



FACTSHEET – LEGAL FRAMEWORKS

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 (CSGIV)”

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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.

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)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 thematic factsheet is based on chapter II of the implementation report on legal frameworks. 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.

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

II. General remarks

Child self-generated sexual images and/or videos are not explicitly referred to in the Lanzarote Convention, but specific conduct related to such material may fall under the scope of a wide range of its provisions. This chapter therefore aims at identifying the situations whereby conduct involving child self-generated sexual images and/or videos comes within the scope of the Lanzarote Convention to guide Parties in dealing with such conduct in compliance with the Convention.

The Lanzarote Committee underlines, as made clear in its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (the “2019 Opinion”), that:

- 3. *The self-generation of sexually suggestive or explicit images and/or videos by children does not amount to “the production of child pornography” when it is intended solely for their own private use;*
- 4. *The possession by children of sexually suggestive or explicit images and/or videos of themselves does not amount to “the possession of child pornography” when it is intended solely for their own private use;*
- 5. *The voluntary and consensual sharing by children among each other of the sexually suggestive or explicit images and/or videos of themselves does not amount to “offering or making available, distributing or transmitting, procuring, or knowingly obtaining access to child pornography” when it is intended solely for their own private use;”*

The Lanzarote Committee also highlights that in specific circumstances child self-generated sexual images and/or videos can be considered “child pornography”² as set out in Article 20(2) of the Convention. In such circumstances, conduct related to the child self-generated sexual images and/or videos will fall under the scope of Article 20 (“Offences concerning child pornography”). In addition, conduct related to such images and/or videos may also come within the scope of other provisions of the Lanzarote Convention.

Given the particular considerations concerning whether children are subject to criminal liability in relation to their own self-generated sexual images and/or videos, Parties should consider introducing an explicit reference to such self-generated materials in their legislation as far as offences covered by the Lanzarote Convention are concerned. In this respect, the Committee has noted that the legal frameworks of 11 Parties refer explicitly to child self-generated sexual material.

Example of a promising practice identified by the Lanzarote Committee:

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

² 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).

Recommendations of the Lanzarote Committee

The Committee **invites** Parties:

- to 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](#)”³ 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, rather than the term “child pornography” which can be misleading and undermine the gravity of the crimes it refers to.⁴

- to strengthen the protection of children by introducing explicit references in their respective legal frameworks to conduct concerning child self-generated sexual images and/or videos, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort.⁵

III. Article 20 of the Lanzarote Convention and child self-generated sexual images and/or videos

1. What constitutes “child pornography” under the Lanzarote Convention?

Article 20– Offences concerning child pornography

(...)

2. For the purpose of the present article, the term “child pornography” shall mean any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes.

The Committee highlights that Article 20(2) covers *visual* depictions, only. Non-visual depictions are also not referred to in its 2019 Opinion. Non-visual self-generated sexual material produced by children (e.g. sound, text) is therefore not addressed in this report.

In specific circumstances child self-generated *sexually explicit* images and/or videos will qualify as CSAM as defined in Article 20(2). It may also be assumed that in specific circumstances also most child self-generated *sexually suggestive* images and/or videos will qualify as such. In this respect, it should however be pointed out that Article 20 refers to engagement in sexually explicit *conduct*, or representation of the child’s organs. Thus, a child self-generated image and/or video representing a merely suggestive pose (which does not display a child’s sexual organs and is not directly linked to sexually explicit conduct) will not qualify as CSAM under Article 20(2).

³ 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.

⁴ Recommendation II-1.

⁵ Recommendation II-2.

The Committee notes that in general there appears to be great variety of legal terminology used to describe CSAM. Further, 9 Parties do not have a legislative definition –prosecutorial practice or case law are therefore relied upon in such instances.

