



FACTSHEET – POLAND

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)”

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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 Poland.

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

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

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

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

This factsheet is based on the implementation report and has been prepared by the Lanzarote Committee Secretariat as a practical tool to be used by Poland to clearly identify the relevant recommendations and actions addressed by the Lanzarote Committee to it. Therefore, it does not include updated information on measures implemented by the Parties since the adoption of the report in March 2022. Parties are

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

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

Key findings of the implementation report as to all Parties

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

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

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

II. Legal frameworks

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

Observations and recommendations of the Committee on the legal framework specific to Poland

Interplay of the age of criminal responsibility and the age of sexual consent with the criminalisation of conduct related to the production and possession of CSAM and CSGSIV

The Committee observes that the production and possession of CSGSIV by children themselves are criminalised in Poland.² However, Poland pointed at the age of criminal responsibility, which is 17 years old, below which children cannot be held criminally liable for acts they commit to demonstrate compatibility with the exclusion of criminal liability for the production and possession of CSGSIV.³

- Nevertheless, the Committee **requests** that Poland ensures in its legal framework⁴ that a child will not be prosecuted when he/she possesses:
 - 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.⁵

Criminalisation of conduct related to “offering or making available” CSAM and its relationship with the sharing their own or 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 Poland.⁶

Further, Poland has rules that lead to criminal sanctions against children if they distribute CSGSIV of other children.⁷

Therefore, the Committee **requests** Poland to ensure 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.⁸
- 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.⁹

On the prosecution of conduct amounting to “sexual extortion of children”

The Committee observes that in cases where the sexual extortion is intended to procure additional CSGSIV from the child, Poland would prosecute for offences related to “child pornography”, in concurrence with offences where threat is a core element, such as extortion or coercion.¹⁰ Poland also referred to further offences, such as the offence of corruption of children.¹¹

In cases where the coercer possessing the CSGSIV threatens the child for some other kind of sexual gain, Poland would prosecute for offences related to sexual abuse of a child in accordance with Article 18, child prostitution, participation in pornographic performances or corruption of children.¹² In

² Paras.67, 68.

³ Para.71.

⁴ The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

⁵ Recommendation II-6.

⁶ Para.78.

⁷ Para.82.

⁸ Recommendation II-8.

⁹ Recommendation II-9.

¹⁰ Para.98.

¹¹ Para.100.

¹² Para.102.

addition, Poland would also prosecute conduct relating to the possession of the initial CSGSIV as an offence related to “child pornography” under

Article 20.¹³ If the objective of the perpetrator is a financial gain, Poland would qualify the conduct will as extortion or aggravated extortion.¹⁴

Generic recommendations of the Committee on the legal frameworks

On the legal frameworks, the Committee **invites** all Parties, including Poland:

- to introduce a definition of “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”](#)^{15, 16}
- 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.¹⁷
- to rather use the term child sexual abuse material in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children, as the Committee acknowledges that using the term “child pornography” can undermine the gravity of the crimes it refers to.¹⁸
- 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 Lanzarote Convention.¹⁹

- 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.²⁰
- 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 child sexual abuse material.²¹
- 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.²²
- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.²³

¹³ Para. 103.

¹⁴ Para.106

¹⁵ 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.](#)

¹⁶ Recommendation II-3.

¹⁷ Recommendation II-2.

¹⁸ Recommendation II-1.

¹⁹ Recommendation II-4.

²⁰ Recommendation II-7.

²¹ Recommendation II-10.

²² Recommendation II-11.

²³ Recommendation II-12.

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 Poland

The Committee observed that Poland's investigation and prosecution services are already in line with some of its recommendations as Poland has:

- a central unit and regional subdivisions specialised in ICT-facilitated offences against children, which cooperate at different levels within law enforcement.²⁴
- training modules in place for law enforcement agents related to aspects of child sexual exploitation and sexual abuse, as well as its own training programme, used either in full or in part to carry out training for law enforcement agents.²⁵
- its own and external training programmes available for prosecutors and judges on aspects of child sexual exploitation and sexual abuse.²⁶ Such training is organised by national judicial academies in Poland and the training content includes online child sexual abuse and sexual exploitation and CSAM specifically.²⁷
- joint trainings available for law enforcement, prosecutors, judges and other judicial authorities.²⁸
- relevant trainings that involve not just theoretical, but also practical elements.²⁹
- victim identification units within law enforcement for cases of ICT-facilitated sexual offences against children.³⁰

