



FACTSHEET – BOSNIA AND HERZEGOVINA

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 Bosnia and Herzegovina.

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 Bosnia and Herzegovina 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

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

March 2022. Parties are 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 Bosnia and Herzegovina

The Committee observes that the legal framework of Bosnia and Herzegovina refers explicitly to CSGSIV.²³ However it also notes that it does not have a legislative definition of child sexual abuse material (CSAM); prosecutorial practice or case law are therefore relied upon in such instances.⁴

The Committee therefore **invites** Bosnia and Herzegovina:

- to introduce a definition of “child sexual abuse material” in its legislative framework in line with the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#).^{5,6}

Bosnia and Herzegovina informed that production and possession of CSGSIV were not criminalised when the child(ren) in question have reached the legal age for sexual activities.⁷ However, children are potentially criminally liable for the distribution or transmission of their own CSGSIV,⁸ as well as CSGSIV of other children.⁹

Therefore, the Committee **requests** Bosnia and Herzegovina:

- to ensure in its legal framework¹⁰ 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.¹¹
- 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.¹²

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, Bosnia and Herzegovina (Republika Srpska) mentioned that the presence of a threat resulted in an aggravated sanction.¹³ In other parts of Bosnia and Herzegovina, prosecutions would only be brought for offences related to child pornography, the presence of a threat not being taken into account,¹⁴ or for the offence of corruption of children.¹⁵

When it is intended to procure other sexual favours from the child depicted on the images/videos or from another children, Bosnia and Herzegovina reported that it would prosecute for sexual abuse of a child in accordance with Article 18 of the Convention, corruption of children, as well as solicitation of children for sexual purposes.¹⁶

In the case where it is intended to procure a financial gain, or other property from the child, Bosnia and Herzegovina informed that the conduct would be qualified as child prostitution.¹⁷

² Para.43.

³ See, « example of a promising practice” above.

⁴ Para.50.

⁵ 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.](#)

⁶ Recommendation II-3.

⁷ Para.73.

⁸ Para.78.

⁹ Para.82.

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

¹¹ Recommendation II-8.

¹² Recommendation II-9.

¹³ Para.98.

¹⁴ Para.99.

¹⁵ Para.100.

¹⁶ Para.102.

¹⁷ Para.106.

The Committee therefore **invites** Bosnia and Herzegovina:

- 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:

Generic recommendations of the Committee on legal frameworks

The Committee **requests** Parties, including Bosnia and Herzegovina:

- ensure in their legal framework²⁰ 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.²¹

The Committee **invites** all Parties, including Bosnia and Herzegovina:

- 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”](#)²² in the development of future national, regional and international legal instruments and policies addressing the

Example of a promising practice:

In Republika Srpska (Bosnia and Herzegovina), Article 175(5) of the Criminal Code provides that “the child shall not be punished for production or possession of self-generated sexually explicit images and/or videos involving him/her personally or him/her and another child if they were self-generated and consensually possessed for their own use exclusively”.

- either creating a specific incrimination to address this situation,
- or prosecuting both the initial detention of CSGSIV and the act of extortion.¹⁸

- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.¹⁹

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.²³

- 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.²⁴
- 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

¹⁸ Recommendation II-11.

¹⁹ Recommendation II-12.

²⁰ The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

²¹ Recommendation II-6.

²² 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.](#)

²³ Recommendation II-1.

²⁴ Recommendation II-2.

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 Bosnia and Herzegovina

The Committee observes that Bosnia and Herzegovina has specialised units dealing with ICT facilitated offences against children within law enforcement. However, it notes that while there is a Cyber Crime Section in the Republika Srpska's Ministry of Internal Affairs, but there is no similar body in the Federation of Bosnia and Herzegovina or the Brčko District.