Recommendations of the Lanzarote Committee

The Committee **invites** Parties:

- that do not have a definition of “child sexual abuse material” in their legal framework to introduce one in line with its Recommendation II-1.⁶
- to contemplate appropriate legal responses to conduct involving non-visual self-generated sexual material produced by children in the context of offences covered by the Convention.⁷

2. Criminalisation of conduct related to the production and possession of child abuse material and its relationship with child self-generated sexual images and/or videos

Article 20 – Offences concerning child pornography

1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct, when committed without right, is criminalised:

- a. producing child pornography; (...)*
- e. possessing child pornography*

In line with Article 20(1) of the Lanzarote Convention, Parties are obliged to ensure that the intentional production and possession of child abuse material is criminalised. As explained above, conduct related to child self-generated sexual images and/or videos may come within the scope of Article 20. Adults intentionally soliciting the production of such material and possessing it should be held liable accordingly for such conduct.

As to possession by adults of CSAM, the Committee emphasises that Article 20(1)(e) requires the criminalisation of the possession of “child pornography”. Indeed, even merely “accessing child pornography” online (without downloading it) should be criminalised under the Convention thus situations where mere possession is not criminalised are not in conformity with the Convention.

Reservations allowed by Article 20(3) as regards own sexual images consensually produced and possessed by children for private use

Article 20 – Offences concerning child pornography

3. Each Party may reserve the right not to apply, in whole or in part, paragraph 1.a and e to the production and possession of pornographic material:

(...)

- involving children who have reached the age set in application of Article 18, paragraph 2, where these images are produced and possessed by them with their consent and solely for their own private use. (second indent)

⁶ Recommendation II-3. See recommendation II-1 in the box on page 5 of this factsheet. ⁷ Recommendation II-4.

Article 20(3) second indent foresees exemption from liability for the production and possession of one's sexually explicit images only where the children in question are above the age of sexual consent and where the material is produced/possessed with their consent for their own private use. 6 Parties made such a reservation.

A number of Parties, not having made a reservation under Article 20(3) second indent, also exempt from criminal liability children having reached the age of sexual consent if the possession of the sexual images and videos is for private use only and with the consent of the person depicted on them.

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

The Committee points out that it should be borne in mind that an underlying principle of the Lanzarote Convention is that *"[i]t is not the intention of [the] Convention to criminalise sexual activities of young adolescents who are discovering their sexuality and engaging in sexual experiences with each other in the framework of sexual development. Nor is it intended to cover sexual activities between persons of similar ages and maturity."⁹*

In light of the above, the Committee holds that legislation exempting adults from criminal liability for the possession of child self-generated sexual images and/or videos is in line with the Lanzarote Convention only when certain conditions are fulfilled (see recommendation II-5 below).

Recommendation of the Lanzarote Committee

The Committee **requires** Parties¹⁰ which provide for exemptions for adults from criminal liability for the possession of child self-generated sexual images and/or videos to ensure that:

- the child depicted on such images has reached the legal age for sexual activities and has given his/her consent for the possession of such images and/or videos, and that

- the person possessing the child-self generated images and/or videos and the child depicted on them are of similar ages and maturity (e.g., by setting a maximum age difference among them) in line with paragraph 129 of the Lanzarote Convention's Explanatory report, and that

- the production and possession of the mentioned images and/or videos did not involve any abuse.¹¹

⁸ Article 5 (offences concerning "child pornography" of the EU Directive 2011/92 reads:

1. Member States shall take the necessary measures to ensure that the intentional conduct, when committed without right, referred to in paragraphs 2 to 6 is punishable.

2. Acquisition or possession of child pornography shall be punishable by a maximum term of imprisonment of at (...)

6. Production of child pornography shall be punishable by a maximum term of imprisonment of at least 3 years.

⁹ Explanatory report, paragraph 129.

¹⁰ Austria, Cyprus, Denmark, the Russian Federation and San Marino.

¹¹ Recommendation II-5.

Exemption of criminal liability of children “producing and possessing” self-generated sexual images and videos of themselves as clarified by the Lanzarote Committee’s Opinion of 2019

Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children (adopted on 6 June 2019)

3. The self-generation of sexually suggestive or explicit images and/or videos by children does not amount to “the production of child pornography” when it is intended solely for their own private use;

4. The possession by children of sexually suggestive or explicit images and/or videos of themselves does not amount to “the possession of child pornography” when it is intended solely for their own private use; (...)

