



FACTSHEET – FRANCE

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

Table of Contents

I.	Introduction	3
II.	Legal frameworks	5
III.	Investigations and prosecution	8
IV.	Jurisdiction rules	11
V.	International cooperation	13
VI.	Assistance to victims	15
VII.	Civil society involvement and cooperation	16
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	18
IX.	Education for children	19
X.	Higher education curriculum and continuous training	21
XI.	Research	23

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 France.

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 France to clearly identify the relevant recommendations and actions addressed by the Lanzarote Committee to it. Therefore, it does not include updated information on measures implemented by the Parties since the adoption of the report in March 2022. Parties are

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

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

Key findings of the implementation report as to all Parties

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

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

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

II. Legal 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 France

General remarks

The Committee observes that the legal framework of France refers explicitly to CSGSIV.²

Interplay of the age of criminal responsibility and the age of sexual consent in the criminalisation of children producing and possessing their own CSGSIV

The Committee notes that the majority of Parties do not prosecute the production and possession of CSGSIV but may subject the criminalisation to other conditions (e.g. the context of the possession, the legal age for sexual activities, etc). On this, France pointed at the age of criminal responsibility (13 years old) below which children cannot be held criminally liable for acts they commit to demonstrate compatibility with the exclusion of criminal liability for the production and possession of CSGSIV. The Committee however highlights that reliance upon the age of criminal responsibility alone to exclude criminal responsibility does not correspond to a situation of full compliance with paragraphs 3-6 of the 2019 Opinion, since older children (those above the age of criminal responsibility) cannot avail themselves of this exemption.³

The Lanzarote Committee therefore **requests** Parties, including France, that they ensure in their legal framework:

- 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.⁴

Sharing own self-generated material and other children's self-generated material

The Committee observes that children are potentially liable for the distribution or transmission of their own CSGSIV in France.⁵

In addition, in France, criminal law does not explicitly exclude the possibility of prosecuting a child for the possession of CSGSIV of another child even if the depicted child consented to share such images and/or videos for private use only. However, in practice, the public prosecutor can assess whether follow-up is to be given to such facts. To this end, he/she notably assesses the seriousness of the facts and the context in which they occurred. Thus, where it is evident that the possession of the sexual images was consensual and for private use only, the public prosecutor's office may close the case and prosecution will thus not take place. In practice children are not prosecuted when they possess the CSGSIV of another child if these images were obtained with the consent of the latter and are for private use only.⁶

Finally, the Committee observes that France has rules that lead to the criminalisation of the distribution by children of self-generated sexual images and/or videos of *other* children.⁷

The Committee therefore **requests** France:

- to ensure in its legal framework that a

² Para. 43.

³ Para. 71.

⁴ Recommendation II-6.

⁵ Para. 78.

⁶ Para. 78.

⁷ Para. 82.

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.⁸

- 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) of the Convention.⁹

Other criminal offences foreseen by the Convention (Articles 22 and 23) that may involve the sharing of CSGSIV

The Committee notes that conduct involving CSGSIV may be considered as part of a “grooming” process under Article 23 of the Convention (“Solicitation of children for sexual purposes”). Grooming processes often involve soliciting CSGSIV from children themselves: indeed, the Explanatory Report specifically refers to situations where a child may be “drawn into producing child pornography by sending compromising personal photos using a digital camera, web-cam or phone-cam”. In this regard, France informed that since April 2021, Article 227-22-2 of its Criminal Code provides for the punishment of the incitement of a minor by an adult, by means of electronic communication, to commit any act of a sexual nature on himself or on or with a third party. In addition, Article 227-23-1 provides for an offence punishing the solicitation of a minor by an adult to broadcast or transmit images, videos or representations of a

pornographic nature of the minor.¹⁰

On the “sexual extortion of children”:

France informed that the activity report of the public prosecutor for 2017 included references to cases of “sexual extortion of children” involving CSGSIV.¹¹

