information on such perpetrators.⁵⁶
- to take the necessary legislative or other measures to ensure that preservation of specified stored computer data in connection with a specific criminal investigation or proceedings is made possible, fully upholding the rights of the parties involved.⁵⁷

⁴⁵ Recommendation III-3 and III-7.

⁴⁶ Recommendation III-4.

⁴⁷ Recommendation III-5.

⁴⁸ Recommendation III-9.

⁴⁹ Recommendation III-10.

⁵⁰ Such trainings can also be part of broader training programmes.

⁵¹ Recommendation III-14.

⁵² Recommendation III-17 and III-19.

⁵³ Recommendation III-21.

⁵⁴ Recommendation III-30.

⁵⁵ Recommendation III-24.

⁵⁶ Recommendation III-25, III-29.

⁵⁷ Recommendation III-31.

- to take the necessary legislative or other measures to ensure that the investment in human, financial and physical resources is sufficient to have data generated by ICTs analysed in a timely manner so that

investigations are carried out without any unjustified delay.⁵⁸

Promising practice:

In Austria, the judiciary provides specialised training to prosecutors, prosecutor trainees and judges on the topics of sexual exploitation and sexual abuse of children, including sexting, violence and hate on the Internet, cybercrime and the darknet. In addition, training on child pornography and sexual abuse of minors takes place every two years.

⁵⁸ Recommendation III-32.

IV. Jurisdiction rules

Due to their online component, offences related to conducts involving CSGSIV have an inherently international aspect. As the prosecution of offences related to this material may involve more than one jurisdiction, the report analyses the jurisdictional rules in place in the Parties, enabling the determination of which Party may prosecute a particular case and under what conditions.

Observations and recommendations of the Committee on jurisdiction rules specific to Austria

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed on the territory of a Party: the territoriality principle (Article 25(1) (a-c))

The Committee notes that Austria has established laws clarifying the circumstances in which its national criminal law will apply to a transnational situation following the territoriality principle. According to the Austrian Criminal Code, an offence is considered to be committed in every location in which the person engaged, or is suspected of having engaged, in the proscribed conduct, or in the location in which the result of the offence, in whole or in part, occurred or is suspected of having occurred.⁵⁹

Jurisdiction based on nationality and residency (Article 25(1)(d), (e))

The Committee notes that all Parties, including Austria, have jurisdiction in cases where the offence covered by the Convention is committed by one of their nationals, even if the offence occurs abroad.⁶⁰ It also notes that Austria has jurisdiction over offences committed by persons who have their habitual residence in its territory.

Jurisdiction not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed (Article 25(6))

The Committee observes that in Austria, offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of child pornography (Article 20(1)(a)) and concerning the participation of a child in pornographic performances (Article

21) are prosecuted ex officio.⁶¹

Jurisdiction not subordinated to the condition that the acts are criminalised at the place where they were performed: the dual criminality principle (Article 25(4))

It also notes that Austria reported that it would assume jurisdiction over offences involving sexual abuse or sexual exploitation of children, irrespective of the laws of the State where the offence was committed, if committed by one of its nationals or by a person who has his or her habitual residence in its territory. Its jurisdiction is therefore not subject to the dual criminality principle.⁶² The Party specified that a perpetrator who is not an Austrian national at the time of the offence, who is in Austria and who cannot be extradited will be under the jurisdiction of Austrian courts, without application of the principle of dual criminality, for offences of child sexual exploitation and child sexual abuse (severe coercion, rape, sexual coercion, sexual abuse of minors, sexual abuse of juveniles, pornographic representations involving persons under age, promotion of prostitution and pornographic performances involving persons underaged).⁶³

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the passive personality principle (Art. 25(2))

As detailed in the Explanatory Report of the Convention, Parties are not obliged, but can endeavour, to establish jurisdiction over an offence committed against one of its nationals or a person having habitual residence in the territory under Article 25(2). The passive

⁵⁹ Para.214.

⁶⁰ Para.215.

⁶¹ Para.218.

⁶² Para.224.

⁶³ Para.230.

personality principle is applied in respect of offences committed against a national in Austria, only for offences punishable by imprisonment of at least 5 years and with the limitation that the local court cannot impose a sentence heavier than the sentence prescribed by the law of the country where the offence was committed, as well as in the case of a stateless person granted permanent residence.⁶⁴ In order to apply the passive personality principle in Austria, the dual criminality principle is not a prerequisite for prosecution.⁶⁵

- The Committee **requests** Parties that are not already doing so, including Austria, to endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with the Lanzarote Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in their territory.⁶⁶

⁶⁴ Para.231.

