



## **FACTSHEET – MALTA**

### **Lanzarote Committee Implementation Report on:**

**“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos (CSGSIV)”**

Last update: 25.05.2023

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## I. Introduction

Protecting children from sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs) is a common challenge faced by all States. The often transnational nature of these offences makes international cooperation of the utmost importance especially to identify and protect victims as well as to identify and prosecute perpetrators.

The Council of Europe [Convention on the Protection of Children against sexual exploitation and sexual abuse](#) (“Lanzarote Convention”) is a comprehensive instrument that sets out the applicable standards necessary to:

- Prevent child sexual exploitation and abuse, including where this is facilitated by ICTs;
- Protect victims;
- Prosecute perpetrators; and
- Promote national and international co-operation to strengthen these actions.

The [Committee of the Parties to the Lanzarote Convention](#) (“the Lanzarote Committee”) monitors the implementation of the Convention in thematic monitoring rounds. This allows for all Parties to be monitored simultaneously on the same theme.

Particularly concerned by the exponential increase in offences committed using child self-generated sexual images and/or videos (CSGSIV), the Lanzarote Committee decided to dedicate its second monitoring round to this topic. The 43 States that were Party to the Convention at the time the monitoring round was launched took part, including Malta.

The [implementation report](#) adopted by the Lanzarote Committee in the context of this monitoring round is based on information provided by [State Parties](#) and [other stakeholders](#) in response to a questionnaire. The implementation report also contains information received from 306 [children](#) in 10 Parties who chose to participate.

The Lanzarote Committee’s recommendations to improve or reinforce the protection of children against sexual exploitation and sexual abuse can be found in boxes in each of the 10 thematic chapters. The key messages resulting from the children’s participation are also reflected throughout the whole report. Each chapter also includes examples of promising practices.

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

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

This factsheet is based on the implementation report and has been prepared by the Lanzarote Committee Secretariat as a practical tool to be used by Malta 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

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

in March 2022. Parties are encouraged to inform the secretariat of any relevant measures implemented after that date, which may have an impact on the Committee's analysis and recommendations by completing this [online form](#) or by email to [lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int).

### **Key findings of the implementation report as to all Parties**

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

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

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

## II. Legal frameworks

Interpreting the Convention, in conjunction with its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (6 June 2019), the Committee identifies what Parties ought to have in place as well as what they are encouraged to do to better protect children against the exploitation of their self-generated sexual images and/or videos (CSGSIV).

### Observations and recommendations of the Committee on the legal framework specific to Malta

#### 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

The Committee observes that the production of sexually explicit images by children themselves, and the possession of such images by children is criminalised in Malta.<sup>2</sup> The Committee understands from the information submitted that there are special circumstances under which the production and possession of CSGSIV by children, although established as crimes in fact and in law, are not prosecuted/punishable under national law, because in light of the child’s age, it may be considered that there is no gross fault and no public interest reason for conviction.<sup>3</sup>

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

Malta also pointed at the age of criminal responsibility 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, which is 14 years old.<sup>4</sup> 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.<sup>5</sup>

- Therefore, the Committee **requests** that Malta ensures that a child will not be prosecuted when he/she possesses their own CSGSIV; CSGSIV of another child with the informed consent of the child depicted on them; or CSGSIV as a result of receiving them passively without actively asking for them.<sup>6</sup>

#### Sharing own self-generated material and other children’s self-generated material

The Committee observes that children are potentially criminally liable for the distribution or transmission of their own CSGSIV in Malta.<sup>7</sup> Furthermore, Malta has rules that lead to the criminalisation of the distribution by children of CSGSIV of other children.<sup>8</sup>

The Committee **requests** that Malta ensures that:

- a child will not be prosecuted for sharing his/her CSGSIV with another child when such sharing is voluntary, consensual, and intended solely for their own private use.<sup>9</sup>
- the distribution or transmission by children of CSGSIV of *other* children is prosecuted as a last resort when such images and/or videos qualify as “child pornography” in accordance with Article 20(2) of the Convention.<sup>10</sup>

#### On the “sexual extortion of children”:

The Committee observes that Malta could not provide data or details about cases of sexual extortion of children involving CSGSIV.<sup>11</sup>

In cases where the sexual extortion is intended to procure additional sexual images or videos, the Committee observes that Malta prosecutes for

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<sup>2</sup> Paras. 67, 68.

