



## FACTSHEET – BELGIUM

### 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)”**

Last update: 25.05.2023

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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 Belgium.

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)<sup>1</sup>;
- **“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 Belgium 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

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<sup>1</sup> 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](mailto: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 frameworks

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 Belgium

The Committee observes that within the legal framework of Belgium the term “child pornography” is used as defined within Article 20(2) of the Lanzarote Convention.<sup>2</sup>

The Committee **invites** Belgium:

- 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”](#)<sup>3</sup> 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 it acknowledges that the term “child pornography” can be misleading and undermine the gravity of the crimes it refers to.<sup>4</sup>
- 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.<sup>5</sup>

The Committee notes that the possession of CSGSIV by children is criminalised in Belgium<sup>6</sup>, although it mentioned that a draft bill bypassing such criminalisation was being worked on at the date of the adoption of the implementation

report.<sup>7</sup> It further notes that children are potentially criminally liable for the distribution or transmission of their own CSGSIV,<sup>8</sup> and that Belgium has rules that lead to the criminalisation of the distribution by children of CSGSIV of other children.<sup>9</sup>

The Committee therefore **requests** Belgium:

- to ensure in its legal framework<sup>10</sup> 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.<sup>11</sup>
- to ensure in its legal framework<sup>12</sup> that a child will not be prosecuted for sharing his/her sexual images and/or videos with another child when such sharing is voluntary, consensual and intended solely for their own private use.<sup>13</sup>
- to ensure that the distribution or transmission by children of CSGSIV 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.<sup>14</sup>

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<sup>2</sup> Para. 49.

<sup>3</sup> 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](#)

<sup>4</sup> Recommendation II-1.

<sup>5</sup> Recommendation II-2.

<sup>6</sup> Para. 68.

<sup>7</sup> Para. 69.

<sup>8</sup> Para. 78.

<sup>9</sup> Para. 82.

<sup>10</sup> The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

<sup>11</sup> Recommendation II-6.

<sup>12</sup> The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

<sup>13</sup> Recommendation II-8.

<sup>14</sup> Recommendation II-9.

### 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 be brought for offences related to child prostitution, debauchery, or indecency.<sup>15</sup>

When it is intended to procure other sexual favours from the child depicted in the images/videos or from another children, Belgium reported that it would prosecute for sexual abuse of a child in accordance with Article 18 of the Convention, solicitation of children for sexual purposes, cyberpredation or voyeurism.<sup>16</sup>

In the case where it is intended to procure a financial gain, or other property from the child, Belgium informed that the conduct would be

qualified as extortion or aggravated extortion.<sup>17</sup>

The Committee therefore **invites** Belgium:

- 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.<sup>18</sup>
- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.<sup>19</sup>

### **Generic recommendations of the Committee on legal frameworks**

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

- to contemplate appropriate legal responses to conduct involving non-visual CSGSIV produced by children in the context of offences covered by the Convention.<sup>20</sup>
- 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.<sup>21</sup>

- 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.<sup>22</sup>

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<sup>15</sup> Para. 100.

<sup>16</sup> Para. 102.

<sup>17</sup> Para. 106.

<sup>18</sup> Recommendation II-11.

<sup>19</sup> Recommendation II-12.

<sup>20</sup> Recommendation II-4.

<sup>21</sup> Recommendation II-7.

<sup>22</sup> 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 Belgium

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

- specialised units deal with ICT facilitated offences against children within law enforcement.<sup>23</sup>
- cases concerning sexual abuse or sexual exploitation of children facilitated by ICTs are managed by prosecution offices dedicated to juvenile justice.<sup>24</sup>
- specialised investigative units exist for handling ICT facilitated sexual offences where these are committed by children.<sup>25</sup> On this, the Committee **invites** Belgium to also have *prosecution* units, sections or persons specialised in IC -facilitated sexual offences committed by children against other children.<sup>26</sup>
- training modules are in place for law enforcement agents<sup>27</sup> and prosecutors<sup>28</sup> related to aspects of child sexual exploitation and sexual abuse.
- victim identification units exist within law enforcement for cases of ICT facilitated sexual offences against children. In Belgium, victim identification functions are located within units dedicated to serious or organised crime.<sup>29</sup>

The Committee also notes that Belgium makes

an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image and video database, through serious crime units.<sup>30</sup>