The Committee therefore **invites** Bosnia and Herzegovina:

- to ensure that there is a law enforcement unit, service or person(s) specialised in ICT-facilitated offences against children, covering the territory of the entire country.²⁸

Cases concerning sexual abuse or sexual exploitation of children facilitated by ICTs are managed by offices dedicated to juvenile justice.²⁹

Although Bosnia and Herzegovina does not have specialised units within the court system, it has taken other measures to ensure better court procedures for child victims. In particular, the courts and prosecutors have social pedagogues at their disposal as expert advisors.³⁰

The Committee welcomes the fact that Bosnia and Herzegovina has specialised services in prosecution³¹ as well as in the court system³² which handle ICT facilitated sexual offences committed by children. The Committee however **invites** Bosnia and Herzegovina:

- to also have *investigation* units, sections or persons specialised in ICT facilitated sexual offences committed by children against other children.³³

With regard to training opportunities, the Committee notes that training modules are in place for law enforcement agents³⁴ on sexual offences and violence against children³⁵, and for prosecutors³⁶ dealing with children's rights, online child sexual abuse and sexual exploitation, and CSAM, specifically.³⁷ Bosnia and Herzegovina is among four Parties that offer both internal and external training opportunities for prosecutors.³⁸ For example, 'Guidelines for acting in case of violence against children in the ICT environment in Bosnia and Herzegovina', which cover the use of social media networks,³⁹ have been produced in cooperation with UNICEF and the International Solidarity Forum EMMAUS. Prosecutors also benefit from the availability of guides or online FAQs on relevant topics.⁴⁰ The Committee further welcomes the fact that the law provides for mandatory training on child sexual exploitation and abuse for

²⁸ Recommendation III-2.

²⁹ Para.125.

³⁰ Para.133.

³¹ Para.138.

³² Para.139.

³³ Recommendation III-11.

³⁴ Para.146.

³⁵ Para.152.

³⁶ Para.157.

³⁷ Para.164.

³⁸ Para.158.

³⁹ Para.165.

⁴⁰ Para.162.

prosecutors specialising in or assigned to cases involving children.⁴¹

The Committee **invites** Bosnia and Herzegovina:

- 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 and prosecutors who are likely to come into contact with such cases.⁴²⁴³

Finally, Bosnia and Herzegovina reported having relevant training in place for judges, provided both by the Party and by external organisations. It also informed that judges and prosecutors are trained together and/or have the same training options available to them.

The Committee **invites** Bosnia and Herzegovina:

- to ensure that training on ICT facilitated sexual offences against children is available for judges who are or will be working on these issues.⁴⁴
- to ensure that training on the challenges raised by CSGSIV and ICT facilitated coercion or extortion of children is available to judges.⁴⁵⁴⁶

On victim identification:

The Committee notes that Bosnia and Herzegovina is connected to the INTERPOL's

International Child Sexual Exploitation (ICSE) image and video database, but does not actively contribute. The Party mentioned national legal challenges relating to when photographs can be contributed to the database.⁴⁷

The Committee **requires** Bosnia and Herzegovina:

- to set up victim identification function within law enforcement in charge of combating ICT facilitated sexual offences against children.⁴⁸

The Committee **requests** Bosnia and Herzegovina:

- 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.⁴⁹

The Committee **invites** Bosnia and Herzegovina:

- to ensure that any obstacles to active contribution to INTERPOL's ICSE's database are removed and that national contributions are implemented in practice, regardless of the nationality of the victims.⁵⁰

⁴¹ Para.163.

⁴² Such trainings can also be part of broader training programmes.

⁴³ Recommendations III-14, III-17.

⁴⁴ Recommendation III-18.

⁴⁵ Such trainings can also be part of broader training

programmes.

⁴⁶ Recommendation III-19.

⁴⁷ Para.188.

⁴⁸ Recommendation III-23.

⁴⁹ Recommendation III-28.

⁵⁰ Recommendation III-27.