<sup>3</sup> Para. 70.

<sup>4</sup> Para. 71.

<sup>5</sup> Para. 72.

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

<sup>7</sup> Para. 78.

<sup>8</sup> Para. 82.

<sup>9</sup> Recommendation II-8.

<sup>10</sup> Recommendation II-9.

<sup>11</sup> Para. 95.

offences related to “child pornography”, in concurrence with offences where threat is a core element, such as extortion or coercion.<sup>12</sup> Malta also referred to the offence of corruption of children which may be established, in recognition of the constituent elements of coercion/extortion.<sup>13</sup>

When it is intended to procure other sexual favours from the child depicted on the images/videos or from another children, Malta reported that it would prosecute for sexual abuse of a child in accordance with Article 18 of the Convention, for offences related to child prostitution, to participation in pornographic performances and corruption of children. In addition to this, in Malta, it is a criminal offence if a person “with violence, threats, coercion or force compels a person under age into prostitution or into participating in a pornographic performance”.<sup>14</sup>

In the case where it is intended to procure a financial gain, or other property from the child, Malta indicated that the conduct will be qualified as child prostitution or participation in pornographic performances.<sup>15</sup>

The Committee notes that Malta did not refer to extortion or any similar offences; or did not submit information in this respect.<sup>16</sup>

- When dealing with sexual extortion cases involving children, the Committee **invites** Malta to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted<sup>17</sup> and to take into account the situation where CSGSIV are used to force, coerce or threaten the child to give additional CSGSIV, other sexual favours, a financial gain or other gain to the offenders by:
  - either creating a specific incrimination to address this situation,
  - or prosecuting both the initial detention of CSGSIV and the act of extortion.<sup>18</sup>

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

The Committee **invites** Parties, including Malta:

- acknowledging that the term “child pornography” can be misleading and undermine the gravity of the crimes it refers to, to rather use the term “child sexual abuse material” (CSAM) for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)<sup>19</sup> in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children.<sup>20</sup>
- to introduce a definition of CSAM for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child, following the guidance set out in the

[“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#).<sup>21</sup>

- to introduce explicit references in its respective legal frameworks to conduct concerning CSGSIV, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort.<sup>22</sup>
- to contemplate appropriate legal responses to conduct involving non-visual CSGSIV produced by children in the context of offences covered by the Convention.<sup>23</sup>
- to adopt legislative or other measures which promote as a priority educational and other measures that will aim to support children in safely exploring their sexual development while understanding and avoiding risks

<sup>12</sup> Para. 98.

<sup>13</sup> Para. 100.

<sup>14</sup> Para. 102.

<sup>15</sup> Para. 106.

<sup>16</sup> Id.

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

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

<sup>19</sup> The Terminology Guidelines also refer to the term “child

sexual exploitation material”, indicating that this term can be used in a broader sense, see [“Luxembourg Terminology Guidelines”, pages 38-40 in particular.](#)

<sup>20</sup> Recommendation II-1.

<sup>21</sup> Recommendation II-1.

<sup>22</sup> Recommendation II-2.

<sup>23</sup> Recommendation II-4.

deriving from the production and possession of CSAM.<sup>24</sup>

- to consider criminalising the offence of "grooming" (solicitation of children for sexual

purposes), even when it does not lead to a face-to-face meeting or producing CSAM.<sup>25</sup>

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<sup>24</sup> Recommendation II-7.

<sup>25</sup> Recommendation II-10.

### III. Investigations and prosecution

In its [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies](#) (ICTs) (12 May 2017), the Committee called on Parties to ensure effective investigation and prosecution of ICT facilitated sexual exploitation and sexual abuse by providing resources and training to responsible authorities.