The Committee **requests** Belgium:

- to ensure that training on ICT facilitated sexual offences against children is available for prosecutors who are or will be working on these issues.<sup>31</sup>
- to ensure that training on ICT facilitated sexual offences against children is available for judges who are or will be working on these issues.<sup>32</sup>
- to take the necessary legislative or other measures, in conformity with the fundamental principles of their internal law, to ensure an effective investigation and prosecution of ICT facilitated sexual offences against children, allowing, where appropriate, for the possibility of covert operations.<sup>33</sup>

The Committee **invites** Belgium:

- to ensure that training on the challenges raised by CSGSIV and ICT-facilitated coercion or extortion of children is available to prosecutors.<sup>34 35</sup>
- to ensure that training on the challenges raised by CSGSIV and ICT facilitated coercion or extortion of children is available to judges.<sup>36 37</sup>

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<sup>23</sup> Para. 115.

<sup>24</sup> Para. 125.

<sup>25</sup> Para. 135

<sup>26</sup> Recommendation III-11.

<sup>27</sup> Para. 146.

<sup>28</sup> Para. 156.

<sup>29</sup> Para. 180.

<sup>30</sup> Para. 186.

<sup>31</sup> Recommendation III-16.

<sup>32</sup> Recommendation III-18.

<sup>33</sup> Recommendation III-28.

<sup>34</sup> Such trainings can also be part of broader training programmes.

<sup>35</sup> Recommendation III-17.

<sup>36</sup> Such trainings can also be part of broader training programmes.

<sup>37</sup> Recommendation III-19.

## Generic recommendations of the Lanzarote 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.<sup>38</sup>

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

- 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.<sup>39</sup>
- 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.<sup>40</sup>
- 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.<sup>41</sup>
- to ensure that units, services or persons within courts responsible for ICT facilitated sexual offences against children have sufficient specialisation in offences involving CSGSIV.<sup>42</sup>
- 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.<sup>43 44</sup>

- to offer joint (or "joined-up") training for professionals, and particularly law enforcement, prosecutors and judges, involved in legal proceedings involving ICT facilitated child sexual exploitation and sexual abuse, in order to ensure consistency at all stages.<sup>45</sup>

- 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.<sup>46</sup>

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

The Lanzarote 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.<sup>47</sup>

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

- 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 CSAM databases, and that resources are sufficiently allocated.<sup>48</sup>
- 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.<sup>49</sup>
- 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.<sup>50</sup>

<sup>38</sup> Recommendation III-3 and III-7.

<sup>39</sup> Recommendation III-4.

<sup>40</sup> Recommendation III-5.

<sup>41</sup> Recommendation III-9.

<sup>42</sup> Recommendation III-10.

<sup>43</sup> Such trainings can also be part of broader training programmes.

<sup>44</sup> Recommendation III-14.

<sup>45</sup> Recommendation III-20.

<sup>46</sup> Recommendation III-21.

<sup>47</sup> Recommendation III-30.

<sup>48</sup> Recommendation III-24.

<sup>49</sup> Recommendation III-25, III-29.

<sup>50</sup> 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.<sup>51</sup>

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<sup>51</sup> 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 Belgium

#### 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 Belgium has established laws clarifying the circumstances in which its national criminal law will apply to a transnational situation following the territoriality principle. Accordingly, in Belgium, an offence is considered to have been committed in its territory if one of its constituting or aggravating elements materially occurred in the national territory.<sup>52</sup>

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

The Committee notes that all Parties, including Belgium, have jurisdiction in cases where the offence covered by the Convention is committed by one of their nationals, even if the offence occurs abroad.<sup>53</sup> It also appears that Belgium 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 Belgium, the offence of possession of “child pornography” will be prosecuted ex officio if the victim is a Belgian national. If the offence was committed against a foreigner, the prosecution will only be possible at the request of the Public Prosecutor’s Office and if preceded by a complaint from the victim or his/her family, or any official notice given to the Belgian authorities by the authorities of the State

where the offence was committed.<sup>54</sup>

- Therefore, the Committee **requires** Belgium to remove the requirement that prosecution can only be initiated following a report from the victim or a denunciation from the State of the place where the offence was committed for offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of “child pornography” (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21), when committed by one of their nationals or by a person who has his or her habitual residence in its territory.<sup>55</sup>

#### 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))

The Committee notes that Belgium does not subordinate its jurisdiction to the condition that the acts are criminalised at the place where they were performed.