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.⁵¹

The Committee **invites** all Parties, including Bosnia and Herzegovina:

- 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.⁵²
- 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.⁵³
- 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.⁵⁴
- To ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences involving CSGSIV.⁵⁵
- 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.⁵⁶

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

The Committee **requires** all Parties, including Bosnia and Herzegovina, 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.⁵⁷

It also **invites** all Parties, including Bosnia and Herzegovina:

- 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.⁵⁸
- 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.⁵⁹
- 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.⁶⁰
- 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.⁶¹

⁵¹ Recommendation III-3 and III-7.

⁵² Recommendation III-4.

⁵³ Recommendation III-5.

⁵⁴ Recommendation III-9.

⁵⁵ Recommendation III-10.

⁵⁶ Recommendation III-21.

⁵⁷ Recommendation III-30.

⁵⁸ Recommendation III-24.

⁵⁹ Recommendation III-25, III-29.

⁶⁰ Recommendation III-31.

⁶¹ Recommendation III-32.

Promising practices:

The Committee notes that in some countries, specialised law enforcement units carry out additional activities to build their capacity. In Bosnia and Herzegovina cybercrime units conduct proactive collection and analysis of intelligence.

Save the Children in Northwest Balkans has worked with several government departments in Bosnia and Herzegovina to develop a curriculum for police officers which includes training in the field of violence against children. So far, 30 police officers have undergone advanced instruction to become trainers.

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 Bosnia and Herzegovina

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 Bosnia and Herzegovina has established laws clarifying the circumstances in which its national criminal law will apply to a transnational situation following the territoriality principle. Accordingly, criminal legislation applies also to a citizen who commits any criminal offense outside the territory.⁶²

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

The Committee notes that all Parties, including Bosnia and Herzegovina, have jurisdiction in cases where an offence covered by the Convention is committed by one of its nationals, or by persons who have their habitual residence in its territory, even if the offence occurs abroad.⁶³

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 notes that Bosnia and Herzegovina did not provide information on whether it subordinates jurisdiction 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.

Therefore, the Committee **requires** Bosnia and Herzegovina:

- 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.⁶⁴

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 in Bosnia and Herzegovina, while a dual criminality requirement was not explicitly mentioned, the national court cannot impose a penalty heavier than set out by the law of the country where the criminal offence was committed.⁶⁵

Therefore, the Committee **requires** Bosnia and Herzegovina:

- to remove the requirement for dual criminality 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.⁶⁶

The Committee also **invites** all Parties, including Bosnia and Herzegovina, to remove the requirement for dual criminality when

⁶² Para.214.

⁶³ Para.215.

⁶⁴ Recommendation IV-5.

⁶⁵ Para.222.

⁶⁶ Recommendation IV-6.

committed by one of their 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,⁶⁷
- solicitation of children for sexual purposes.⁶⁸

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 Bosnia and Herzegovina, 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.⁶⁹

The Committee **requests** Parties that are not already doing so, including Bosnia and Herzegovina:

- 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 its territory.⁷⁰

⁶⁷ Recommendation IV-7.

⁶⁸ Recommendation IV-8.

⁶⁹ Para.231.

⁷⁰ 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 Bosnia and Herzegovina

The Committee notes that INHOPE,⁷¹ WeProtect Global Alliance,⁷² and ECPAT⁷³ conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Bosnia and Herzegovina.⁷⁴

Bosnia and Herzegovina referred to police cooperation on training/vetting/selection, and to the fact that law enforcement representatives of the Party attend EUROPOL's annual training course "Combating the Sexual Exploitation of Children on the

Internet" (COSEC).⁷⁵

The Committee **requires** Bosnia and Herzegovina:

- to ensure that victims of sexual exploitation or sexual abuse in matters related to CSGSIV in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.⁷⁶

Generic recommendations of the Committee on international cooperation

The Committee **requests** all Parties, including Bosnia and Herzegovina:

- to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention.⁷⁷

The Committee **invites** all Parties, including Bosnia and Herzegovina:

- 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.⁷⁸
- 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.⁷⁹

- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁸⁰
- 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 children as well as for protecting and providing assistance to victims, in matters related to

⁷¹ www.inhope.org/

⁷² <https://www.weprotect.org/>

⁷³ <https://ecpat.org/>

⁷⁴ Para.255.