#### Observations and recommendations of the Committee on Investigations and Prosecution specific to Malta

The Committee observes that Malta's investigation and prosecution services are already in line with some of its recommendations as it has a specialised unit dealing with ICT-facilitated offences against children within law enforcement.<sup>26</sup>

Malta indicated that it does not have specialised investigative units for handling ICT facilitated sexual offences where these are committed by children.<sup>27</sup> Investigations related to sexual offences committed by children are instead carried out by a cybercrime unit and police vice squad.<sup>28</sup>

Malta indicated that training modules are in place for law enforcement agents, prosecutors and judges related to aspects of child sexual exploitation and sexual abuse.<sup>29</sup>

- Nonetheless, the Committee **requests** Malta to ensure that training on ICT-facilitated

sexual offences against children is available for prosecutors and judges who are or will be working on these issues.<sup>30</sup>

On the identification of victims, the Committee notes that Malta has victim identification units within law enforcement for cases of ICT-facilitated sexual offences against children.<sup>31</sup>

Furthermore, the Committee notes that Malta makes an active contribution to the INTERPOL's ICSE database.<sup>32</sup>

- The Committee **requests** Malta to take the necessary legislative or other measures, in conformity with the fundamental principles of its internal law, to ensure an effective investigation and prosecution of ICT-facilitated sexual offences against children, allowing, where appropriate, for the possibility of covert operations.<sup>33</sup>

#### Generic recommendations of the Committee on investigation and prosecution

On the specialisation and training of authorities:

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

equipment and training.<sup>34</sup>

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

- to ensure that the capacities of any investigative unit specialised in ICT-facilitated sexual offences against children take into account evolving technologies and online behaviours and reflect current practices used by perpetrators.<sup>35</sup>
- to ensure that law enforcement units,

<sup>26</sup> Para. 115.

<sup>27</sup> Para. 135.

<sup>28</sup> Para. 137.

<sup>29</sup> Paras. 145, 156, 167.

<sup>30</sup> Recommendations III-16 and III-18.

<sup>31</sup> Para. 180.

<sup>32</sup> Para. 186.

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

<sup>34</sup> Recommendations III-3 and III-7.

<sup>35</sup> Recommendation III-4.



services or persons specialised in ICT facilitated sexual offences against children adequately cover and/or are specialised in offences against children involving CSGSIV.<sup>36</sup>

- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have the necessary specialisation in the intersecting areas of children’s rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge.<sup>37</sup>
- To ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences involving CSGSIV.<sup>38</sup>
- 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.<sup>39</sup>
- To provide specific training on ICT facilitated sexual offences against children, including when such offences involve CSGSIV, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.<sup>4041</sup>
- To ensure that training on the challenges raised by CSGSIV and ICT-facilitated coercion or extortion of children is available to prosecutors and to judges.<sup>42</sup>to offer joint (or “joined-up”) training for professionals, and particularly law enforcement, prosecutors and judges, involved in legal proceedings involving ICT-facilitated child sexual exploitation and sexual abuse, in order to ensure consistency at all stages.<sup>43</sup>
- to ensure that training on ICT-facilitated sexual offences against children for law-enforcement, prosecutors and judges contains a practical element, involving

simulated or real cases.<sup>44</sup>

On measures to ensure the effective investigation and prosecution:

- 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.<sup>45</sup>

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

- 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 child abuse material databases, and that resources are sufficiently allocated.<sup>46</sup>
- to engage in and strengthen inter-Party cooperation for the purpose of identifying child victims and perpetrators of ICT facilitated sexual offences, including, where appropriate, by providing access to each other’s databases or shared databases, including those containing information on such perpetrators.<sup>47</sup>
- to take the necessary legislative or other measures to ensure that preservation of specified stored computer data in connection with a specific criminal investigation or proceedings is made possible, fully upholding the rights of the parties involved.<sup>48</sup>
- to take the necessary legislative or other measures to ensure that the investment in human, financial and physical resources is sufficient to have data generated by ICTs analysed in a timely manner so that investigations are carried out without any unjustified delay.<sup>49</sup>

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<sup>36</sup> Recommendation III-5.

<sup>37</sup> Recommendation III-9.

<sup>38</sup> Recommendation III-10.

<sup>39</sup> Recommendation III-11.

<sup>40</sup> Such trainings can also be part of broader training programmes.

<sup>41</sup> Recommendation III-14.

<sup>42</sup> Recommendations III-17 and III-19.