In cases where the sexual extortion is intended to procure additional sexual images or videos of the child, France would prosecute for offences related to “child pornography”, in concurrence with offences where threat is a core element, such as extortion or coercion.¹² France also referred to further offences which may be established, in recognition of the constituent elements of coercion/extortion, such as corruption of children.¹³

When it is intended to procure other sexual favours from the child depicted in the images/videos or from another child, France reported that it would prosecute for sexual abuse of a child in accordance with Article 18, corruption of children,¹⁴ and that it would prosecute the conduct relating to the possession of the initial child sexual image or video as an offence related to “child pornography” under Article 20 of the Convention.¹⁵ France also stated that threat is a constituent element of sexual aggression and rape.¹⁶

In cases when the sexual extortion is intended to procure a financial gain, France informed that the conduct would be qualified as extortion or aggravated extortion.¹⁷

⁸ Recommendation II-8.

⁹ Recommendation II-9.

¹⁰ Para. 84.

¹¹ Para. 95.

¹² Para. 98.

¹³ Para. 100.

¹⁴ Para. 102.

¹⁵ Para. 103.

¹⁶ Para. 104.

¹⁷ Para. 106.

Generic recommendations of the Committee on legal frameworks

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

- 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”](#) 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.¹⁸
- to introduce 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.¹⁹
- to introduce a definition of “child sexual abuse material” in their legal framework in line with its Recommendation II-1, if it is not already the case.²⁰
- to contemplate appropriate legal responses to conduct involving non-visual CSGSIV

produced by children in the context of offences covered by the Convention.²¹

- to take into account the situation where child self-generated sexual images and/or videos are used to force, coerce or threaten the child to give additional self-generated sexual images and/or videos, 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 child self-generated sexual images and/or videos and the act of extortion.²²
- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.²³
- 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.²⁴
- to consider criminalising solicitation of children for sexual purposes (“grooming”), even when it does not lead to either a face-to-face meeting or to producing child sexual abuse material.²⁵

¹⁸ Recommendation II-1.

¹⁹ Recommendation II-2.

²⁰ Recommendation II-3.

²¹ Recommendation II-4.

²² Recommendation II-11.

²³ Recommendation II-12.

²⁴ Recommendation II-7.

²⁵ 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 France

The Committee observes that France's investigation services are already in line with some of its recommendations as France has:

- specialised units dealing with ICT facilitated offences against children within law enforcement;²⁶
- its own training modules and programme for law enforcement agents related to aspects of child sexual exploitation and sexual abuse,²⁷ either in the form of training courses, or in police schools.²⁸ Police staff assigned to specialised services also have access to specific training on techniques for interviewing child victims and on the psychological aspects of investigations,²⁹ intrafamilial violence, juvenile delinquency, violence against an ascendant, and forensic investigation.³⁰

The Committee notes that cases concerning sexual abuse or exploitation of children facilitated by ICTs are managed by prosecution offices dedicated to juvenile justice, violence against children, and organised crime.³¹ Prosecutors also have access to training on aspects of child sexual exploitation and sexual abuse,³² including online, as well as on CSAM specifically, and issues relating to high-tech or cybercrime.³³

In France, criminal courts have general jurisdiction and there is no legal provision for courts to specialise in ICT facilitated sexual offenses against children. However, the public

prosecutor decides on the organisation of its jurisdiction and may therefore assign one or more magistrates to cases involving children, such as cases of sexual violence against children, including when facilitated by ICTs.³⁴ The Committee also notes that France informed that it has relevant training in place for judges, and that judges and prosecutors are trained together and/or have the same training options available to them.³⁵

The Committee underlines the fact that in France, training in general involves not just theoretical, but also practical elements. For example, France mentioned a training involving a practical case where future prosecutors have to deal with a situation where an adult sexually solicits a 15-year-old child via ICTs and then meets her.³⁶

With regard to victim identification, the Committee notes that France has victim identification functions located within units dedicated specifically to CSAM or cyber-related sexual offences,³⁷ as well as national databases for identification of victims in CSAM.³⁸ France also makes an active contribution to INTERPOL's ICSE database, through units dedicated to cybercrime involving children, sexual offences, or CSAM.³⁹

Among the difficulties related to the identification of perpetrators, France recalled

²⁶ Para. 115.