⁷⁵ Para.259.

⁷⁶ Recommendation V-17.

⁷⁷ Recommendation V-3

⁷⁸ Recommendations V-6, V-11.

⁷⁹ Recommendations V-4, V-7, V-12, V-15.

⁸⁰ Recommendation V-5.

CSGSIV.⁸¹

- 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.⁸²

- 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.⁸³

- 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.⁸⁴

- 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.⁸⁵

⁸¹ Recommendation V-8, V-13.

⁸² Recommendation V-9.

⁸³ Recommendation V-10.

⁸⁴ Recommendations V-14, V-16.

⁸⁵ 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 Bosnia and Herzegovina

The Committee observes that there are helplines for children that are accessible 24 hours a day, 7 days a week in Bosnia and Herzegovina.⁸⁶ It also notes that helplines in Bosnia and Herzegovina are run in collaboration between different bodies, including ministries and NGOs, which can be very effective for victims who benefit from this synergy and broader services.⁸⁷

The Committee however notes that in Bosnia and Herzegovina, 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.⁸⁸ In addition, Bosnia and Herzegovina provided data referring to the number of calls received by helplines by child victims in the context of CSGSIV without indicating what kind of follow-up was given to these calls.⁸⁹

Finally, the Committee welcomes the fact that Bosnia and Herzegovina is among a minority of Parties having legislation addressing the issue of child abuse facilitated by ICTs.⁹⁰

The Committee **requires** Bosnia and Herzegovina:

- 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.⁹¹

Generic recommendations of the Committee on assistance to victims

The Committee also **invites** all Parties, including Bosnia and Herzegovina:

- 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.⁹²

- 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.⁹³

⁸⁶ Para.280.

⁸⁷ Para.277.

⁸⁸ Para.300.

⁸⁹ Para.296.

⁹⁰ Para.288.

⁹¹ Recommendation VI-1.

⁹² Recommendation VI-2.

⁹³ 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 Bosnia and Herzegovina

The Committee observes that Bosnia and Herzegovina encourages the implementation of prevention projects and programmes carried out by civil society, in particular schools and other educational institutions,⁹⁴ not only at the federal level but also at the regional/local level.⁹⁵

Its support for the development of prevention activities by civil society includes the organisation of seminars⁹⁶ and the activities 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.⁹⁷

The Committee **requests** Bosnia and Herzegovina:

- to encourage the financing of projects

and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse.⁹⁸

The Committee also notes that Bosnia and Herzegovina provided information on civil society prevention projects, which focus on violence against children in general.⁹⁹ Other civil society projects - whether or not carried out in cooperation with the State - aimed at preventing abuses related to the sharing of CSGSIV include field research and analysis, as well as conducting surveys.¹⁰⁰

Finally, the Committee notes that an exchange of good practices took place in Bosnia and Herzegovina, where one organisation carried out study visits to Safer Internet Centres in Bulgaria and Poland, before setting up its own Safer Internet Centre.¹⁰¹

Generic recommendations of the Committee on civil society involvement and cooperation

The Committee **invites** all Parties, including Bosnia and Herzegovina:

- 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.¹⁰²
- 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.¹⁰³

- to support civil society to carry out projects and programmes that include the issue of CSGSIV.¹⁰⁴
- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives¹⁰⁵ 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.¹⁰⁶

⁹⁴ Para.308.

⁹⁵ Para.307.

⁹⁶ Para.312.

⁹⁷ Para.315.

⁹⁸ Recommendation VIII-2.

⁹⁹ Para.319.

¹⁰⁰ Para.323.

¹⁰¹ Para.324.

¹⁰² Recommendation VII-3.

¹⁰³ Recommendation VII-4.

¹⁰⁴ Recommendation VII-5.

¹⁰⁵ 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.

¹⁰⁶ Recommendations VII-6, VII-7.