<sup>43</sup> Recommendation III-20.

<sup>44</sup> Recommendation III-21.

<sup>45</sup> Recommendation III-30.

<sup>46</sup> Recommendation III-24.

<sup>47</sup> Recommendations III-25, III-29.

<sup>48</sup> Recommendation III-31.

<sup>49</sup> Recommendation III-32.

## IV. Jurisdiction rules

Due to their online component, offences related to conducts involving CSGSIV have an inherently international aspect. As the prosecution of offences related to this material may involve more than one jurisdiction, the report analyses the jurisdictional rules in place in the Parties, enabling the determination of which Party may prosecute a particular case and under what conditions.

### Observations and recommendations of the Committee on jurisdiction rules specific to Malta

#### 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 Malta has not established laws clarifying the circumstances in which its national criminal law will apply to a transnational situation following the territoriality principle, or has not communicated so to the Committee.<sup>50</sup>

- Therefore, the Committee **requests** Malta to take the necessary legislative or other measures to establish jurisdiction over transnational cases of child sexual exploitation and abuse facilitated by ICTs, when one of the constituent elements of the offence has taken place in Malta.<sup>51</sup>

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

It appears that Malta assumes jurisdiction in cases where an offence covered by the Convention is committed by one of its nationals or by a person who has its habitual residence in its territory.

#### Jurisdiction not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed (Article 25(6))

Malta did not provide information as to whether it applies this condition for prosecution.

- To improve the effective implementation of the Convention, the Committee **requires** Malta to remove the requirement that prosecution can only be initiated following a report from the victim or a denunciation from the State of the place where the offence was committed for offences of sexual abuse,

offences concerning child prostitution, the production of “child pornography” and offences concerning the participation of a child in pornographic performances, when committed by one of its nationals or by a person who has his or her habitual residence in its territory.<sup>52</sup>

#### Jurisdiction not subordinated to the condition that the acts are criminalised at the place where they were performed: the dual criminality principle (Article 25(4))

Malta did not provide information as to whether it applies this condition for prosecution.

- The Committee **requires** Malta to remove the requirement for dual criminality when committed by one of its nationals, for offences of sexual abuse, offences concerning child prostitution, the production of child pornography and offences concerning the participation of a child in pornographic performances.<sup>53</sup>

#### 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))

The Committee observes that Malta is the only Party to have reported explicitly that this principle is not applicable under its domestic law.<sup>54</sup>

- Therefore, the Committee **requests** Parties that are not already doing so, including Malta, to endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established under the Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.<sup>55</sup>

<sup>50</sup> Para. 214.

<sup>51</sup> Recommendation IV-1.

<sup>52</sup> Recommendation IV-5.

<sup>53</sup> Recommendation IV-6.

<sup>54</sup> Para. 235.

<sup>55</sup> Recommendation IV-9.

### Generic recommendations of the Committee on the Jurisdiction rules

- The Committee **invites** Malta to remove the requirement for dual criminality when committed by one of its nationals, for offences of:
  - possessing, offering, distributing, transmitting, procuring child pornography, and the fact of knowingly gaining access to child pornography through ICTs, when CSGSIV are involved,<sup>56</sup>
  - solicitation of children for sexual purposes.<sup>57</sup>

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<sup>56</sup> Recommendation IV-7.

<sup>57</sup> Recommendation IV-8.

## V. International cooperation

The implementation report also analyses cooperation practices and examples of coordinated international responses, not only in the fight against sexual exploitation and abuse of children, but also in areas related to the prevention, protection and assistance of child victims and persons related to them.

### Observations and recommendations of the Committee on international cooperation specific to Malta

The Committee observes that INHOPE,<sup>58</sup> the PROMISE Barnahus Network,<sup>59</sup> WeProtect Global Alliance,<sup>60</sup> and EMPACT (European Multidisciplinary Platform Against Criminal Threats) cybercrime CSE/CSA<sup>61</sup> conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Malta.<sup>62</sup>

Furthermore, the Committee notes that European law enforcement representatives from Malta attend the Europol's central training course "Combatting the Sexual Exploitation of Children on the Internet" (COSEC). They also attend the Europol-Interpol-Cepol co-organised training course on victim identification (VID training course).<sup>63</sup>

Malta did not provide information as to whether it allows children who fall victims when they are 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.