²⁷ Para. 146.

²⁸ Para. 150.

²⁹ Para. 149.

³⁰ Para. 152.

³¹ Para. 125.

³² Para. 157.

³³ Para. 164.

³⁴ Para. 132.

³⁵ Para. 167.

³⁶ Para. 174.

³⁷ Para. 180.

³⁸ Para. 183.

³⁹ Para. 186.

that perpetrators often seek to hide their identity online, for example through the use of fake names, open servers, or softwires which hide their identity. In addition, it informed that access providers or GAFAM (Google, Apple, Facebook, Amazon and Microsoft) respond with difficulty to requisitions in the absence of partnership agreement protocols.

Finally, France mentioned the limited duration of the electronic data retention as a challenge in the national context compared to the investigation needs.

Generic recommendations of the Committee on investigation and prosecution

On the specialisation and training of authorities:

The Committee **requires** all Parties, including France, 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.⁴⁴

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

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

- to ensure that the capacities of any investigative unit specialised in ICT-facilitated sexual offences against children take into account evolving technologies and online behaviours and reflect current practices used by perpetrators.⁴⁶

⁴⁰ Such trainings can also be part of broader training programmes.

⁴¹ Recommendation III-17.

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

⁴³ Recommendation III-19.

⁴⁴ Recommendation III-30.

⁴⁵ Recommendation III-3 and III-7.

To improve the effective implementation of the Convention, the Committee **invites** all Parties, including France:

- to ensure that training⁴⁰ on the challenges raised by CSGSIV and ICT facilitated coercion or extortion of children is available to prosecutors.⁴¹
- to ensure that training on the challenges raised by child self-generated sexual images and/or videos and ICT facilitated coercion or extortion of children is available to judges.^{42 43}

- 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 child self-generated sexual images and/or videos.⁴⁷

- to ensure that units, services or persons within courts responsible for ICT facilitated sexual offences against children have the necessary specialisation in the intersecting areas of children's rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge.⁴⁸

- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences involving child self-generated sexual images and/or videos.⁴⁹

- to have units, sections or persons specialised in ICT facilitated sexual offences committed by children against other children for authorities responsible for investigation and for authorities responsible for prosecution.⁵⁰

- to provide specific training⁵¹ on ICT facilitated sexual offences against children, including when such offences involve child self-

⁴⁶ Recommendation III-4.

⁴⁷ Recommendation III-5.

⁴⁸ Recommendation III-9.

⁴⁹ Recommendation III-10.

⁵⁰ Recommendation III-11.

⁵¹ Such trainings can also be part of broader training programmes.

generated sexual images and/or videos, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.⁵²

- to ensure that training on the challenges raised by child self-generated sexual images and/or videos and ICT facilitated coercion or extortion of children is available to prosecutors and to judges.⁵³to 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.⁵⁴
- 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.⁵⁵

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

The Committee **requires** all Parties to ensure that investigations and criminal proceedings in ICT facilitated sexual offences against children are treated as priority and carried out without any unjustified delay.⁵⁶

Examples of promising practices:

The Committee notes that in some countries, specialised law enforcement units carry out additional activities to build their capacity. In France, the specialised unit works with P2P⁶¹ and Dark web cases. In a number of Parties, victim identification functions are located within units dedicated specifically to CSAM. This is the case in France, with the Centre for the analysis of images of child pornography (CNAIP).

In 2014, experts from Denmark, France, Germany, Netherlands, Spain, Sweden and the United Kingdom (as well as Australia, the USA, EUROPOL and INTERPOL) engaged in a Victim Identification Taskforce (VIDTF) to harness international cooperation in victim identification.⁶² This initiative continued, including its 10th edition in October-November 2021.⁶³

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

- 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.⁵⁷
- 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.⁵⁸
- 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.⁵⁹
- 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.⁶⁰

⁵² Recommendation III-14.

⁵³ Recommendation III-17 and III-19.

⁵⁴ Recommendation III-20.