On the other hand, the Committee observes that there are no specialised units or public prosecutors in the organisational units of the

public prosecutor's office of Poland conducting or supervising pre-trial proceedings for sexual offences against children, the commission of which is facilitated by the use of ICTs by child offenders.³¹

- Therefore, the Committee **invites** Poland 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.³²

The Committee observed that Poland makes an active contribution to the INTERPOL's international child sexual exploitation (ICSE) database.³³ Additionally, Poland has been carrying out an analysis of the possibility of organising trainings with Interpol trainers on the use of the ICSE database.³⁴

The Committee also observes that, pursuant to Article 35 of the Convention, Article 19 of the Polish Law on Police permits the use of special investigative techniques (i.e., covert operations) in case of any sexual offences against children, including offences related to CSAM.³⁵

Additionally, Poland indicated to the Committee that a key challenge for a successful prosecution phase is to obtain electronic evidence that can be validly used before courts.³⁶

²⁴ Paras.115, 119.

²⁵ Paras.145, 146.

²⁶ Paras.156, 157, 158, 167.

²⁷ Paras.159, 164.

²⁸ Para.172.

²⁹ Para.174.

³⁰ Para.180.

³¹ Para.141.

³² Recommendation III-11.

³³ Para.186.

³⁴ Para.187.

³⁵ Para.197.

³⁶ Para.203.

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.³⁷

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

- 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. Additionally, the Committee invites all Parties to exchange best practices between the relevant investigative units.³⁸
- to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children adequately cover and/or are specialised in offences against children involving CSGSIV.³⁹
- 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.⁴⁰
- To ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences involving CSGSIV.⁴¹

Promising practices

In Poland, the National School of Judiciary and Public prosecution will organise a training course entitled "Crimes against minors committed via the Internet". The proposed key topics included, inter

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.⁴²

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

- 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.⁴³
- 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.⁴⁴
- 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.⁴⁵
- 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.⁴⁶

³⁷ Recommendations III-3 and III-7.

³⁸ Recommendation III-4.

³⁹ Recommendation III-5.

⁴⁰ Recommendation III-9.

⁴¹ Recommendation III-10.

⁴² Recommendation III-30.

⁴³ Recommendation III-24.

⁴⁴ Recommendations III-25, III-29.

⁴⁵ Recommendation III-31.

⁴⁶ Recommendation III-32.

alia, characteristics of internet crime against minors, online threats, grooming offence, child pornography, methodology to conducting proceedings in cases concerning the production and distribution of pornographic content with the participation of a minor. The training will be addressed to judges and judge's assessors adjudicating in criminal divisions, prosecutors and prosecutors' assessors.

Polish judges and prosecutors also participated in international trainings organised in the framework of cooperation with the ERA Academy of European Law on "Soliciting children online for sexual purposes" and on "Preventing child sexual abuse material online".

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 Poland

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 observes that, according to Article 5 of the Penal Code, Polish criminal jurisdiction applies to each and every offender, regardless of his/her nationality, who commits a prohibited act in Poland, or on a Polish vessel or aircraft, unless Poland is party to an international agreement stating otherwise.⁴⁷

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

The Convention provides in Article 25(1)(e) that Parties should take the necessary legislative and other measures to establish jurisdiction over offences committed by persons who have their habitual residence in their territory. However, a minority of Parties including Poland have reserved the right not to apply this jurisdiction rule. Therefore, the Committee observes that Poland does not establish jurisdiction over any offence covered by the Convention on the ground that the offence was committed by a person who has his or her habitual residence in their territory.⁴⁸

- The Committee **invites** Poland to consider removing the reservation it made in accordance with Article 25(3) with regards to Article 25(1)(e) and establish jurisdiction for offences under the Lanzarote Convention when such offences are committed abroad by persons having their habitual residence in their territory.⁴⁹

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))

It appears that Poland does not subordinate its jurisdiction to the condition that prosecution can only be initiated upon a report from the victim or denunciation from the State where the offence was committed.