⁶⁵ Para.232.

⁶⁶ Recommendation IV-9.

V. International cooperation

The implementation report also analyses cooperation practices and examples of coordinated international responses, not only in the fight against sexual exploitation and abuse of children, but also in areas related to the prevention, protection and assistance of child victims and persons related to them.

Observations and recommendations of the Committee on international cooperation specific to Austria

The Committee observes that INHOPE,⁶⁷ WeProtect Global Alliance,⁶⁸ ECPAT⁶⁹ and EMPACT (European Multidisciplinary Platform Against Criminal Threats) cybercrime CSE/CSA⁷⁰ conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Austria.⁷¹

In addition, law enforcement representatives from Austria attend the Europol's annual training course "Combating the Sexual Exploitation of Children on the Internet" (COSEC), as well as the Europol-Interpol-Cepol co-organised training course on victim

identification (VID training course).⁷²

Lastly, the Committee observes that Austria does not have the limitation introduced in the Directive 2012/29 of the European Parliament and the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA,⁷³ on the requirements for victims to report to another country of the European Union if the offence was committed in that country.⁷⁴

Generic recommendations of the Committee on international cooperation

The Committee **requests** all Parties, including Austria:

- to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention.⁷⁵

The Committee **invites** all Parties, including Austria:

- to assess, strengthen and develop international cooperation with other Parties to prevent and combat sexual exploitation and sexual abuse of children and to provide assistance to victims in matters related to CSGSIV.⁷⁶

- to expand international cooperation with countries which are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Lanzarote Convention, in matters related to CSGSIV.⁷⁷
- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁷⁸
- to strengthen cooperation with

⁶⁷ www.inhope.org/

⁶⁸ <https://www.weprotect.org/>

⁶⁹ <https://ecpat.org/>

⁷⁰ <https://www.europol.europa.eu/empact>

⁷¹ Para.255.

⁷² Para.259.

⁷³ See, Article 17§2: "Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member

State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so."

⁷⁴ Para.271.

⁷⁵ Recommendation V-3

⁷⁶ Recommendations V-6, V-11.

⁷⁷ Recommendations V-4, V-7, V-12, V-15.

⁷⁸ Recommendation V-5.

relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children as well as for protecting and providing assistance to victims, in matters related to CSGSIV.⁷⁹

- to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁸⁰

- to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of

preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁸¹

- to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Lanzarote Convention, in investigation and proceedings concerning the offences established in accordance with the Lanzarote Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to CSGSIV.⁸²

- to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to CSGSIV, in assistance programmes for development provided for the benefit of third States.⁸³

⁷⁹ Recommendation V-8, V-13.

⁸⁰ Recommendation V-9.

⁸¹ Recommendation V-10.

⁸² Recommendations V-14, V-16.

⁸³ Recommendation V-19.

VI. Assistance to victims

This chapter provides a comparative study of national mechanisms and measures for assisting child victims of sexual exploitation and abuse, particularly where this results from the CSGSIV.

Observations and recommendations of the Committee on assistance to victims specific to Austria

The Committee observes that there are helplines for children that are accessible 24 hours a day, 7 days a week in Austria.⁸⁴

In Austria, helpline(s) to assist child victims of criminal offences are run in collaboration between different bodies, including ministries and NGOs. The Committee notes that this can be very effective for victims who benefit from this synergy and broader services.⁸⁵

The Committee however notes that in Austria, different local authorities have different services available. A standard and congruent service across a country may make it easier for children to access and receive help when they need it.⁸⁶

The Committee **requires** Austria:

- to take the necessary legislative or other measures to encourage and support the

establishment of information services, such as telephone or internet helplines, to provide advice to child victims of sexual exploitation and sexual abuse facilitated by ICTs as well as persons wishing to help them, in a confidential manner or with due regard for their anonymity. These information services should be made available as widely as possible. This can be done in several ways: the service is available at extended hours, it is delivered in a language that the caller, and especially the child, can understand, and it is free of charge.⁸⁷

- to take the necessary legislative or other measures to assist child victims of sexual exploitation and abuse, in the short and long term, in their physical and psycho-social recovery, these measures must take due account of the child's views, needs and concerns.⁸⁸

Generic recommendations of the Committee on assistance to victims

The Committee also **invites** all Parties, including Austria:

- to promote awareness raising or specialised training for professionals who advise children through telephone or internet helplines on ICT-facilitated sexual exploitation and abuse of children – including the risks associated with CSGSIV – and how to provide appropriate support to victims and to those

who wish to help them.⁸⁹

- to assist child victims of sexual exploitation and abuse facilitated by ICTs, including of offences due to the production, possession, distribution or transmission of CSGSIV in the short and long term, in their physical and psycho-social recovery, these measures must take due account of the child's views, needs and concerns.⁹⁰

⁸⁴ Para.280.