#### 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 personality principle is applied in respect of offences committed against a national in Belgium, only for offences punishable by

<sup>52</sup> Para. 214.

<sup>53</sup> Para. 215.

<sup>54</sup> Para. 218.

<sup>55</sup> Recommendation IV-5.

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.<sup>56</sup> The Committee also notes that In Belgium, the dual criminality principle is only applicable to offences of possession of “pornographic material” and is not for other offences resulting from conduct related to CSGSIV.<sup>57</sup>

- The Committee **requests** Parties that are not already doing so, including Belgium, 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.<sup>58</sup>

### **Generic recommendations of the Committee on jurisdiction rules**

The Committee **invites** all Parties, including Belgium, to remove the requirement for dual criminality when committed by one of its nationals, for offences of:

- possessing, offering, distributing, transmitting, procuring child pornography, and

the fact of knowingly gaining access to child pornography through ICTs, when CSGSIV are involved,<sup>59</sup>

- solicitation of children for sexual purposes.<sup>60</sup>

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<sup>56</sup> Para. 231.

<sup>57</sup> Para. 232.

<sup>58</sup> Recommendation IV-9.

<sup>59</sup> Recommendation IV-7.

<sup>60</sup> Recommendation IV-8.

## 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 Belgium

The Committee observes that Belgium is among a minority of Parties which refer to international assistance projects.<sup>61</sup>

It also notes that INHOPE,<sup>62</sup> WeProtect Global Alliance,<sup>63</sup> ECPAT<sup>64</sup> and EMPACT (European Multidisciplinary Platform Against Criminal Threats) cybercrime CSE/CSA<sup>65</sup> conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Belgium.<sup>66</sup>

In addition, law enforcement representatives from Belgium attend 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).<sup>67</sup>

Lastly, the Committee observes that Belgium informed that if its nationals or residents are victims of a crime committed abroad, they must, as a general rule, report the crime in the country where the crime was committed. However, if it has not been possible to report

the crime in the country where it was committed, or if the victim has been subject to sexual assault, serious sexual violence or the like, the victim can report the crime to their national police. This applies, however, only if the crime has been committed in another country of the European Union. This situation flows from the transposition of 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.<sup>68 69</sup>

The Committee therefore **requires** Belgium:

- to ensure that the victims of sexual exploitation or sexual abuse in matters related to CSGSIV in the territory of Parties to the Lanzarote Convention which are not members of the European Union other than the one where they reside, may make a complaint before the competent authorities of the State of their residence.<sup>70</sup>

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<sup>61</sup> Para. 252.

<sup>62</sup> [www.inhope.org/](http://www.inhope.org/)

<sup>63</sup> <https://www.weprotect.org/>

<sup>64</sup> <https://ecpat.org/>

<sup>65</sup> <https://www.europol.europa.eu/empact>

<sup>66</sup> Para. 255.

<sup>67</sup> Para. 259.

<sup>68</sup> 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."

<sup>69</sup> Para. 271.

<sup>70</sup> Recommendation V-18.

## Generic recommendations of the Committee on international cooperation

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

- to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention.<sup>71</sup>

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

- 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.<sup>72</sup>
- 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.<sup>73</sup>
- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.<sup>74</sup>
- to strengthen cooperation with 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

### Promising practice:

The Committee notes that in Belgium (the German-language Community), the Media centre works with Germany for the production of information materials in German.

children as well as for protecting and providing assistance to victims, in matters related to CSGSIV.<sup>75</sup>

- 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.<sup>76</sup>
- 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.<sup>77</sup>
- 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.<sup>78</sup>
- 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.<sup>79</sup>

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<sup>71</sup> Recommendation V-3

<sup>72</sup> Recommendations V-6, V-11.

<sup>73</sup> Recommendations V-4, V-7, V-12, V-15.

<sup>74</sup> Recommendation V-5.

<sup>75</sup> Recommendation V-8, V-13.

<sup>76</sup> Recommendation V-9.

<sup>77</sup> Recommendation V-10.

<sup>78</sup> Recommendations V-14, V-16.