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

Poland reported that it would assume jurisdiction irrespective of the laws of the State where the offence was committed in case of sexual abuse or exploitation of children, in light of Poland's international obligations under the Convention.⁵⁰ The criminal law of Poland has a clause which provides for the possibility of derogating from the general rules on jurisdiction based on international instruments. According to Article 5 of the Polish Penal Code, Polish criminal jurisdiction applies to each and every offender, regardless of his/her nationality, who commits a prohibited act in Poland, or on a Polish vessel or aircraft, unless Poland is Party to an international agreement stating otherwise. Offences committed outside Polish territory are normally subject to the condition of dual criminality, but this does not apply to offences foreseen in international agreements to which Poland is a party, which include offences of sexual exploitation or sexual abuse of children.⁵¹

In addition, the Committee observes that in the case of Poland, reference to international

⁴⁷ Para.227.

⁴⁸ Para.216.

⁴⁹ Recommendation IV-3.

⁵⁰ Para.223.

⁵¹ Para.227.

treaties is made to exclude the application of the dual criminality principle, but it does not necessarily relate to the other provisions concerned, including extraterritoriality for acts of habitual residents.⁵²

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 notes that as detailed in the Explanatory Report of the Convention, Parties are not obliged, but can endeavour, to establish jurisdiction over an offence committed against one of its nationals or a person having habitual residence in the territory under Article 25(2). In Poland the

passive personality principle is applied in respect of offences committed against a national. In order to apply the passive personality principle, the requirement of dual criminality does not apply to offences foreseen in international agreements to which Poland is a party.⁵³

- The Committee **requests** Parties that are not already doing so, including Poland, to endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with the Lanzarote Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.⁵⁴

⁵² Para.229.

⁵³ Paras.231, 232.

⁵⁴ Recommendation IV-9.

V. International cooperation

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

Observations and recommendations of the Committee on international cooperation specific to Poland

The Committee observed that INHOPE,⁵⁵ the PROMISE Barnahus Network,⁵⁶ WeProtect Global Alliance,⁵⁷ INSAFE and Safer Internet Centres,⁵⁸ ECPAT,⁵⁹ and EMPACT⁶⁰ conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Poland.⁶¹

The Committee notes that the cross-border exchange and competence building is crucial to ensure harmonised practice to implement common legal frameworks that guarantee children's procedural safeguards and protect children from (re-)traumatisation during criminal investigation and judicial proceedings. Child-friendly investigations and judicial proceedings are central to achieving safety, healing and justice for children who have been exposed to online sexual violence. The Promise Barnahus network and competence centre facilitate cross-border exchange on good practice, develop practical tools (including for example the Barnahus Quality Standards and guidance for child-friendly interviews in Barnahus) and provide training for forensic interviewers from

Poland. The forensic interviewers have formed an informal network and are engaged in an exchange and common learning through online training and avatar practice.⁶²

The Committee also observes that law enforcement representatives from Poland attend the Europol's central training course "Combating the Sexual Exploitation of Children on the Internet" (COSEC) and the Europol-Interpol-Cepol co-organised training course on victim identification (VID training course).⁶³

- To improve the effective implementation of the Lanzarote Convention, the Committee **requires** Poland to ensure that the victims of sexual exploitation or sexual abuse in matters related to CSGSIV in the territory of Parties to the Lanzarote 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.⁶⁴

⁵⁵ www.inhope.org/

⁵⁶ <https://www.barnahus.eu/en/>

⁵⁷ <https://www.weprotect.org/>

⁵⁸ <https://www.betterinternetforkids.eu/>

⁵⁹ <https://ecpat.org/>

⁶⁰ <https://www.europol.europa.eu/empact>

⁶¹ Para.255.

⁶² Para.266.

⁶³ Para.259.

⁶⁴ Recommendation V-18.