⁸⁵ Para.277.

⁸⁶ Para.300.

⁸⁷ Recommendation VI-1.

⁸⁸ Recommendation VI-3.

⁸⁹ Recommendation VI-2.

⁹⁰ Recommendation VI-4.

VII. Civil society involvement and cooperation

Civil society's involvement in protecting children against sexual exploitation and sexual abuse is crucial and acknowledged by the Convention. Projects and programmes carried out by civil society, as well as cooperation between the competent state authorities and civil society, cover a wide range of issues.

Observations and recommendations of the Committee on civil society involvement and cooperation specific to Austria

The Committee observes that Austria encourages the implementation of prevention projects and programmes carried out by civil society, in particular helplines, not only at the federal level but also at the regional/local level.⁹¹ Their support for the development of prevention activities by civil society takes the form of financial grants,⁹² as well as training opportunities that it offers to civil society actors concerning the online environment and related risks but also the opportunities it presents for children's rights.⁹³

The Committee also notes that Austria provided information on civil society prevention projects, which focus on violence against children in general⁹⁴, as well as projects aimed at awareness-raising and education on issues related to CSGSIV. However, no challenges raised by CSGSIV specifically were

mentioned specifically, which leaves doubt as to the actual content of such projects.⁹⁵ Other civil society projects - whether or not carried out in cooperation with the State - aimed at preventing abuses related to the sharing of such content are field research and analysis.⁹⁶

With regard to civil society involvement in victim assistance programmes, the following services are in place in Austria:

- a helpline provides assistance to victims of violence taking place in the digital environment.⁹⁷
- shelters where victims of violence, including children, can seek support in cases of sexual abuse.⁹⁸
- legal advice and physical assistance can be provided by civil society organisations to child victims during legal proceedings.⁹⁹

Generic recommendations of the Committee on civil society involvement and cooperation

The Committee **invites** all Parties, including Austria:

- to expand cooperation with civil society to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and the challenges raised by the exploitation of CSGSIV.¹⁰⁰
- to ensure that the forms of cooperation that take place with civil society in the field of prevention and protection of children against sexual exploitation and abuse are of a sustainable nature.¹⁰¹

- to support civil society to carry out projects and programmes that include the issue of CSGSIV.¹⁰²
- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives¹⁰³ and to seek children's views at the stage of drafting new legislation concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards CSGSIV.¹⁰⁴

⁹¹ Para.307.

⁹² Para.310.

⁹³ Para.311.

⁹⁴ Para.319.

⁹⁵ Para.322.

⁹⁶ Para.323.

⁹⁷ Para.328.

⁹⁸ Para.329.

⁹⁹ Para.329.

¹⁰⁰ Recommendation VII-3.

¹⁰¹ Recommendation VII-4.

¹⁰² Recommendation VII-5.

¹⁰³ Parties are also invited to provide example(s) of how children's views are taken into account in the context of the participation of children.

¹⁰⁴ Recommendations VII-6, VII-7.

Promising practice:

In some Parties, including Austria, helplines work in cooperation with the Police or a Criminal investigation department, in order to report directly any suspicion of abuse.

VIII. Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Articles 5, 6 and 8 of the Convention establish that States Parties should take the necessary measures to prevent all forms of child sexual exploitation and abuse and to protect children from their effects. Awareness-raising is one type of preventive measure.

Generic recommendations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Committee **invites** all Parties, including Austria:

- to ensure that explanations of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, with or without coercion, are included in the awareness-raising campaigns that they promote or conduct, whatever the target audience.¹⁰⁵
- to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and that it is “adapted to their evolving capacity” or, in other words, their age and degree of maturity.¹⁰⁶
- to use unchanged, wherever possible, the awareness-raising tools, materials and activities mentioned in this report or else to adapt them to their national contexts and their own languages and, if necessary, develop new ones, concentrating on videos and distribution through social media.¹⁰⁷
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.¹⁰⁸
- to ensure that awareness-raising for children regarding the risks of sexual exploitation and sexual abuse that they face when generating and/or sharing sexual images and/or videos of themselves is led first and

foremost by their peers.¹⁰⁹

- to promote themselves and to encourage the information and communication of the technology sector, the media, and other professionals to raise awareness among children, their parents, persons having regular contact with children, and the general public about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹¹⁰
- to step-up awareness-raising for parents and persons with parental authority about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹¹¹
- to promote or conduct awareness-raising campaigns for the general public providing information about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹¹²
- to take the necessary measures to ensure co-ordination between the agencies responsible for raising awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.¹¹³

¹⁰⁵ Recommendation VIII-1.