- To improve the implementation of the Convention, the Committee **requires** Malta to ensure that the victims of sexual exploitation or sexual abuse in matters related to CSGSIV in the territory of Parties to the Convention which are not members of the European Union other than the one where they reside, may make a complaint before the competent authorities of the State of their residence.<sup>64</sup>

### Generic recommendations of the Committee on international cooperation

- On international cooperation, the Committee **requests** all Parties, including Malta to extend their international cooperation with other Parties to improve the effective implementation of the Convention.<sup>65</sup>

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

- to assess, strengthen and develop international cooperation with other Parties to prevent and combat sexual exploitation and sexual abuse of children and to provide assistance to victims in matters related to CSGSIV.<sup>66</sup>

- to expand international cooperation with countries which are not Parties to the Convention to disseminate the standards of the 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 Convention, in matters related to CSGSIV.<sup>67</sup>
- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.<sup>68</sup>
- to strengthen cooperation with relevant intergovernmental bodies and with

<sup>58</sup> [www.inhope.org/](http://www.inhope.org/)

<sup>59</sup> <https://www.barnahus.eu/en/>

<sup>60</sup> <https://www.weprotect.org/>

<sup>61</sup> <https://www.europol.europa.eu/empact>

<sup>62</sup> Para. 255.

<sup>63</sup> Para. 259.

<sup>64</sup> Recommendation V-18.

<sup>65</sup> Recommendation V-3.

<sup>66</sup> Recommendations V-6, V-11.

<sup>67</sup> Recommendations V-4, V-7, V-12, V-15.

<sup>68</sup> Recommendation V-5.

transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children as well as for protecting and providing assistance to victims, in matters related to CSGSIV.<sup>69</sup>

- to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.<sup>70</sup>
- to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual

exploitation and sexual abuse of children in matters related to CSGSIV.<sup>71</sup>to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Convention, in investigation and proceedings concerning the offences established in accordance with the Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to CSGSIV.<sup>72</sup>

- to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to CSGSIV, in assistance programmes for development provided for the benefit of third States.<sup>73</sup>

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<sup>69</sup> Recommendations V-8, V-13.

<sup>70</sup> Recommendation V-9.

<sup>71</sup> Recommendation V-10.

<sup>72</sup> Recommendations V-14, V-16.

<sup>73</sup> Recommendation V-19.

## VI. Assistance to victims

This chapter provides a comparative study of national mechanisms and measures for assisting child victims of sexual exploitation and abuse, particularly where this results from the CSGSIV.

### Observations and recommendations of the Committee on assistance to victims specific to Malta

The Committee notes that all Parties, including Malta, have reporting mechanisms in place to assist child victims of criminal offences, including when related to sexual exploitation and abuse.<sup>74</sup> The Committee observes that part of the team running the assistance service has been specifically trained on the topic of online child sexual abuse and exploitation as the two professionals working for the national hotline have undergone several trainings on the online risks that children may encounter. Both are accredited as analysts by INHOPE and have been trained by Interpol on how to deal with "illegal/indecent online material".<sup>75</sup>

To improve the implementation of the Convention, the Committee **requires** Malta to take the necessary legislative or other measures:

- to encourage and support the establishment of information services, such as telephone or internet helplines, to provide advice to child victims of sexual exploitation and sexual abuse facilitated by ICTs as well as persons wishing to help them, in a confidential manner or with due regard for their anonymity. Furthermore, these information services should be made available as widely as possible. This can be done in several ways: the service is available at extended hours, it is delivered in a language that the caller, especially the child, can understand, and it is free of charge.<sup>76</sup>
- to assist child victims of sexual exploitation and abuse, in the short and long term, in their physical and psycho-social recovery, taking due account of the child's views, needs and concerns.<sup>77</sup>

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

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

- to promote awareness raising or specialised training for professionals who advise children through telephone or internet helplines on ICT-facilitated sexual exploitation and abuse of children – including the risks associated with CSGSIV – and how to provide appropriate support to victims and to those who wish to help them.<sup>78</sup>
- to assist child victims of sexual exploitation and abuse facilitated by ICTs, including of offences due to the production, possession, distribution or transmission of CSGSIV in the short and long term, in their physical and psycho-social recovery, these measures must take due account of the child's views, needs and concerns.<sup>79</sup>

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<sup>74</sup> Para. 275.