6. Reception by a child without knowledge or intention of sexually suggestive or explicit images and/or videos generated by other children does not amount to “procuring or knowingly obtaining access through information communication technologies to child pornography”

In its 2019 Opinion the Committee calls for a strong protection of children from criminal liability in the case of self-generated sexual images and/or videos. It holds that self-generation and possession of own images, where intended solely for own private use (paragraphs 3-4 of the Opinion) should not be considered as related to “child pornography”, and therefore should fall outside the scope of Article 20(1)(a) and (e) of the Convention entirely. Additionally, and unlike the reservation in Article 20(3), this situation extends to children even below the age of sexual consent to clearly ensure that all children (not only the older children ones) are protected from possible criminalisation.

The Committee also underlines that the exemption referred to above applies only to situations where children consensually possess sexually suggestive or explicit images and/or videos depicting one other. Where the possession is of images and/or videos of other children (not each other), no such exemption should be in place. In addition, while reception by a child without knowledge or intention of such sexual images and/or videos generated by other children does not amount to possession of “child pornography” (paragraph 6 of the above-mentioned Opinion), this exemption is not applicable where children subsequently decide to keep such materials.

The Committee notes that a significant minority of Parties has rules allowing for the criminalisation of the production of sexually explicit images by children themselves, but for the majority of Parties self-generation of such images by a child is not considered a crime. The possession of such images by children is criminalised in some Parties but the majority of Parties do not prosecute such conduct as they may subject the criminalisation to other conditions (e.g. the context of the possession, the legal age for sexual activities, etc).

Example of promising practices identified by the Lanzarote Committee:

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”.

In **Sweden**, Chapter 16 section 10B of the Criminal Code states that prohibitions on the depiction and possession of “child pornography” do not apply to a person who produces a pornographic picture, if the difference in age and development between the child and the person who produces the picture is minor and the circumstances otherwise do not warrant the person who has committed the act being convicted of a crime.

The interplay of the age of criminal responsibility and the age of sexual consent

Most Parties pointed at the age of criminal responsibility below which children cannot be held criminally liable for acts they commit to demonstrate compatibility with the above-mentioned exclusion of criminal liability for the production and possession of child self-generated sexual images and/or videos. The ages indicated range between 10 and 17.

The Committee highlights that reliance upon the age of criminal responsibility alone to exclude criminal responsibility does not correspond to a situation of full compliance with paragraphs 3-6 of the 2019 Opinion, since older children (those above the age of criminal responsibility) cannot avail themselves of this exemption. The situation is particularly of concern with respect to Parties with a particularly low age of criminal responsibility.

A number of Parties also noted that production and possession of self-generated material were not criminalised when the child(ren) in question have reached the legal age for sexual activities. However, relying on the age of sexual consent alone, to exclude criminal responsibility for the scenarios listed in paragraphs 3-6 of the 2019 Opinion, is also insufficient as, in such case, younger children may not be covered from the exemption of criminal responsibility.

The Committee highlights that particular attention must be paid where there is a gap between the age of criminal responsibility and the age of consent (particularly where the age of criminal responsibility is relatively low, or the age of sexual consent relatively high).

Recommendations of the Lanzarote Committee

The Committee **requests** Parties:

- to ensure in their legal framework¹² 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.¹³

The Committee **invites** Parties:

- 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 self-generated sexual images and/or videos.¹⁴

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

¹³ Recommendation II-6.

¹⁴ Recommendation II-7.

3. Criminalisation of conduct related to “offering or making available” child sexual abuse material and its relationship with the sharing of child self-generated sexual images and/or videos

Article 20 – Offences concerning child pornography

1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct, when committed without right, is criminalised: (...)

b. offering or making available child pornography;

c. distribution or transmitting child pornography(...)

Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children (adopted on 6 June 2019)

(...)

