



## **FACTSHEET – INTERNATIONAL CO-OPERATION**

### **Lanzarote Committee monitoring findings 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)”**

## Table of Contents

I.	Introduction .....	3
II.	General remarks.....	4
III.	General co-operation obligation (Article 38(1)) .....	4
1.	Ratification or accession to the Lanzarote Convention and withdrawal of reservations.....	4
2.	Ratification of other Council of Europe instruments by Parties .....	5
3.	European Union instruments.....	6
4.	Bilateral or multilateral agreements.....	6
IV.	Specific co-operation for the purpose of preventing and combating sexual exploitation and sexual abuse of children (Article 38(1)(a)).....	8
V.	Specific co-operation for the purpose of protecting and providing assistance to victims (Article 38(1)(b)) .....	9
VI.	Specific co-operation for the purpose of investigations or proceedings concerning the offences established in accordance with the convention (Article 38(1)(c)).....	9
VII.	Ensure that victims 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 (Article 38(2)) .....	11
VIII.	Integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third States (Article 38, paragraph 4) .....	11

## 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.

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

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

This thematic factsheet is based on chapter V of the implementation report on international co-operation. It has been prepared by the Lanzarote Committee Secretariat as a practical tool to clearly identify the Committee’s analysis, its recommendations to States Parties and promising practices, as well as difficulties in implementing the Convention. It does not include updated information on measures implemented by the Parties since the adoption of the report in March 2022. Parties and other relevant stakeholders 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](mailto:lanzarote.committee@coe.int).

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

## II. General remarks

The fact that ICTs are increasingly part of children’s lives and new digital technologies have no frontiers, makes collective coordination and international co-operation between all stakeholders essential. This gives Article 38 of the Lanzarote Convention an increased importance.

### **Article 38 – General principles and measures for international co-operation**

1. *The Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:*

- a. *preventing and combating sexual exploitation and sexual abuse of children;*
- b. *protecting and providing assistance to victims;*
- c. *investigations or proceedings concerning the offences established in accordance with this Convention.*

2. *Each Party shall take the necessary legislative or other measures to ensure that victims of an offence established in accordance with this Convention 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.*

3. *If a Party that makes mutual legal assistance in criminal matters or extradition conditional on the existence of a treaty receives a request for legal assistance or extradition from a Party with which it has not concluded such a treaty, it may consider this Convention the legal basis for mutual legal assistance in criminal matters or extradition in respect of the offences established in accordance with this Convention.*

4. *Each Party shall endeavour to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states.*

## III. General co-operation obligation (Article 38(1))

As recalled in paragraph 255 of the Explanatory Report to the Lanzarote Convention, “Article 38 sets out the general principles that should govern international co-operation”. The more Parties the Lanzarote Convention counts, the more widely the benefits of international co-operation will be achieved. In addition, if Parties to the Lanzarote Convention also ratify other relevant international and regional instruments, the more they will be equipped to ensure an enhanced protection of children against any sexual violence offence.

### 1. Ratification or accession to the Lanzarote Convention and withdrawal of reservations

Recalling that the Lanzarote Convention is the most comprehensive international instrument to protect children specifically against sexual exploitation and sexual abuse, the Lanzarote Committee considered that calling on states to adhere to the Convention falls under its functions of facilitating its effective implementation.

The Lanzarote Committee called on **Morocco** to finalise its accession procedure and all other States across the globe to launch processes order to become parties to the Convention.

In accordance with Article 41(3)(a) of the Lanzarote Convention, the Lanzarote Committee is also in charge of ensuring that an evaluation of the effects of Parties’ reservations which may have a significant impact on how to respond to challenges raised by child self-generated sexual images and/or videos is carried out. The Committee thus pointed out that concerned Parties should evaluate the need to maintain reservations made in accordance with Article 20(4) of the Lanzarote Convention, activating the right not to apply, in whole or in part Article 20(1)(f) of the Convention which concerns

the criminalisation of knowingly obtaining access, through information and communication technologies, to “child pornography”<sup>2</sup>, when committed without right, with a view to withdraw such reservation, in accordance with Article 48 of the Lanzarote Convention. The concerned Parties should also evaluate the need to maintain reservations made in accordance with Article 21(2) of the Lanzarote Convention, activating the right to limit the application of Article 21(1)(c) of the Convention to cases where children have been recruited or coerced in conformity with paragraph 1.a or b, with a view to withdrawing such reservation, in accordance with Article 48 of the Lanzarote Convention.