<sup>79</sup> 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 Belgium

The Committee observes that there are helplines for children accessible 24 hours a day, 7 days a week in Belgium.<sup>80</sup> Belgium provided data referring to the number of calls received by helplines in the context of CSGSIV but did not indicate what kind of follow-up was given to these calls.<sup>81</sup> The Committee further notes that in Belgium, 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.<sup>82</sup>

Finally, the Committee observes that Belgium has legislation containing adequate provisions to assist child victims. However, these address the protection of children in general.<sup>83</sup>

The Committee **requires** Belgium:

- 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.<sup>84</sup>

- 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.<sup>85</sup>

### Generic recommendations of the Committee on assistance to victims

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

- 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.<sup>86</sup>

- 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.<sup>87</sup>

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<sup>80</sup> Para. 280.

<sup>81</sup> Para. 296.

<sup>82</sup> Para. 300.

<sup>83</sup> Para. 286.

<sup>84</sup> Recommendation VI-1.

<sup>85</sup> Recommendation VI-3.

<sup>86</sup> Recommendation VI-2.

<sup>87</sup> 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 Belgium

The Committee observes that Belgium encourages the implementation of prevention projects and programmes carried out by civil society, in particular the media, schools and other educational institutions, foundations and youth sports clubs,<sup>88</sup> not only at the federal level but also at the regional/local level.<sup>89</sup> Its support for the development of prevention activities by civil society takes the form of financial grants,<sup>90</sup> as well as training opportunities that it offers to civil society actors concerning the online environment, the related risks and opportunities for children's rights.<sup>91</sup> Belgium further mentioned that it collaborates with civil society representatives through working groups<sup>92</sup> and equipment donations.<sup>93</sup> The Committee welcomes the fact that Belgium develops and supports different activities which are aimed at raising the awareness of not only children but also adults such as parents, educators, doctors and social workers about existing risks and dangers of ICTs for children.<sup>94</sup>

The Committee also notes that Belgium provided information on civil society prevention projects which focus on violence against children in general.<sup>95</sup> However, no challenges raised by CSGSIV specifically were mentioned, which leaves doubt as to the actual content of such projects.<sup>96</sup> 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 include field research and analysis.<sup>97</sup>

With regard to civil society involvement in victim assistance programmes, Belgium mentioned the existence of a helpline, but did not provide details as to the subjects it covers.<sup>98</sup> It also mentioned activities led by NGOs, which offer free psychological support to children.<sup>99</sup>

### Generic recommendations of the Committee on civil society involvement and cooperation

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

- 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.<sup>100</sup>
- 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.<sup>101</sup>

- to support civil society in carrying out projects and programmes that include the issue of CSGSIV.<sup>102</sup>
- to encourage the participation of

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<sup>88</sup> Para. 308.

<sup>89</sup> Para. 307.

<sup>90</sup> Para. 310.

<sup>91</sup> Para. 311.

<sup>92</sup> Para. 312.

<sup>93</sup> Para. 314.

<sup>94</sup> Para. 315.

<sup>95</sup> Para. 319.

<sup>96</sup> Para. 322.

<sup>97</sup> Para. 323.

<sup>98</sup> Para. 328.

<sup>99</sup> Para. 329.

<sup>100</sup> Recommendation VII-3.

<sup>101</sup> Recommendation VII-4.

<sup>102</sup> Recommendation VII-5.

children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives<sup>103</sup> 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.<sup>104</sup>

**Promising practices:**

In Belgium, a podcast has been made available to children: organised by the Yakapa organization, an abuse prevention program initiated by the Ministry of the Federation Wallonia-Brussels of Belgium, it focuses on "The use of images among young people: what can be done with them?" and supports the setting up of training courses on the subject of screens.

Databases can be found online in Belgium with information on cyberbullying and sexting.

Belgium and Finland have a "chat" to facilitate the handling of child sexual abuse, where children can discuss their situations with the same counsellor and schedule regular appointments with him/her.

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<sup>103</sup> 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.

<sup>104</sup> Recommendations VII-6, VII-7.