Generic recommendations of the Committee on international cooperation

• On international cooperation, the Committee **requests** all Parties, including Poland to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention.⁶⁵

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

• 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.⁶⁶

• to expand international cooperation with countries which are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Lanzarote Convention, in matters related to CSGSIV.⁶⁷

• to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁶⁸

• to strengthen cooperation with relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual

abuse of children as well as for protecting and providing assistance to victims, in matters related to CSGSIV.⁶⁹

• 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.⁷⁰

• 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.⁷¹

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

• 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.⁷³

⁶⁵ Recommendation V-3.

⁶⁶ Recommendations V-6, V-11.

⁶⁷ Recommendations V-4, V-7, V-12, V-15.

⁶⁸ Recommendation V-5.

⁶⁹ Recommendations V-8, V-13.

⁷⁰ Recommendation V-9.

⁷¹ Recommendation V-10.

⁷² Recommendations V-14, V-16.

⁷³ 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 of the Committee on assistance to victims specific to Poland

The Committee observed that there are helplines for children that are accessible 24 hours a day, 7 days a week in Poland.⁷⁴

The Committee also observed that in Poland independent psychotherapists and psychiatrists are listed as services that child victims can access free of charge through their health insurance. This practice provides children with greater opportunities to access services.⁷⁵

Generic recommendations of the Committee on assistance to victims

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

- 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.⁷⁶

- 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.⁷⁷

Promising practice

In Poland, first contact workers operating within the Network of Assistance to Victims financed by the Justice Fund receive additional training and support of specialists with high qualifications and experience in providing assistance to persons affected by domestic violence and victims of criminal acts of sexual freedoms. The Network of Assistance to Victims provides all victims, including children and the victim's closest relatives, with legal, psychological, therapeutic and if necessary, medical assistance. Free assistance for the victims is provided by legal advisers, attorneys-at-law, psychologists, psychotherapists and doctors authorised to provide the above-mentioned services on the basis of national law, including specific provisions regulating the right to practice a profession. The Justice Fund also provides financial aid for children.

⁷⁴ Para.280.

⁷⁵ Para.294.

⁷⁶ Recommendation VI-2.

⁷⁷ 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 of the Committee on civil society involvement and cooperation specific to Poland

The Committee observes that Poland encourages the implementation of prevention projects and programs carried out by civil society not only at the national level but also at the local level.⁷⁸ Poland mentions the training opportunities it offers to civil society actors concerning the online environment and related risks but also the opportunities it presents for children's rights.⁷⁹ The interaction with civil society includes preventive, educational and awareness-raising activities to minimise the risk of abuse that children face online,⁸⁰ including projects specifically aimed at educating and raising awareness of children on the issue of CSGSIV.⁸¹ Poland also develops and supports different activities which are aimed at raising the awareness of adults, such as parents, educators, doctors and social workers, about existing risks and dangers of ICTs for children.⁸²

On the other hand, the Committee observes a **difficulty in implementing the Convention** as in Poland there is no systemic policy to encourage civil society to develop prevention projects in this area. A first difficulty is the lack of financial support provided to civil society, forcing NGOs to secure their own budget and threatening in return the sustainability of the projects. The second problem is that there is sometimes no cooperation plan covering the whole national territory on the fight against sexual exploitation and sexual abuse of children online. Finally, civil

society organisations are sometimes required to seek formal approval from the State to see their projects implemented in practice.⁸³

Therefore, the Committee **invites** Poland:

- 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.⁸⁴
- 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.⁸⁵
- to support civil society to carry out projects and programmes that include the issue of CSGSIV.⁸⁶

The Committee also observes that Poland cooperated with Bosnia and Herzegovina, when one organisation from Bosnia and Herzegovina carried out study visits to Safer Internet Centres in Poland, before setting up its own Safer Internet Centre.⁸⁷

Victim assistance mechanisms in Poland consist of helplines and shelters where victims of violence, including children, can seek support in cases of sexual abuse. Additionally, NGOs offer free psychological support, legal advice and physical assistance to children in Poland during legal proceedings.⁸⁸

⁷⁸ Para.307.

⁷⁹ Para.311.

⁸⁰ Para.320.

⁸¹ Para.321.

⁸² Para.315.

⁸³ Para.316.

⁸⁴ Recommendation VII-3.

⁸⁵ Recommendation VII-4.

⁸⁶ Recommendation VII-5.

⁸⁷ Para.324.

⁸⁸ Para.329.