⁵⁵ Recommendation III-21.

⁵⁶ Recommendation III-30.

⁵⁷ Recommendation III-24.

⁵⁸ Recommendation III-25, III-29.

⁵⁹ Recommendation III-31.

⁶⁰ Recommendation III-32.

⁶¹ Peer-to-peer. In a P2P network, the “peers” are computer systems which are connected to each other via the internet. Files can be shared directly between

systems on the network without the need for a central server. See further definition:

<https://techterms.com/definition/p2p>

⁶² See:

<https://www.europol.europa.eu/activities-services/europol-in-action/operations/victim-identification-taskforce>

⁶³ See:

<https://www.europol.europa.eu/newsroom/news/global-europol-taskforce-identifies-18-child-victims-of-sexual-abuse>

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 France

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 France has established laws clarifying the circumstances in which its national criminal law will apply to a transnational situation following the territoriality principle. According to the Criminal Code of France, an offence is deemed to be committed on its territory if one of its constituent elements has been carried out in its territory.⁶⁴

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

The Committee notes that France has jurisdiction over offences committed abroad by its nationals, as well as over offences committed by persons who have their habitual residence in its territory.⁶⁵

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))

In France, the prosecution of offences of sexual assault of a minor, recourse to prostitution of a minor, corruption of a minor, possession of “child pornography” images and “*atteinte sexuelle*” (abuse excluding rape or sexual assault) committed by a French national or habitual resident abroad does not have to be preceded by a report from the victim or his/her family, or a denunciation from the State in

which the offence was committed.⁶⁶

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))

France also reported that it would assume jurisdiction over offences involving sexual abuse or sexual exploitation of children, irrespective of the laws of the State where the offence was committed, if committed by one of its nationals or by a person who has his or her habitual residence in its territory.⁶⁷

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 France, only for offences punishable by imprisonment of at least 6 years.⁶⁸ Further conditions of prosecution in these cases can be the report of the victim or the denunciation by the State where the offence was committed.⁶⁹

- The Committee **requests** Parties that are not already doing so, including France, to endeavour to take the necessary legislative or

⁶⁴ Para. 214.

⁶⁵ Paras. 215-217.

⁶⁶ Para. 218.

⁶⁷ Para. 224.

⁶⁸ Para. 231.

⁶⁹ Para. 233.

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.⁷⁰

Generic recommendations of the Committee on Jurisdiction rules

The Committee **invites** all Parties:

- 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.⁷¹

- concerning solicitation of children for sexual purposes (Article 23) when committed by one of its nationals.⁷²

⁷⁰ Recommendation IV-9.

⁷¹ Recommendation IV-7.

⁷² 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 France

The Committee observes that INHOPE,⁷³ WeProtect Global Alliance,⁷⁴ INSAFE and Safer Internet Centres⁷⁵, ECPAT⁷⁶, END Violence against Children⁷⁷ and EMPACT (European Multidisciplinary Platform Against Criminal Threats) cybercrime CSE/CSA⁷⁸ conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in France.⁷⁹

In addition, law enforcement representatives from France attend the Europol's annual training course "Combating the Sexual Exploitation of Children on the Internet" (COSEC), as well as the Europol-Interpol-Cepol co-organised training course on victim identification (VID training course).⁸⁰

Lastly, the Committee observes that France does not have the limitation introduced in the Directive 2012/29 of the European Parliament and the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework

Decision 2001/220/JHA,⁸¹ on the requirements for victims to report to another country of the European Union if the offense was committed in that country.^{82 83}

France referred to the fact that actions co-financed by the French Development Agency (*Agence Française de Développement*) for French NGOs include, among others, projects to protect children against sexual exploitation and sexual abuse (in particular, female genital mutilation), especially with ECPAT-France. France however did not refer either to assistance programmes for the benefit of third States or to such programmes in matters related to CSGSIV.⁸⁴

Therefore, the Committee **invites** all Parties, including France, 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

⁷³ www.inhope.org/

⁷⁴ <https://www.weprotect.org/>

⁷⁵ <https://www.betterinternetforkids.eu/>

⁷⁶ <https://ecpat.org/>

⁷⁷ <https://www.end-violence.org/>

⁷⁸ <https://www.europol.europa.eu/empact>

⁷⁹ Para. 255.