5. The voluntary and consensual sharing by children among each other of the sexually suggestive or explicit images and/or videos of themselves does not amount to “offering or making available, distributing or transmitting, procuring, or knowingly obtaining access to child pornography” when it is intended solely for their own private use; (...)

Article 20(1) requires that the intentional offering or making available, distributing or transmitting “child pornography”, without right, is criminalised. Thus, the offering or making available, distributing or transmitting of child self-generated sexual images and/or videos that falls under the definition of “child pornography”, should be criminalised, as a general rule when such offering, making available, distributing and transmitting is not the result of a consensual sharing for own private use among those depicted on the images and/or videos.

All Parties criminalise distribution of child sexually explicit images and/or videos. In general, this appears to apply regardless of whether the material was self-generated or not. As mentioned above, attention should however be paid to how these provisions are implemented with regard to self-generated materials in practice. In this regard, the Committee underlines that paragraph 5 of its 2019 Opinion is aimed at excluding from the scope of application of Article 20 situations where children voluntarily and consensually share among themselves self-generated sexual images and/or videos of each other. As already explained above this is intended to protect children who consensually agree to generate such images and/or videos as a way of exploring their sexuality in private (the images and videos are intended for those depicted on them only).

Again, the situation is different if the mentioned images and/or videos are transmitted by one of those depicted on them to a third party (for example, in an act of so-called “revenge pornography”) or are made public more generally (for example, through posting on a public platform, or making it available commercially). The latter situation would not be exempt of criminal responsibility.

Sharing own self-generated material

In the vast majority of Parties, children are potentially criminally liable for the distribution or transmission of their own self-generated sexually explicit images/videos. Many Parties however do not criminalise children producing or possessing self-generated sexual material for their own private use. This should thus imply that they also do not criminalise the sharing of the mentioned images/videos among the children involved (i.e. they do not criminalise the conduct that may be termed as “private sharing”). It is however important that this is clarified in the legal framework.

Recommendation of the Lanzarote Committee

The Committee **requests** Parties:

- to ensure in their legal framework¹⁵ 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.¹⁶

Sharing other children's self-generated material

The Committee highlights that paragraph 5 of its 2019 Opinion applies only to the sharing of sexually suggestive or explicit images and/or videos *of oneself*. Accordingly, it does not extend to situations where children share content generated (and depicting) *other* children. Offering or making available, distributing or transmitting such material should therefore be considered conduct relating to "child pornography" as defined by Article 20(2).

Recommendation of the Lanzarote Committee

The Committee **requests** Parties that are not already doing so:

- to ensure that the distribution or transmission by children of self-generated

sexually explicit images and/or videos of *other* children is prosecuted as a last resort when such images and/or videos qualify as "child pornography" in accordance with Article 20(2) Lanzarote Convention.¹⁷

Other criminal offences foreseen by the Lanzarote Convention (Articles 22 and 23) that may involve the sharing of child self-generated sexual images and/or videos

Article 22 – Corruption of children

Each Party shall take the necessary legislative or other measures to criminalise the intentional causing, for sexual purposes, of a child who has not reached the age set in application of Article 18, paragraph 2, to witness sexual abuse or sexual activities, even without having to participate.

Article 23 – Solicitation of children for sexual purposes

Each Party shall take the necessary legislative or other measures to criminalise the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, for the purpose of committing any of the offences established in accordance with Article 18, paragraph 1.a, or Article 20, paragraph 1.a, against him or her, where this proposal has been followed by material acts leading to such a meeting.

Opinion on Article 23 of the Lanzarote Convention - Solicitation of children for sexual purposes through information and communication technologies (Grooming) (adopted on 17 June 2015)

17. The solicitation of children through information and communication technologies does not necessarily result in a meeting in person. It may remain online and nonetheless cause serious harm to the child. The sexual offences which are intentionally perpetrated during an online meeting through communication technologies are often linked to the production, possession and transmission of child pornography. (...)

20. (...) As no static definition of online grooming is possible, Parties should consider extending its criminalisation also to cases when the sexual abuse is not the result of a meeting in person, but is committed online.