### Recommendations of the Lanzarote Committee

The Committee **invites**:

- Bulgaria, Hungary, Monaco and the Russian Federation to withdraw the reservation they made in accordance with Article 20(4) of the Lanzarote Convention, activating the right not to apply, in whole or in part Article 20(1),f of the Convention.<sup>3</sup>

- Bulgaria and the Russian Federation to withdraw the reservation they made in accordance with Article 21(2) of the Lanzarote Convention, activating the right to limit the application of Article 21(1),c of the Convention.<sup>4</sup>

## 2. Ratification of other Council of Europe instruments by Parties

Article 38(1) of the Lanzarote Convention establishes that *“the Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws”*.

The implementation of Article 38 of the Lanzarote Convention could thus be facilitated by co-operation based on the Council of Europe instruments for judicial co-operation listed in paragraph 252 of the Explanatory Report and complementary co-operation based on other relevant instruments, when these instruments are applicable to the States in question. Given the particular focus of the monitoring round on the protection of children against sexual exploitation and sexual abuse facilitated by ICTs, the Committee highlighted as relevant, the co-operation based on the instruments referred to in the Council of Europe “Guidelines to respect, protect and fulfil the rights of the child in the digital environment”<sup>5</sup>.

### Example of a promising practice identified by the Lanzarote Committee

In **Denmark** the specific guidelines issued by the Committee of Experts on the Operation of European Conventions on Co-operation in criminal matters (PC-OC) are part of the instructions passed to prosecutors, and the relevant guidelines are incorporated into the general guidelines for prosecutors.

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<sup>2</sup> The Lanzarote Committee acknowledges that terms such as “child pornography” and “child prostitution” are gradually being replaced as they can be misleading and undermine the gravity of the crimes they refer to. It thus recommends to follow the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#) to choose the most appropriate terminology and endeavours itself to increasingly use the term “child sexual abuse material” (CSAM) and “sexual exploitation of children through prostitution” wherever possible (i.e. any time it is not quoting legal texts where it is still used, including Articles 19 and 20 of the Lanzarote Convention).

<sup>3</sup> Recommendation V-1.

<sup>4</sup> Recommendation V-2.

<sup>5</sup> See at: <https://rm.coe.int/guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-th/16808d881a>

### 3. European Union instruments

According to Article 43(3) of the Lanzarote Convention “Parties which are members of the European Union shall, in their mutual relations, apply Community and European Union rules, in so far as there are Community or European Union rules governing the particular subject concerned and applicable to the specific case, without prejudice to the object and purpose of the present Convention and without prejudice to its full application with other Parties”.

The following European Union instruments<sup>6</sup> facilitate co-operation in criminal matters between members of the European Union: [Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime](#), [Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters](#), [Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States](#) and [Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union](#). The European Judicial Network in criminal matters (EJN) and Eurojust are very relevant in this field.

### 4. Bilateral or multilateral agreements

Even if Article 43(2) of the Convention states that “the Parties to the Lanzarote Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it”, Parties do not seem to use this possibility sufficiently. However, there do exist traditional international co-operation instruments on extradition, prevention, mutual assistance in investigation and prosecution of criminal matters but there are only few less traditional arrangements. In this context, the Lanzarote Committee highlights the relevance of the Council of Europe Guidelines to respect, protect and fulfil the rights of the child in the digital environment<sup>7</sup>, in particular paragraph 119:

“States should co-operate with each other by applying relevant international and regional instruments and arrangements, to the widest extent possible, for the purpose of respecting, protecting and fulfilling the rights of the child in the digital environment. In particular, they should:

- a. have an adequate legal basis for providing assistance and, where appropriate, should have in place treaties, arrangements or other mechanisms to enable efficient co-operation with other States;
- b. ensure that their competent authorities can rapidly, constructively and effectively use clear channels or mechanisms for the effective transmission and execution of requests for information and other types of assistance;
- c. have clear and efficient processes for the prioritisation and timely execution of requests;
- d. not prohibit or place unreasonable or unduly restrictive conditions on the provision of assistance or co-operation.”

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<sup>6</sup> The list is limited to the instruments that were in force when the implementation report was adopted (March 2022). Any relevant instrument adopted thereafter would also have to be taken into account.

<sup>7</sup> <https://rm.coe.int/guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-th/16808d881a>

### Example of promising practices identified by the Lanzarote Committee

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

**Romania** reports European projects with **Bulgaria, Italy** and **Spain** for the development of good practice manuals.