<sup>75</sup> Para. 282.

<sup>76</sup> Recommendation VI-1.

<sup>77</sup> Recommendation VI-3.

<sup>78</sup> Recommendation VI-2.

<sup>79</sup> Recommendation VI-4.

## VII. Civil society involvement and cooperation

Civil society's involvement in protecting children against sexual exploitation and sexual abuse is crucial and acknowledged by the Convention. Projects and programmes carried out by civil society, as well as cooperation between the competent state authorities and civil society, cover a wide range of issues.

### Observations and recommendations of the Committee on civil society involvement and cooperation specific to Malta

In terms of forms of cooperation between state authorities and civil society in prevention and assistance to victims, the Committee notes that Malta uses state sponsorship to civil society campaigns, which is rarely mentioned by Parties.<sup>80</sup>

- To improve the implementation of the Convention, the Committee **requests** Malta to encourage the financing of projects and programmes carried out by civil society aiming to prevent and protect children from sexual exploitation and sexual abuse.<sup>81</sup>

Civil society projects in Malta - whether or not carried out in cooperation with the State – are

aimed at preventing abuses related to the sharing of such content and take the form of educational activities.<sup>82</sup>

The Committee notes that victim assistance mechanisms in Malta consist of telephonic and electronic helplines, which concern fairly broad issues such as children's rights in general.<sup>83</sup> The Committee notes that beyond reporting mechanisms, in Malta, NGOs offer free psychological support to children, and the assistance of civil society organisations is provided during legal proceedings, through legal advice and physical assistance throughout the proceedings.<sup>84</sup>

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

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

- to expand cooperation with civil society to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and the challenges raised by the exploitation of CSGSIV.<sup>85</sup>
- to ensure that the forms of cooperation that take place with civil society in the field of prevention and protection of children against sexual exploitation and abuse are of a sustainable nature.<sup>86</sup>
- To support civil society to carry out projects and programmes that include the issue of CSGSIV.<sup>87</sup>
- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives<sup>88</sup> and to seek children's views at the stage of drafting new legislation concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards CSGSIV.<sup>89</sup>

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<sup>80</sup> Para. 314.

<sup>81</sup> Recommendation VII-2.

<sup>82</sup> Para. 323.

<sup>83</sup> Para. 328.

<sup>84</sup> Para. 329.

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

<sup>86</sup> Recommendation VII-4.

<sup>87</sup> Recommendation VII-5.

<sup>88</sup> Parties are also invited to provide example(s) of how children's views are taken into account in the context of the participation of children.

<sup>89</sup> Recommendations VII-6, VII-7.

## VIII. Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Articles 5, 6 and 8 of the Convention establish that States Parties should take the necessary measures to prevent all forms of child sexual exploitation and abuse and to protect children from their effects. Awareness-raising is one type of preventive measure.

### **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 Malta:

- to ensure that explanations of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, with or without coercion, are included in the awareness-raising campaigns that they promote or conduct, whatever the target audience.<sup>90</sup>
- to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and that it is “adapted to their evolving capacity” or, in other words, their age and degree of maturity.<sup>91</sup>
- to use unchanged, wherever possible, the awareness-raising tools, materials and activities mentioned in this report or else to adapt them to their national contexts and their own languages and, if necessary, develop new ones, concentrating on videos and distribution through social media.<sup>92</sup>
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.<sup>93</sup>
- to ensure that awareness-raising for children regarding the risks of sexual exploitation and sexual abuse that they face when generating and/or sharing sexual images and/or videos of themselves is led first and foremost by their peers.<sup>94</sup>
- to promote themselves and to encourage the information and communication of the technology sector, the media, and other professionals to raise awareness among children, their parents, persons having regular contact with children, and the general public about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.<sup>95</sup>
- to step-up awareness-raising for parents and persons with parental authority about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.<sup>96</sup>
- to promote or conduct awareness-raising campaigns for the general public providing information about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.<sup>97</sup>
- to take the necessary measures to ensure co-ordination between the agencies responsible for raising awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.<sup>98</sup>

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<sup>90</sup> Recommendation VIII-1.