¹⁵ The expression "legal framework" is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

¹⁶ Recommendation II-8.

¹⁷ Recommendation II-9.

Conduct involving the “distribution or transmission” of child self-generated sexual images and/or videos may also come within the scope of other offences covered by the Lanzarote Convention. A person intentionally sending child self-generated sexual images and/or videos to children not depicted on the images/videos themselves may be considered as having caused the child to witness sexual abuse or sexual activities. This would thereby fall under Article 22 of the Lanzarote Convention (“Corruption of children”). In such case, the recipient child should not be considered to possess or have obtained access to “child pornography”. Furthermore, conduct involving child self-generated images and/or videos may be considered as part of a “grooming” process under Article 23 of the Lanzarote Convention (“Solicitation of children for sexual purposes”). Grooming processes often involve soliciting self-generated sexual images from children themselves.

Recommendation of the Lanzarote Committee

The Committee **invites** Parties that are not already doing so:

- 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.¹⁸

IV. Sexual extortion of children involving self-generated sexual images and/or videos

1. Definition of “sexual extortion of children” in this report and how it relates to the Lanzarote Convention

The Lanzarote Committee is particularly concerned by the staggering increase of exploitation of child self-generated sexual images and/or videos that has been highlighted by many authoritative sources in 2021. Many children self-generate sexual images and/or videos of themselves for private use only but the likelihood that these images and/or videos end up being distributed beyond private use without the consent of the child depicted on them is high. Children may also be deceived with a fake profile or their devices may be hacked. As seen above children may also be lured into generating such images and/or videos in the context of a grooming process.

Whatever the situation leading to an offender’s possession of child self-generated sexual images and/or videos, threatening the child depicted on such images and/or videos to procure oneself sexual, financial or any other gain is generally referred to as “sexual extortion of children” (or “*sextortion*”). This terminology is not present in the Lanzarote Convention but the Lanzarote Committee’s working group on Trends in Child Sexual Exploitation and Abuse had identified sexual coercion/extortion of children as a rising and challenging trend and, in 2016, the Committee decided to support its Parties in dealing with it.¹⁹

In the report, “sexual extortion of children” is understood as the forcing, coercing or threatening of a child with self-generated sexual images and/or videos depicting that child to procure:

1. additional sexual images or videos;

¹⁸ Recommendation II-10.

¹⁹ See Lanzarote Committee [16th meeting report \(23-25 November 2016, item 2.3\)](#).

2. other sexual favours from the child depicted on the images/videos or from another child (e.g., manipulating children to perform sexual acts on themselves or others);
3. a financial gain;
4. any other gain (e.g. contacts of peers for their sexual solicitation, forcing a child to commit other criminal offences).

The Lanzarote Committee highlights that sexual extortion of children is related to different sexual offences covered by the Lanzarote Convention and the use of force, coercion or threats is a constituent element in several provisions of the Convention.

2. Overview of situation in Parties with respect to prosecution of conduct amounting to “sexual extortion of children”

Of the 43 Parties covered by this monitoring round, only **one** explained that using force or threat as well as deception, exceeding or abusing powers to obtain pornographic or sexual materials from a minor constitutes a distinct criminal offence. Other Parties informed that they pursued such conduct under a number of different offences, depending on the circumstances of each case (e.g. they prosecute for offences related to “child pornography” in concurrence with other offences depending on the circumstances of each case, and thus also extortion or other similar offences).

The Committee notes that most of the Parties have a system that creates a variety of possibilities to prosecute this crime as analysing if the initial obtainment and possession by the offender of the child’s self-generated sexual images and/or videos can be prosecuted as “child pornography”. In most of the Parties it is possible to combine this with provisions of threat, force or coercion.

Recommendations of the Lanzarote Committee

The Committee **invites** Parties that are not already doing so:

- when dealing with sexual extortion cases involving children, 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.²⁰
- to ensure that sexual extortion of children involving child self-generated sexual images and/or videos is investigated and prosecuted.²¹

²⁰ Recommendation II-11.

²¹ Recommendation II-12.