⁸⁰ Para. 259.

⁸¹ 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."

⁸² Para. 271.

⁸³ Para. 271.

⁸⁴ Para. 272.

⁸⁵ Recommendation V-19.

Generic recommendations of the Committee on international cooperation

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

- to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention.⁸⁶

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

- 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.⁸⁷
- 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.⁸⁸
- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁸⁹
- to strengthen cooperation with relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their

Promising practice:

France and Romania have a strong bilateral cooperation on the issue of sexual exploitation of children, in particular on cross-border care for child victims of human trafficking.

worldwide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children as well as for protecting and providing assistance to victims, in matters related to CSGSIV.⁹⁰

- 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.⁹¹
- 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.⁹²
- 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.⁹³

⁸⁶ Recommendation V-3

⁸⁷ Recommendations V-6, V-11.

⁸⁸ Recommendations V-4, V-7, V-12, V-15.

⁸⁹ Recommendation V-5.

⁹⁰ Recommendation V-8, V-13.

⁹¹ Recommendation V-9.

⁹² Recommendation V-10.

⁹³ Recommendations V-14, V-16.

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 France

The Committee observes that there are helplines for children that are accessible 24 hours a day, 7 days a week in France.⁹⁴

However, the Committee also observes that although France has legislation containing provisions to assist child victims. These however concern the protection of children in

general⁹⁵ and do not specifically concern support, assistance, and psychological help to child victims of sexual abuse or exploitation.

France also mentioned that it did not have specific data on any dimension of the proportion of child victims in the context of dissemination of CSGSIV.⁹⁶

Generic recommendations of the Committee on assistance to victims

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

- 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.⁹⁷

- 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.⁹⁸

⁹⁴ Para. 280.

⁹⁵ Para. 286.

⁹⁶ Para. 296.

⁹⁷ Recommendation VI-2.

⁹⁸ 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 France

The Committee observes that most Parties support civil society stakeholders as partners in the prevention of child sexual abuse and exploitation and victim assistance activities.

France mentioned that its support for the development of prevention activities by civil society takes the form of financial support and grants,⁹⁹ and that it 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.¹⁰⁰

The Committee notes that some prevention projects carried out by civil society in France are specifically aimed at educating and raising awareness of children on the issue of CSGSIV.¹⁰¹ Civil society is also involved in programmes meant to assist victims of offences related to CSGSIV,¹⁰² including helplines to report violence taking place in the digital environment,¹⁰³ as well as mechanisms to provide legal advice and physical assistance during legal proceedings.¹⁰⁴

Generic recommendations of the Committee on civil society involvement and cooperation

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

- 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.¹⁰⁵
- 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.¹⁰⁶

- To support civil society to carry out projects and programmes that include the issue of CSGSIV.¹⁰⁷
- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives¹⁰⁸ 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.¹⁰⁹

Examples of promising practices:

In France, the Federation "La voix de l'enfant", a group of 80 associations whose aim is "to listen to and defend any child in distress, whoever and wherever he or she may be", has established, through a multidisciplinary collaboration (prosecutors, doctors and police officers), a "protected hearing room"

⁹⁹ Para. 310.

¹⁰⁰ Para. 315.

¹⁰¹ Para. 321.

¹⁰² Para. 327.

¹⁰³ Para. 328.

¹⁰⁴ Para. 329.

¹⁰⁵ Recommendation VII-3.

¹⁰⁶ Recommendation VII-4.

¹⁰⁷ Recommendation VII-5.

¹⁰⁸ 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.

¹⁰⁹ Recommendations VII-6, VII-7.

in a high court, and has installed an "indirect confrontation room" in a central police station. These allow the child victim not to be physically confronted with the defender, unless the child requests it.