Promising practice:

The Committee notes that a comic book titled the “Stories from the Internet”, originally published in Switzerland to educate children on the risks associated with the online environment and safety practices, has been translated and is now also used in Bosnia and Herzegovina.

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 Bosnia and Herzegovina:

- 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.¹⁰⁷
- 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.¹⁰⁸
- 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.¹⁰⁹
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.¹¹⁰
- 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.¹¹¹

- 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.¹¹²

- 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.¹¹³

- 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.¹¹⁴

- 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.¹¹⁵

¹⁰⁷ Recommendation VIII-1.

¹⁰⁸ Recommendation VIII-2.

¹⁰⁹ Recommendation VIII-3.

¹¹⁰ Recommendation VIII-4.

¹¹¹ Recommendation VIII-5.

¹¹² Recommendations VIII-6.

¹¹³ Recommendation VIII-7.

¹¹⁴ Recommendation VIII-8.

¹¹⁵ 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 Bosnia and Herzegovina

The Committee welcomes the fact that Bosnia and Herzegovina 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,¹¹⁶ in the context of “Prevention of violence” lessons.¹¹⁷

Although Bosnia and Herzegovina did not provide 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.¹¹⁸

The Committee **invites** Bosnia and Herzegovina:

- 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.¹¹⁹

Generic recommendations of the Committee on education for children

The Committee **requires** all Parties, including Bosnia and Herzegovina:

- 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.¹²⁰

The Committee **invites** all Parties, including Bosnia and Herzegovina:

- 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).¹²¹
- to consistently involve children in the

development of internet safety awareness programmes.¹²²

- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.¹²³
- 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.¹²⁴
- 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.¹²⁵

¹¹⁶ Para.383.

¹¹⁷ Para.400.

¹¹⁸ Para.392.

¹¹⁹ Recommendation IX-7.

¹²⁰ Recommendation IX-3.

¹²¹ Recommendation IX-2.

¹²² Recommendation IX-4.

¹²³ Recommendation IX-5.

¹²⁴ Recommendation IX-6.

¹²⁵ 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 Bosnia and Herzegovina

The Committee welcomes the fact that persons working in contact with children receive information on the protection of children against sexual exploitation and sexual abuse,¹²⁶ as well as on the risks associated with CSGSIV, in Bosnia and Herzegovina,¹²⁷ both via their education curriculum and as part of continued training during their professional life.¹²⁸ With regard to the category of professionals who receive such information, Bosnia and Herzegovina only referred to those working in educational institutions, such as teachers.¹²⁹

The Committee **requires** Bosnia and Herzegovina:

- 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.¹³⁰
- 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.¹³¹

- 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.¹³²

The Committee **requests** Bosnia and Herzegovina:

- to encourage 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.¹³³

Finally, the Committee **invites** Bosnia and Herzegovina:

- 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

¹²⁶ Para.416.

¹²⁷ Para.410.

¹²⁸ Para.412.

¹²⁹ Para.420.

¹³⁰ Recommendation X-4.

¹³¹ Recommendation X-5.

¹³² Recommendation X-6.

¹³³ Recommendation X-7.

specific reference to the risks associated with continuous training.¹³⁴
CSGSIV, for example through education or

Promising practice:

In Bosnia and Herzegovina, students at the University of Istočno Sarajevo who will become teachers and educators receive training and education in the field of protection of children from sexual exploitation and sexual abuse, including those facilitated by ICTs, which contains, inter alia, information on the risks associated with CSGSIV.

¹³⁴ 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 Bosnia and Herzegovina

The Committee notes that Bosnia and Herzegovina provided information on research undertaken on the issue of sexual exploitation and abuse of children online. However, the

absence of specific reference to CSGSIV leaves doubt as to the inclusion of this particular topic.¹³⁵

Generic recommendations of the Committee on research

The Committee **invites** all Parties, including Bosnia and Herzegovina:

- 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

¹³⁵ Para.439.

¹³⁶ Recommendation XI-2.

¹³⁷ Recommendation XI-3.

¹³⁸ Recommendation XI-4.