<sup>91</sup> Recommendation VIII-2.

<sup>92</sup> Recommendation VIII-3.

<sup>93</sup> Recommendation VIII-4.

<sup>94</sup> Recommendation VIII-5.

<sup>95</sup> Recommendation VIII-6.

<sup>96</sup> Recommendation VIII-7.

<sup>97</sup> Recommendation VIII-8.

<sup>98</sup> Recommendation VIII-9.



## IX. Education for children

While the protection of child victims and the prosecution of offenders are key elements in the fight against the sexual exploitation and sexual abuse of children, preventing them from occurring in the first place is paramount. Informing children about the risks of sexual exploitation and sexual abuse and how to protect themselves is the cornerstone of prevention.

### Observations of the Committee on education for children specific to Malta

Although Malta did not provide information as to whether information on the risks of sexual exploitation and sexual abuse is provided to children in an age-appropriate manner, as required by the Convention, it specified that it is delivered in both primary and secondary education.<sup>99</sup>

The Committee observes that in Malta information on the risks of sexual exploitation and sexual abuse facilitated by ICTs and the challenges raised by CSGSIV is covered in “Personal, social and career development”.<sup>100</sup>

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

- The Committee **requires** all Parties, including Malta to ensure that all children at primary and secondary level receive information about the risks of child sexual exploitation and sexual abuse facilitated by ICTs. Organising lectures and/or activities on this topic should not be left to the discretion of schools or teachers.<sup>101</sup>

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

- to address in educational contexts the issue of the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV.<sup>102</sup>
- to ensure that information on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV, is provided to children during both primary and secondary education (whether as part of the national curricula or in the context of non-formal education for children at these levels).<sup>103</sup>
- to consistently involve children in the

development of internet safety awareness programmes.<sup>104</sup>

- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.<sup>105</sup>
- to provide information to children on child sexual exploitation and sexual abuse, facilitated by ICTs, including as regards CSGSIV, in their national curriculum or other non-formal educational contexts, in a form which is adapted to the evolving capacity of the children and therefore which is appropriate for their age and maturity.<sup>106</sup>
- to provide information to children on the risks of child sexual exploitation and abuse facilitated by ICTs, including CSGSIV, within a more general context of sexuality education.<sup>107</sup>
- to ensure that parents, caregivers, and educators are involved, where appropriate, in the provision of information to children on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, in particular as regards CSGSIV.<sup>108</sup>

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<sup>99</sup> Para. 392.

<sup>100</sup> Para. 399.

<sup>101</sup> Recommendation IX-3.

<sup>102</sup> Recommendation IX-1.

<sup>103</sup> Recommendation IX-2.

<sup>104</sup> Recommendation IX-4.

<sup>105</sup> Recommendation IX-5.

<sup>106</sup> Recommendation IX-6.

<sup>107</sup> Recommendation IX-7.

<sup>108</sup> Recommendation IX-8.

## X. Higher education curriculum and continuous training

Persons who have regular contact with children in the education, health and social protection sectors and areas related to sport, culture and leisure are at the forefront of the prevention of sexual exploitation and sexual abuse of children, as they have the most interaction with children under their supervision in these different settings. However, they may not be adequately equipped to inform children about their rights, to detect situations where a child is at risk of sexual exploitation or sexual abuse and to respond appropriately. It is therefore of crucial importance that they are well informed about the risks of sexual exploitation and sexual abuse of children, both during their education and continuously during their careers, to enable them to adapt to emerging trends and risks in the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs.