In France, "Permanences et Unités d'Accueil Médico-judiciaire en milieux hospitaliers" ("Permanences and Units of Medico-legal reception in hospitals") have been set up in hospitals for child victims of sexual violence. They provide multidisciplinary care allowing all the medical, psychological and legal examinations necessary for investigations to be carried out in the same place. As of January 1, 2020, 64 such clinics were open, and many more are currently being planned.

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 France:

- 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.¹¹⁰
- 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.¹¹¹
- 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.¹¹²
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.¹¹³
- 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.¹¹⁴

- 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.¹¹⁵
- 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.¹¹⁶
- 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.¹¹⁷
- 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.¹¹⁸

¹¹⁰ Recommendation VIII-1.

¹¹¹ Recommendation VIII-2.

¹¹² Recommendation VIII-3.

¹¹³ Recommendation VIII-4.

¹¹⁴ Recommendation VIII-5.

¹¹⁵ Recommendations VIII-6.

¹¹⁶ Recommendation VIII-7.

¹¹⁷ Recommendation VIII-8.

¹¹⁸ 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 France

The Committee welcomes the fact that France 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,¹¹⁹ both in the national curricula and in the context of non-formal educational activities.¹²⁰ France is also one of few Parties where this topic is addressed during sexuality education courses.¹²¹

Although France 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 both primary and secondary education.¹²²

Finally, the Committee notes that France encourages the participation of parents and

other caretakers in the provision of information on the risks of sexual exploitation and sexual abuse to children. The website *jeprotègemonenfant* presents a set of possible actions for parents, including a “resources” tab, which lists a set of tools for parents to enable them to talk with their children about sexuality and pornography and to discuss with them the risks relating to sexual exploitation and abuse facilitated by the internet and social media. In particular, it includes a link to a website of the French Telecoms Federation (FFT), which has developed a practical guide for parents to support and protect children on the internet. The purpose of the website is therefore to facilitate communication between parents and children so as to involve parents actively in raising their children’s awareness of the risks of sexual abuse facilitated by ICTs.¹²³

Generic recommendations of the Committee on education for children

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

- 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.¹²⁴

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

- to consistently involve children in the development of internet safety awareness

programmes.¹²⁵

- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.¹²⁶
- 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.¹²⁷
- to ensure that parents, caregivers, and

¹¹⁹ Para. 383.

¹²⁰ Para. 385.

¹²¹ Para. 397.

¹²² Para. 392.

¹²³ Para. 403.

¹²⁴ Recommendation IX-3.

¹²⁵ Recommendation IX-4.

¹²⁶ Recommendation IX-5.

¹²⁷ Recommendation IX-6.

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.¹²⁸

Example of a promising practice:

In France, some public prosecutors have carried out interventions in schools to raise awareness among children about the uncertainty of the age and the identity of their online counterparts, as well as the risks of sending intimate photos of themselves.

¹²⁸ 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 France

The Committee notes that France is among a minority of Parties where persons working in contact with children receive information on the protection of children against sexual exploitation and sexual abuse,¹²⁹ including when facilitated by ICTs,¹³⁰ as well as on the risks associated with CSGSIV,¹³¹ both during their curriculum and as part of training during their professional life.^{132 133} France mentioned several categories of professionals who would benefit from such training and/or education, including school personnel and psychologists.¹³⁴ In France, psychologists receive 1 to 2 trainings a year on sexual violence and child prostitution.¹³⁵

In addition, the Committee notes that in France some of the professionals working in contact with children in schools seem to have been trained on the possibility to report situations where they have reasonable grounds for believing that a child is a victim of sexual exploitation or sexual abuse.¹³⁶

Finally, the Committee observes that some persons working in contact with children receive awareness of the protection and rights of children in France, in different frameworks and on different topics.¹³⁷

It is however not clear whether all categories of professionals working in contact with

children receive relevant education or training, and whether the above-mentioned information provided to professionals is optional or mandatory.