The **Italian** Development Co-operation supports anti-trafficking projects by financing international organisations (IOs) interventions and targeted actions, directly or through IOs and NGOs, to prevent and combat child trafficking, abuse and exploitation, including in travel and tourism, involvement in armed conflicts, child labour.

### Recommendations of the Lanzarote Committee

The Committee **requests** all Parties:

- to extend their international co-operation with other Parties to improve the effective implementation of the Lanzarote Convention.<sup>8</sup>

The Committee **invites** all Parties:

- to consistently analyse the possibilities to

expand international co-operation with countries that are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention.<sup>9</sup>

- to assess on a regular basis the difficulties that they face when dealing with international co-operation and to remedy them.<sup>10</sup>

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<sup>8</sup> Recommendation V-3.

<sup>9</sup> Recommendation V-4.

<sup>10</sup> Recommendation V-5.

#### IV. Specific co-operation for the purpose of preventing and combating sexual exploitation and sexual abuse of children (Article 38(1)(a))

It seems to be easier for Parties to cooperate with other States on preventing and combating sexual exploitation and sexual abuse of children, through less traditional initiatives than international conventions, in particular when these initiatives concern matters related to child self-generated sexual images and/or videos. To this end, the Lanzarote Committee highlights the added value of the co-operation projects led by the Council of Europe and the fact that Parties can ask for support in developing activities needed to assist them in their efforts to implement Council of Europe standards.<sup>11</sup>

Despite the efforts of some Parties, the Lanzarote Committee considers that more could be done by all Parties to the Lanzarote Convention to cooperate with other States on preventing and combating sexual exploitation and sexual abuse of children, in particular in matters related to child self-generated sexual images and/or videos.

##### Recommendations of the Lanzarote Committee

The Committee **invites** all Parties:

- to assess, strengthen and develop international co-operation between the Parties to the Lanzarote Convention for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.<sup>12</sup>
- to consistently analyse the possibilities to expand international co-operation with countries that are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.<sup>13</sup>
- to strengthen co-operation with relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives, to

exploit their capacity for mobilisation, their worldwide scope and their ability to work flexibly, for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.<sup>14</sup>

- to consider requesting the establishment of co-operation projects managed by the Council of Europe to assist them in their efforts to prevent and combat sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.<sup>15</sup>
- to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.<sup>16</sup>

<sup>11</sup> <https://www.coe.int/en/web/children/co-operation-projects>

<sup>12</sup> Recommendation V-6.

<sup>13</sup> Recommendation V-7.

<sup>14</sup> Recommendation V-8.

<sup>15</sup> Recommendation V-9.

<sup>16</sup> Recommendation V-10.



## V. Specific co-operation for the purpose of protecting and providing assistance to victims (Article 38(1)(b))

### Recommendations of the Lanzarote Committee

The Committee **invites** all Parties:

- to assess, develop and strengthen co-operation between them to protect and provide assistance to victims in matters related to child self-generated sexual images and/or videos.<sup>17</sup>
- to regularly analyse the possibilities to expand international co-operation with countries that are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention, for the purpose of protecting and providing

assistance to victims in matters related to child self-generated sexual images and/or videos.<sup>18</sup>

- to assess, develop and strengthen co-operation with relevant intergovernmental bodies, transnational networks and other international organisations and initiatives and to exploit their capacity for mobilisation, their worldwide scope, and their ability to flexibly for the purpose of protecting and providing assistance to victims in matters related to child self-generated sexual images and/or videos.<sup>19</sup>

## VI. Specific co-operation for the purpose of investigations or proceedings concerning the offences established in accordance with the convention (Article 38(1)(c))

The Lanzarote Committee points out that the [Second Additional Protocol to the Convention on Cybercrime on Enhanced Co-operation and Disclosure of Electronic Evidence](#) was adopted by the Cybercrime Convention Committee (T-CY) on 28 May 2021 during its 24th plenary and by the Committee of Ministers of the Council of Europe on 17 November 2021. It focuses on international co-operation and electronic evidence. The process was driven by a recognition of the difficulties resulting from cybercrime evidence being increasingly stored on servers in foreign, multiple, shifting or unknown jurisdictions (within the cloud), and the need to ensure rule of law and data protection safeguards.

The most used form of international co-operation by Parties is police co-operation mainly in relation to investigation and prosecution concerning the offences established in accordance with the Convention.