¹⁰⁶ Recommendation VIII-2.

¹⁰⁷ Recommendation VIII-3.

¹⁰⁸ Recommendation VIII-4.

¹⁰⁹ Recommendation VIII-5.

¹¹⁰ Recommendations VIII-6.

¹¹¹ Recommendation VIII-7.

¹¹² Recommendation VIII-8.

¹¹³ Recommendation VIII-9.

Promising practice:

ECPAT's "make-IT-safe" project is a peer expert training project in which children and adolescents have been taught how to use the internet and smart phones safely and how to use social media, such as Facebook, Myspace, Netlog and WhatsApp in a responsible way.

The 2-year project started in the beginning of 2013 and is based on the peer-to-peer principle, which allows children and adolescents (peer experts) to learn how to use new technologies and the media, as well as to prevent online violence, in a safe way and to pass the information and the knowledge to people of the same age. The project was supported by specially trained teachers and youth leaders, the so-called "Coaches".

The particularity of the project is the fact that the project was conducted by ECPAT groups in five countries, including Austria. The information is available in seven languages (Arabic, Serbo-Croatian, Dutch, English, French, German, Turkish).

IX. Education for children

While the protection of child victims and the prosecution of offenders are key elements in the fight against the sexual exploitation and sexual abuse of children, preventing them from occurring in the first place is paramount. Informing children about the risks of sexual exploitation and sexual abuse and how to protect themselves is the cornerstone of prevention.

Observations and recommendations of the Committee on education for children specific to Austria

The Committee welcomes the fact that Austria is amongst a minority of Parties where the national curriculum not only includes information on the prevention of sexual exploitation and abuse of children, but also explicitly addresses the challenges raised by CSGSIV.¹¹⁴ It also welcomes that such information is delivered to children in the context of sexuality education courses.¹¹⁵

Although Austria did not submit information as to whether such information is provided to children in an age-appropriate manner, as required by the Convention, it specified that it

is delivered during primary, secondary and voluntary education.¹¹⁶

The Committee however **invites** Austria to:

- provide information to children on child sexual exploitation and sexual abuse, facilitated by ICTs, including as regards CSGSIV, in their national curriculum or other non-formal educational contexts, in a form which is adapted to the evolving capacity of the children and therefore which is appropriate for their age and maturity.¹¹⁷

Generic recommendations of the Committee on education for children

The Committee **requires** all Parties, including Austria:

- to ensure that all children at primary and secondary level receive information about the risks of child sexual exploitation and sexual abuse facilitated by ICTs. Organising lectures and/or activities on this topic should not be left to the discretion of schools or teachers.¹¹⁸

The Committee **invites** all Parties, including Austria:

- to ensure that information on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV, is provided to children during both primary and secondary education (whether as part of the

national curricula or in the context of non-formal education for children at these levels).¹¹⁹

- to consistently involve children in the development of internet safety awareness programmes.¹²⁰
- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.¹²¹
- to ensure that parents, caregivers, and educators are involved, where appropriate, in the provision of information to children on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, in particular as regards CSGSIV.¹²²

¹¹⁴ Para.383.

¹¹⁵ Para.397.

¹¹⁶ Para.392.

¹¹⁷ Recommendation IX-6.

¹¹⁸ Recommendation IX-3.

¹¹⁹ Recommendation IX-2.

¹²⁰ Recommendation IX-4.

¹²¹ Recommendation IX-5.

¹²² Recommendation IX-8.

X. Higher education curriculum and continuous training

Persons who have regular contact with children in the education, health and social protection sectors and areas related to sport, culture and leisure are at the forefront of the prevention of sexual exploitation and sexual abuse of children, as they have the most interaction with children under their supervision in these different settings. However, they may not be adequately equipped to inform children about their rights, to detect situations where a child is at risk of sexual exploitation or sexual abuse and to respond appropriately. It is therefore of crucial importance that they are well informed about the risks of sexual exploitation and sexual abuse of children, both during their education and continuously during their careers, to enable them to adapt to emerging trends and risks in the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs.