Therefore, the Committee **requires** France:

- to ensure that teaching or training on the rights of children and their protection for persons who have regular contacts with them (i.e. in the education, health and social protection sectors and in areas relating to sport, culture and leisure activities) is not optional.¹³⁸
- 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 health sector
 - in the social protection sector¹³⁹
- 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 health sector
 - in the social protection sector
 - in areas relating to sport, culture and leisure activities.¹⁴⁰

¹²⁹ Para. 416.

¹³⁰ Para. 416.

¹³¹ Para. 410.

¹³² Para. 412.

¹³³ Para. 416.

¹³⁴ Para. 415.

¹³⁵ Para. 421.

¹³⁶ Para. 429.

¹³⁷ Para. 432.

¹³⁸ Recommendation X-4.

¹³⁹ Recommendation X-5.

¹⁴⁰ Recommendation X-6.

Examples of promising practices:

In France, educators, psychologists and directors of services for the judicial protection of minors receive education on media and image rights and digital literacy for adolescents, as well as continuous training (4 to 5) on the role of digital technology in the construction of adolescents' identities and practices related in particular to social networks. These modules include child self-generated sexual images and/or videos. A remote training module on the risks associated with digital technology (*"dangers du numérique"*) is in development and will include elements on different forms of online CSAM.

Personnel of the national education system also receive training in sexuality education, delivered during annual seminars and implemented by the Ministry of National Education as part of a national training plan. Such trainings also take place at each territorial level (academic, departmental and local). In addition, national education personnel have access to pedagogical resources available on the website of the Ministry of National Education. In particular, two thematic fact sheets provide an exhaustive understanding of the issues related to child self-generated sexual images and/or videos.

Finally, presentations are occasionally provided by public prosecutors to certain heads of schools on the various offences that may be committed online, and on the issue of reporting to the judicial authority. In addition, the Eduscol public website developed by the Ministry of Education and Sport for teachers and all other people dealing with children provides keys to identifying worrying situations and referring them, as well as the procedure to follow in the event of serious danger. The website includes a dedicated page entitled "Focus on preventing sexist and sexual violence in schools", with a tab on "Tools to prevent and combat sexist and sexual violence in schools", which lists resources available to teaching staff to identify and tackle sexual violence against children.

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 France

The Committee observes that France has provided information on research undertaken on the issues raised by CSGSIV,¹⁴¹ as part of a broader research project on cyber-sexism.^{142 143}

The psychological effects suffered by children arising from such material being shared online are also being explored. Indeed, research and in-depth studies on the issues raised by CSGSIV and their psychological effects on children are expected to take place in the context of the “*Commission indépendante sur l’inceste et les violences sexuelles faites aux enfants*” (Independent Commission on incest and sexual violence against children), which was launched on 23 January 2021.¹⁴⁴

France also participated for at least one year in the EU Kids Online surveys,¹⁴⁵ and civil society enabled the EU Kids Online 2020 report to be carried out, through OpinionWay, an investigative research company with funding from Facebook and support from the International Observatory of Violence in Schools and the University of Nice Sophia Antipolis.¹⁴⁶

With regard to the framework for development of research on the issues raised by CSGSIV, France mentioned that it collaborates with universities and academia.¹⁴⁷ In particular, the Centre Hubertine Auclert, an organisation associated with the Île-de-France region, commissioned the above-mentioned research from the University of Paris Est Créteil.¹⁴⁸

Generic recommendations of the Committee on research

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

- 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.¹⁴⁹
- 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.¹⁵⁰

- 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.¹⁵¹

Example of a promising practice:

France participated in the EU Kids Online multinational research network, which works to increase knowledge of the opportunities, risks and safeties children face online.

¹⁴¹ Para. 437.

¹⁴² Study on cyber-sexism: <https://www.centre-hubertine-auclert.fr/etude-cybersexisme>

¹⁴³ Para. 438.

¹⁴⁴ Para. 441.

¹⁴⁵ Para. 440.

¹⁴⁶ Para. 455.

¹⁴⁷ Para. 448.

¹⁴⁸ Para. 448.

¹⁴⁹ Recommendation XI-2.

¹⁵⁰ Recommendation XI-3.

¹⁵¹ Recommendation XI-4.