Generic recommendations of the Committee on civil society involvement and cooperation

- The Committee **invites** all Parties, including Poland, to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives⁸⁹ 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.⁹⁰

Promising practice

Many stakeholders report that civil society uses child-friendly and recreational material to convey preventive information. For instance, in Poland, the National Research Institute NASK developed a campaign addressing teenagers of 13 to 17 years who are active on social media, to build awareness of the threats associated with the distribution of intimate content online and advise on where to seek help when such content is made public. The campaign addressing young people will be conducted on TikTok, while the content addressing adults will be shared on Facebook, LinkedIn, Twitter and the campaign website.

Many Parties, including Poland, run Safer Internet centres established under the European Commission's Safer Internet Programme. Safer Internet Centres inform, advise and assist children, parents, teachers and carers on digital questions and fights against online child sexual abuse. The Polish Centre is formed by the National Research Institute (NASK), the coordinator of the PSIC, and the Empowering Children Foundation (ECF). The Centre undertakes a range of comprehensive measures for the safety of children and young people using the internet and new technologies. The Orange Foundation is partner of many activities undertaken within the Centre.

⁸⁹ 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.

⁹⁰ 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.

Observations of the Committee on 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 specific to Poland

The Committee observes that since 2005, Poland has launched many campaigns and projects dedicated to raising awareness of children, parents and teachers of online dangers. As an example, the Sieciaki.pl portal was created for children aged 6-12 since 2009 as a response to the growing level of interest in social media that the youngest Internet users were showing. The portal is equipped with social networking functions (a profile, comments, friends etc.), is moderated and creates a space for educating children in the area of safe use of social networks. Another example is the Campaign "I think, therefore I don't send" (*Myślę, więc nie ślę*), which aimed to educate about dangers associated with sexting and rise social awareness around the phenomenon. Although this campaign has already finished, its main product, the film "Forever", is still available online.⁹¹ Another campaign which is currently ongoing, "Careful Parents", addresses the importance of the role of parents in protecting children from online threats.⁹² The latest campaign dedicated to the phenomenon of self-generating sexual content by minors is 'Not for Show' (Nie na pokaz), prepared by the National Research Institute as a part of the Safer Internet Project in cooperation with Tik Tok Poland.⁹³ The main message of this campaign is conveyed through 6 short films broadcasted within this platform.⁹⁴

The Committee also observes a good practice example for the peer-to-peer awareness

raising method in Poland. The Congress of Young Internet Users (KoMI) was established by NASK (National Research Institute) in order to create a platform of communication for young people from all over the country (as well as for teachers) and serves as a Youth Panel for the Polish Safer Internet Centre (PCPSI). Congress participants consult educational materials, provide information on the emerging trends among youth as well as represent the PCPSI during the pan-European youth participation actions. The idea of the Congress is not only to work during meetings with the selected group but also to multiply the Congress effects on the school level by organising discussions and events locally. Moreover, the Congress empowers and promotes expert knowledge exchange among teachers involved in the project. Representatives of the congress are also involved in activities undertaken within the framework of PCPSI.⁹⁵

Additionally, the Committee draws attention to the Consultation Committee – an Advisory Board which supports implementation of activities undertaken by the Polish Safer Internet Centre (PCPSI) established in 2006. Although it is not necessarily specific to co-ordination of awareness-raising activities about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing CSISIV of themselves, the Consultation Committee's tasks include

⁹¹ <https://www.youtube.com/watch?v=8kqBu4qZebg>

⁹² <https://uwaznirodzice.pl/>, English version of the video: <https://www.youtube.com/watch?v=0YAkU63rtQY>. All campaigns can be found on the saferinternet.pl webpage: <https://www.saferinternet.pl/social-campaigns.html>

⁹³ <https://www.saferinternet.pl/nie-na-pokaz/kampania.html> (in Polish).

⁹⁴ Para.351.

⁹⁵ Para.361.

promoting activities for improving online safety as well as sharing practices which protect children from online threats and assessment of PCPSI projects implementation. Committee stakeholders are also invited to co-

create PCPSI events. The Polish Advisory Board members represent the most important institutions and organisations in Poland working for children online protection and for digital education.⁹⁶

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 Poland:

- 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.⁹⁷
- 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.⁹⁸
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.⁹⁹
- 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.¹⁰⁰

- 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.¹⁰¹
- 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.¹⁰²

⁹⁶ Para.378.