Observations and recommendations of the Committee on higher education curriculum and continuous training specific to Austria

The Committee welcomes the fact that persons working in contact with children receive information on the risks associated with CSGSIV in Austria.¹²³ Professionals receive this information during trainings provided throughout their careers or volunteering.¹²⁴

The Committee also notes that a part of the professionals who will or already work with children receive training and/or education on the protection of children against sexual exploitation and sexual abuse, both during their education and under the form of continuous training.¹²⁵ With regard to the category of professionals who receive such information, Austria only referred to those working in educational institutions, such as teachers.¹²⁶

Finally, the Committee notes that some persons working in contact with children receive awareness of the protection and rights of children in different frameworks and on different topics in Austria.¹²⁷

Therefore, the Committee **invites** Austria:

- to ensure that all the sectors where professionals work in contact with children, including when working on a voluntary basis, have an adequate knowledge of sexual

exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with CSGSIV, for example through education or continuous training.¹²⁸

In addition, the Committee **requires** Austria:

- to ensure that teaching or training on the rights of children and their protection for persons who have regular contacts with children (i.e. in the education, health and social protection sectors and in areas relating to sport, culture and leisure activities) is not optional.¹²⁹
- to ensure that the persons who have regular contact with children are equipped to identify any situation of sexual exploitation and sexual abuse of children and are informed of the possibility for them to report to the services responsible for child protection any situation where they have “reasonable grounds” for believing that a child is a victim of sexual exploitation and sexual abuse of children:
 - in the education sector
 - in the health sector
 - in the social protection sector
 - in areas relating to sport, culture, and leisure activities.¹³⁰

¹²³ Para.410.

¹²⁴ Para.412.

¹²⁵ Para.416.

¹²⁶ Para.420.

¹²⁷ Para.432.

¹²⁸ Recommendation X-3.

¹²⁹ Recommendation X-4.

¹³⁰ Recommendations X-5 and X-6.

Promising practice:

In Austria, the National Strategy on School Violence Prevention includes annual meetings of the school support system. In 2017, these addressed cyber bullying and included case studies on CSGSIV.

XI. Research

Effective prevention mechanisms and responses to tackle sexual exploitation and abuse of children require an understanding of the issues at stake, as well as knowledge of the prevalence and characteristics of the phenomenon. Accurate and precise information may be necessary to develop quality and targeted policies and measures. The gathering of information and understanding of the phenomenon is particularly important in the context of sexual exploitation and sexual abuse facilitated by ICTs, in light of their rapid development and increased use.

Observations and recommendations of the Committee on research specific to Austria

The Committee notes that Austria provided information on research undertaken on the issues raised by CSGSIV.¹³¹ It also appears that Austria has participated for at least one year in the EU Kids Online surveys¹³² (see below for further details), although information is lacking to determine which body was in charge of supporting and/or carrying out research,¹³³ and that it has collaborated with NGOs and non-governmental initiatives or research centres for the purpose of conducting research on CSGSIV.¹³⁴

In particular, research was conducted by Safer Internet, which is sponsored and promoted by the Austrian Federal Ministry of Families and Youth, the Federal Ministry of Education, the Federal Chancellery and the Internet Ombudsman.¹³⁵

Generic recommendations of the Committee on research

The Committee **invites** all Parties, including Austria:

- to ensure that data on the phenomenon of CSGSIV and the risks associated with it is regularly collected and research on the issue is regularly undertaken.¹³⁶
- to build on the findings from existing research on CSGSIV, when available, to ensure that policies and measures are best developed and appropriately targeted to tackle the issues

raised by CSGSIV.¹³⁷

- to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at the national or local levels and in collaboration with civil society to observe and evaluate the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from CSGSIV, with due respect for the requirements of personal data protection.¹³⁸

Promising practices:

In Austria, a study on the topic of “sexting” was conducted by Safer Internet Austria.¹³⁹ After a consultation with children from 14 to 18 years old, the research found that 51% of the sampled group knew of someone who had sent a child self-generated sexual image and/or video to someone else and

¹³¹ Para.437.

¹³² Para.440.

¹³³ Para.458.

¹³⁴ Para.450.

¹³⁵ See, <https://www.saferinternet.at/presse-detail/aktuelle-studie-versand-von-eigenen-nacktaufnahmen-unter-jugendlichen-nimmt-zu/>. In Belgium, the Federal police supports when asked

[research done by NGOs.](#)

¹³⁶ Recommendation XI-2.

¹³⁷ Recommendation XI-3.

¹³⁸ Recommendation XI-4.

¹³⁹ Study on “sexting”:
<https://www.saferinternet.at/presse-detail/aktuelle-studie-versand-von-eigenen-nacktaufnahmen-unter-jugendlichen-nimmt-zu/>.

16% had taken sexual images of themselves, the majority of whom sent it to someone else. This study shed light on the prevalence of this practice among children.

Austria participated for one or several years in the EU Kids Online multinational research network, which works to increase knowledge of the opportunities, risks and safeties children face online.