## 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.

### Observations and recommendations of the Committee on promoting awareness specific to Belgium

The Committee notes that in Belgium telecommunication companies play a large part in raising awareness of the risks of ICT facilitated sexual exploitation and sexual abuse of children thanks to their extensive network coverage and development of free filtering programmes to block websites and forums making pornography easily available.<sup>105</sup>

It also welcomes the fact that awareness-raising on these issues is promoted among parents and adults with parental responsibilities. In particular, in the Flemish-speaking Community of Belgium, Mediawijz has developed a relevant website for parents.<sup>106</sup>

### 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 Belgium:

- 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.<sup>107</sup>
- 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.<sup>108</sup>
- 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.<sup>109</sup>

- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.<sup>110</sup>
- 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.<sup>111</sup>
- 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

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<sup>105</sup> Para. 364.

<sup>106</sup> <https://www.medianest.be/thema/relaties-seksualiteit>

<sup>107</sup> Recommendation VIII-1.

<sup>108</sup> Recommendation VIII-2.

<sup>109</sup> Recommendation VIII-3.

<sup>110</sup> Recommendation VIII-4.

<sup>111</sup> Recommendation VIII-5.

the preventive measures that can be taken.<sup>112</sup>

- 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.<sup>113</sup>
- 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.<sup>114</sup>

- 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.<sup>115</sup>

### **Promising practices:**

As regards the peer-to-peer method the [100drine.be blog](#), a web-based prevention tool for teenagers, encourages them to talk about their concerns, especially their online experiences. This is the blog of a fictional teenage girl (100drine, who focuses on finding and sharing resources) who uses it to talk about her life. Dealing with such matters as privacy and screen time, the website offers teenagers an opportunity to ask and share their questions. This is a forum open to everybody.

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 Belgium. The information is available in seven languages (Arabic, Serbo-Croatian, Dutch, English, French, German, Turkish).

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<sup>112</sup> Recommendations VIII-6.

<sup>113</sup> Recommendation VIII-7.

<sup>114</sup> Recommendation VIII-8.

<sup>115</sup> Recommendation VIII-9.

## 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 Belgium

The Committee welcomes the fact that Belgium is amongst a minority of Parties where the educational context not only includes information on the prevention of sexual exploitation and abuse of children, but also

explicitly addresses the challenges raised by CSGSIV<sup>116</sup>, both in the national curriculum (Flemish-speaking community)<sup>117</sup> and within non-formal educational activities (German-speaking community).<sup>118</sup>

### Generic recommendations of the Committee on education for children

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

- 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.<sup>119</sup>

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

- 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).<sup>120</sup>

- to consistently involve children in the development of internet safety awareness programmes.<sup>121</sup>

#### Promising practice:

In the German-speaking Community of Belgium, the "Sex'cetera" Bus project, active since 2015, targets students in the second year of secondary school. It is a program concerning the emotional, social and sexual life of young people, of which an entire module is dedicated to the theme "Sexuality and images on the Internet".

- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.<sup>122</sup>

- 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.<sup>123</sup>

- to provide information to children on the risks of child sexual exploitation and abuse facilitated by ICTs, including as regards CSGSIV, within a more general context of sexuality education.<sup>124</sup>

- 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.<sup>125</sup>

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<sup>116</sup> Para. 383.

<sup>117</sup> Para. 383.

<sup>118</sup> Para. 384.

<sup>119</sup> Recommendation IX-3.

<sup>120</sup> Recommendation IX-2.

<sup>121</sup> Recommendation IX-4.

<sup>122</sup> Recommendation IX-5.

<sup>123</sup> Recommendation IX-6.

<sup>124</sup> Recommendation IX-7.

<sup>125</sup> 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 Belgium

The Committee welcomes the fact that persons working in contact with children receive information on the risks associated with CSIS in Belgium.<sup>126</sup>

The Committee also notes that a part of the professionals who will or already work with children receive training on the protection of children against sexual exploitation and sexual abuse in the German-speaking community of Belgium.<sup>127</sup> With regard to the category of professionals who receive such information, Belgium only referred to those working in educational institutions, such as teachers.<sup>128</sup>

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 the German-speaking and Flemish-speaking communities of Belgium.<sup>129</sup>

The Committee **requires** Belgium:

- 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.<sup>130</sup>
- to ensure that the persons who have regular contacts with children are equipped to

identify any situation 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.<sup>131</sup>

- to ensure that the persons who have regular contacts with children 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.<sup>132</sup>

- The Committee also requests that Belgium encourages awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities, in the French-speaking community.<sup>133</sup>

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<sup>126</sup> Para. 410.