### Observations and recommendations of the Committee on higher education curriculum and continuous training specific to Malta

The Committee observes that part of the professionals who will or already work with children in Malta receive training and/or education on the protection of children against sexual exploitation and sexual abuse (such information is provided to future professionals as part of their curriculum during their education), which focus specifically on the risks of child sexual exploitation and abuse facilitated by ICTs.<sup>109</sup> The Committee however notes that that the people most likely to receive education and/or training on child sexual exploitation and abuse are mostly those working in educational institutions, such as teachers.<sup>110</sup>

To improve the implementation of the Convention, the Committee **requires** Malta:

- to ensure that teaching or training on the rights of children and their protection for persons who have regular contacts with children (i.e. in the education, health and social protection sectors and in areas relating to sport, culture and leisure activities) is not optional.<sup>111</sup>
- to ensure that the persons who have regular contact with children are equipped to identify any situation of sexual exploitation and sexual abuse of children and are informed of the possibility for them to report to the services responsible for child protection any situation where they have “reasonable grounds” for believing that a child is a victim of sexual exploitation and sexual abuse of children:
  - in the education sector
  - in the health sector
  - in the social protection sector
  - in areas relating to sport, culture, and leisure activities.<sup>112</sup>
- to encourage awareness of the protection and rights of children among persons who have regular contact with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture, and leisure activities.<sup>113</sup>

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<sup>109</sup> Para. 416.

<sup>110</sup> Para. 420.

<sup>111</sup> Recommendation X-4.

<sup>112</sup> Recommendations X-5, X-6.

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

## Generic recommendations of the Committee on higher education curriculum and continuous training

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

- to ensure that the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of the risks associated with CSGSIV, for example through education or continuous training.<sup>114</sup>
- to ensure that all the sectors where professionals work in contact with children, including when working on a voluntary basis, have adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with CSGSIV.<sup>115</sup>

### Promising practice

In Malta, The BeSmartOnline project offers material to teachers and other professionals addressing the risks associated with the ICTs faced by children. It helps teachers and professionals to address these issues to their students. It includes a helpline that is promoted in such materials. It also organises events in that sense.

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<sup>114</sup> Recommendation X-2.

<sup>115</sup> Recommendation X-3.

## XI. Research

Effective prevention mechanisms and responses to tackle sexual exploitation and abuse of children require an understanding of the issues at stake, as well as knowledge of the prevalence and characteristics of the phenomenon. Accurate and precise information may be necessary to develop quality and targeted policies and measures. The gathering of information and understanding of the phenomenon is particularly important in the context of sexual exploitation and sexual abuse facilitated by ICTs, in light of their rapid development and increased use.

### Observations and recommendations of the Committee on research specific to Malta

The Committee identifies a **difficulty to implement the Convention** in Malta as it informed that no research was undertaken on issues raised by CSGSIV and/or on the psychological effects on persons who have had such material shared online. However, the Committee notes that since Malta has participated in the EU Kids Online surveys for at least one year, it can be inferred that some data was collected within the context of these surveys on the practice of sending and receiving sexual messages, including CSGSIV.<sup>116</sup> Moreover, the Committee notes that in the context of the EU Kids Online surveys, according to EU Kids Online 2020 Report,<sup>117</sup> the national authorities in Malta supported the research and enabled the surveys to be carried.<sup>118</sup>

Malta not being isolated in this respect, the Committee **invites** all Parties:

- to collect data and undertake research at the

national and local levels to observe and evaluate the phenomenon of CSGSIV.<sup>119</sup>

- to ensure that data on the phenomenon of CSGSIV and the risks associated with it is regularly collected and research on the issue is regularly undertaken.<sup>120</sup>
- to build on the findings from existing research on CSGSIV, when available, to ensure that policies and measures are best developed and appropriately targeted to tackle the issues raised by CSGSIV.<sup>121</sup>
- to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at the national or local levels and in collaboration with civil society to observe and evaluate the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from CSGSIV, with due respect for the requirements of personal data protection.<sup>122</sup>

### Promising practice

EU Kids Online is a multinational research network, working to increase knowledge of the opportunities, risks and safeties children face online. Malta has participated to this research network for at least one year by taking part in the EU Kids Online surveys.

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<sup>116</sup> Para. 443.

<sup>117</sup> See EU Kids Online Report 2020: <https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf>.

<sup>118</sup> Para. 454.

<sup>119</sup> Recommendation XI-1.

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

<sup>121</sup> Recommendation XI-3.

<sup>122</sup> Recommendation XI-4.