### Example of a promising practice identified by the Lanzarote Committee

In **Germany**, in particularly urgent cases, the Federal Criminal Police (BKA) liaises with liaison officers from foreign agencies. This occurs for example in connection with combating child abuse committed abroad by German perpetrators who are travelling. Conversely, findings reported by foreign police stations, German diplomatic or consular missions or non-governmental organisations abroad regarding perpetrators or relevant circumstances in Germany are transmitted to the competent *Land* Criminal Police Offices (LKA) for the initiation of further prosecution measures.

<sup>17</sup> Recommendation V-11.

<sup>18</sup> Recommendation V-12.

<sup>19</sup> Recommendation V-13.

While questions related to data are essential, Parties referred to them only rarely. Special attention should be given to data retention and to the blocking of illegal content.

#### Example of promising practices identified by the Lanzarote Committee

**Hungary** has passed legislation requiring data relating to e-mail connections and consultations of websites containing CSAM to be stored for one year to allow investigations to be conducted in cases of this type. The relevant authorities are therefore able to identify offenders who have used the services of Internet service providers to send messages or consult websites containing CSAM and can reply to requests from foreign agencies. The Hungarian victims have the option of requesting the removal of footage depicting child sexual abuse by sending an alert through online hotlines or by reporting directly to the police.

Cross-border exchange and competence building is crucial to ensure harmonised practice to guarantee children's procedural safeguards and protect children from (re-)traumatisation. Child-friendly investigations and judicial proceedings are central to achieving safety, healing and justice for child victims. The PROMISE Barnahus network and competence centre facilitate cross-border exchange on good practice, develop practical tools and provide training for forensic interviewers.

#### Recommendations of the Lanzarote Committee

The Committee **invites** all Parties:

- to maintain and develop efforts to strengthen international co-operation in investigation and proceedings concerning the offences established in accordance with the Lanzarote Convention, in particular in the area of police co-operation, 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 child self-generated sexual images and/or videos.<sup>20</sup>
- to analyse the possibilities to expand international co-operation with countries that are not Parties to the Lanzarote Convention, on investigation and proceedings concerning the offences

established in accordance with the Lanzarote Convention, in matters related to child self-generated sexual images and/or videos.<sup>21</sup>

- to further maintain and develop efforts to strengthen international co-operation in investigation and proceedings concerning the offences established in accordance with the Lanzarote Convention, with countries that are not Parties to the Lanzarote Convention, in particular in the area of police co-operation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and INTERPOL databases, and develop the areas of collecting data, training, vetting, and selection in matters related to child self-generated sexual images and/or videos.<sup>22</sup>

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<sup>20</sup> Recommendation V-14.

<sup>21</sup> Recommendation V-15.

<sup>22</sup> Recommendation V-16.

**VII. Ensure that victims 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 (Article 38(2))**

Article 38(2) of the Lanzarote Convention also applies to child victims in matters related to child self-generated sexual images and/or videos, in order to better protect them. Therefore, Parties must ensure that children who fall victim when 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.

**Recommendations of the Lanzarote Committee**

The Committee **requires**:

▪ Andorra, Bosnia and Herzegovina, Georgia, Liechtenstein, Monaco, Montenegro, North Macedonia, Norway, San Marino, Turkey and Ukraine to ensure that victims of sexual exploitation or sexual abuse in matters related to child self-generated sexual images and/or videos 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.<sup>23</sup>

▪ Belgium, Croatia, Cyprus, Denmark, Estonia, Italy, Lithuania, Malta, Poland, Romania and Sweden to ensure that the victims of sexual exploitation or sexual abuse in matters related to child self-generated sexual images and/or videos in the territory of Parties to the Lanzarote Convention that are not members of the European Union other than the one where they reside, may make a complaint before the competent authorities of the State of their residence.<sup>24</sup>

**VIII. Integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third States (Article 38, paragraph 4)**

No Party communicated that it integrates, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos, in assistance programmes for development provided for the benefit of third States, as required by Article 38, paragraph 4 of the Lanzarote Convention.

**Recommendation of the Lanzarote Committee**

The Committee **invites** all Parties:

▪ to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to

child self-generated sexual images and/or videos, in assistance programmes for development provided for the benefit of third States.<sup>25</sup>

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<sup>23</sup> Recommendation V-17.

<sup>24</sup> Recommendation V-18.

<sup>25</sup> Recommendation V-19.