<sup>127</sup> Para. 416.

<sup>128</sup> Para. 420.

<sup>129</sup> Para. 432.

<sup>130</sup> Recommendation X-4.

<sup>131</sup> Recommendation X-5.

<sup>132</sup> Recommendation X-6.

<sup>133</sup> Recommendation X-7.

The Committee **requests** Belgium:

- to ensure that the 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), have an adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs, for example through education or continuous training.<sup>134</sup>

**Promising practice:**

In Belgium, schools in the Flemish-speaking community can use the eSafety label, which allows them to answer a questionnaire to find out where they stand in terms of ICT safety. On the basis of the questionnaire results, each school receives a personal action plan aimed at addressing weaknesses in school policy and increasing ICT safety. The subject of sexting is part of the questionnaire. In the Flemish-speaking community, Child Focus, Mediawijs, Sensoa, Mediaraven and Jong en Van Zin have developed a set of lessons and tools for teachers on sexting. The set contains the interactive online video 'Hé, het is oké' by Mediawijs, the play "Sex-thing" by Child Focus, various lessons, a brochure on the subject, and references to the Sensoa flag system. A toll-free number "Assistance schools" (0800 /20 410) has been set up to provide guidance and information to educational professionals confronted with violence in schools, and Mediawijs has developed a website for professionals.

Finally, the Committee **invites** Belgium:

- 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.<sup>135</sup>

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<sup>134</sup> Recommendation X-1.

<sup>135</sup> Recommendation X-3.

## 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 Belgium

The Committee notes that Belgium provided information on research undertaken on the issues raised by CSGSIV.<sup>136</sup> It also appears that Belgium has participated for at least one year in the EU Kids Online surveys<sup>137</sup> (see below for further details). Belgium also indicated that research on “Cyber dating abuse among early adolescents: Towards a comprehensive understanding of monitoring behaviours and sexting under pressure” (01/10/2018 – 30/09/2021), which will aim to shed light on the context in which cyber dating abuse takes place,

may explore the psychological effects suffered by children when their CSGSIV is shared online.<sup>138</sup> It further informed that State authorities and the Federal Police collaborated with universities and academia for the purpose of undertaking research projects addressing the issues raised by CSGSIV, although it is unclear in what capacity the Federal police supported upon request research done by academia.<sup>139</sup> Belgium has also collaborated with NGOs and non-governmental initiatives or research centres.<sup>140</sup>

### Generic recommendations of the Committee on research

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

- 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.<sup>141</sup>
- 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.<sup>142</sup>

- 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.<sup>143</sup>

### Examples of promising practices:

In the Flemish-speaking community of Belgium, a number of research projects involving the University of Antwerp and the University of Ghent have specifically addressed the topic of CSGSIV. Some of these research projects address the issue in the context of certain categories of children who may be at greater risk of violence, in particular “LGB-youth” or “gender minority adolescents”.<sup>144</sup> Moreover, a research paper specifically on “transactional sexting among high school students” was published.<sup>145</sup> Belgium 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.

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<sup>136</sup> Para. 437.

<sup>137</sup> Para. 440.

<sup>138</sup> Para. 441.

<sup>139</sup> Para. 448.

<sup>140</sup> Para. 450.

<sup>141</sup> Recommendation XI-2.

<sup>142</sup> Recommendation XI-3.

<sup>143</sup> Recommendation XI-4.

<sup>144</sup> J. Van Ouystel et al, Sexting, pressured sexting and image-based sexual abuse among a weighted-sample of heterosexual and LGB-youth, *Computers in Human Behaviour* 117, 2021:

<https://www.sciencedirect.com/science/article/abs/pii/S0747563220303770>; J. Van Ouystel et al, A first investigation into gender minority adolescents’ sexting experiences”, *Journal of Adolescence* 84, 2020:

<https://www.sciencedirect.com/science/article/abs/pii/S0140197120301469>.

<sup>145</sup> J. Van Ouystel et al, An Exploratory Study of Transactional Sexting Among High School Students, *Journal of Adolescent Health* 66(4), 2020:

<https://www.sciencedirect.com/science/article/abs/pii/S1054139X19308699>