⁹⁷ Recommendation VIII-2.

⁹⁸ Recommendation VIII-3.

⁹⁹ Recommendation VIII-4.

¹⁰⁰ Recommendation VIII-6.

¹⁰¹ Recommendation VIII-8.

¹⁰² 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.

Generic recommendations of the Committee on education for children

- The Committee **requires** all Parties, including Poland, 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.¹⁰³

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

- to address in educational contexts the issue of the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV.¹⁰⁴
- 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).¹⁰⁵
- to consistently involve children in the development of internet safety awareness

programmes.¹⁰⁶

- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.¹⁰⁷
- 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.¹⁰⁸
- 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.¹⁰⁹
- 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.¹¹⁰

¹⁰³ Recommendation IX-3.

¹⁰⁴ Recommendation IX-1.

¹⁰⁵ Recommendation IX-2.

¹⁰⁶ Recommendation IX-4.

¹⁰⁷ Recommendation IX-5.

¹⁰⁸ Recommendation IX-6.

¹⁰⁹ Recommendation IX-7.

¹¹⁰ 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 Poland

The Committee observes that in Poland various activities have recently been implemented on education or training of professionals on Internet safety for children.¹¹¹

To improve the effective implementation of the Convention, the Committee **requires** Poland:

- 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.¹¹²

- 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.¹¹³

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

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

- 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.¹¹⁴

- 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.¹¹⁵

¹¹¹ Para.417.

¹¹² Recommendations X-5, X-6.

¹¹³ Recommendation X-7.

¹¹⁴ Recommendation X-2.

¹¹⁵ 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 of the Committee on research specific to Poland

The Committee observes that Poland has provided information on research undertaken on the issues raised by CSGSIV.¹¹⁶ The research on CSGSIV was conducted as part of a broader research project¹¹⁷ on children and the media/the internet.¹¹⁸

Additionally, Poland has informed of its participation for one or several years in the EU Kids Online research.¹¹⁹ These are multinational research networks, which seek to enhance knowledge of children's online opportunities, risks and safety. Surveys carried out under the framework of EU Kids Online collect data and

information on, *inter alia*, children's practice of sending and receiving sexual messages online. The Committee observes that Poland has participated for at least one year in the EU Kids Online surveys.¹²⁰ It appears from the EU Kids Online 2020 Report that the civil society in Poland (Orange Foundation) enabled the survey to be carried out.¹²¹

State authorities in Poland¹²² also collaborate with universities and provide financial support for the purpose of undertaking research projects addressing the issues raised by CSGSIV.¹²³

Generic recommendations of the Committee on research

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

- 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.¹²⁴
- 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.¹²⁵

- 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.¹²⁶

Promising practices

In Poland, specific research exclusively on the topic of CSGSIV has been undertaken. The National Research Institute (NASK) commissioned a quality study in 2021 using the IDI (Individual In-depth

¹¹⁶ Paras.437.

¹¹⁷ Study on "Teenagers and the Internet" was carried out by PEDAGOGIUM Higher School of Social Sciences.

¹¹⁸ Para.438.

¹¹⁹ Para.440.

¹²⁰ Para.440.

¹²¹ Para.455.

¹²² The Ombudsman for Children and the National Research

Institute subordinate to the Ministry of Digital Affairs (NASK) commissioned a study realised by PEDAGOGIUM Higher School of Social Science.

¹²³ Para.448.

¹²⁴ Recommendation XI-2.

¹²⁵ Recommendation XI-3.

¹²⁶ Recommendation XI-4.

Interview) method, on the opinions and views of young people aged 18-24 who have come across intimate content on the Internet. Their opinions and views were to cover their experiences before the age of 18. The results of the study will be published in a thematic report, which is currently being prepared by the Dyżurnet.pl team.

EU Kids Online is a multinational research network, working to increase knowledge of the opportunities and risks children face online. A significant number of Parties, including Poland, have participated in this research network for one or several years.