



FACTSHEET – PORTUGAL

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 Portugal.

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 Portugal 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 Portugal

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 Portugal.² The Committee however notes that the majority of Parties do not prosecute such conduct as they may subject the criminalisation to other conditions (e.g. the context of the possession, the legal age for sexual activities, etc). In order to demonstrate compatibility with the exclusion of criminal liability for the production and possession of CSGSIV, Portugal pointed at the age of criminal responsibility below which children cannot be held criminally liable for acts they commit, which is 16 years old in Portugal.³ The Committee however 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.⁴

- Therefore, the Committee **requests** that Portugal ensures in its legal framework⁵ 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.⁶

Criminalisation of conduct related to “offering or making available” CSAM and its relationship with the sharing of their own or other children’s CSGSIV

The Committee observes that children are potentially criminally liable for the distribution or transmission of their own CSGSIV in Portugal.⁷ Further, Portugal has rules that lead to the criminalisation of the distribution by children of CSGSIV of other children.⁸

The Committee **requests** Portugal 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.⁹
- 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.¹⁰

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

Portugal stated that it could not provide data or details about cases of sexual extortion of children involving CSGSIV.¹¹

In cases where the sexual extortion is intended to procure additional CSGSIV from the child, the

² Paras.67, 68.

³ Para.71.

⁴ Para. 72.

⁵ The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

⁶ Recommendation II-6.

⁷ Para.78.

⁸ Para.82.

⁹ Recommendation II-8.

¹⁰ Recommendation II-9.

¹¹ Para.95.

Committee observes that Portugal prosecutes for offences related to “child pornography”, in concurrence with offences where threat is a core element, such as extortion or coercion.¹² Portugal also informed that the presence of a threat resulted in an aggravated sanction. It also referred to the offence of corruption of children and child prostitution, which may be established in recognition of the constituent elements of coercion/extortion.¹³

The Committee observes that in the cases in which the coercer possessing the CSGSIV, threatens the

child for some other kind of sexual gain, Portugal would prosecute for offences related to sexual abuse of a child in accordance with Article 18, child prostitution, corruption of children,¹⁴ or threatening behaviour and coercion.¹⁵ In this situation, Portugal would also prosecute conduct relating to the possession of the initial CSGSIV as an offence related to “child pornography” under Article 20.¹⁶ If the objective of the perpetrator is a financial gain, the conduct will be qualified as extortion or aggravated extortion, and/or the offence of invasion of privacy.¹⁷

Generic recommendations of the Committee on legal frameworks

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

- 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”](#)^{18, 19}
- 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.²⁰
- to rather use the term 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”](#)²¹ 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.²²

- 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.²³
- to adopt legislative or other measures which promote as a priority educational and other measures that will aim to support children in safely exploring their sexual development while understanding and avoiding risks deriving from the production and possession of self-generated sexual images and/or videos.²⁴
- 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.²⁵
- 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.²⁶

¹² Para.98.

¹³ Para.100.

¹⁴ Para.102.

¹⁵ Para.104.

¹⁶ Para. 103.

¹⁷ Para.106

¹⁸ 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.](#)

¹⁹ Recommendation II-3.

²⁰ Recommendation II-2.

²¹ 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.](#)

²² Recommendation II-1.

²³ Recommendation II-4.

²⁴ Recommendation II-7.

²⁵ Recommendation II-10.

²⁶ Recommendation II-11.

- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.²⁷

²⁷ 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 of the Committee on investigations and prosecution specific to Portugal

The Committee observes that Portugal's investigation, prosecution, and legal services are already in line with some of its recommendations as Portugal has:

- specialised units dealing with ICT-facilitated offences against children within law enforcement's sections/departments dedicated exclusively to cyber or sexual crimes against children.²⁸ Such specialised law enforcement units operate at national level and cover ICT facilitated sexual offences against children in the entire country. The National Unit for Combating Cybercrime and Technological Crime of the "Policia Judiciária" (judiciary police) has powers to prevent, detect, criminally investigate and assist judicial authorities.²⁹
- prosecution offices dedicated to combating cybercrime that manage cases concerning sexual abuse or exploitation of children facilitated by ICTs.³⁰
- 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.³¹ The trainings for law enforcement agents are provided by Portugal, as well as by external organisations.³²
- specific training for law enforcement agents on production, possession, distribution or transmission of CSGSIV, and ICT-facilitated coercion or extortion.³³
- their own training programmes in place,

which are used either in full or partly to carry out training for prosecutors and judges.³⁴ The trainings are provided by the national judicial academy.³⁵ Judges and prosecutors are trained together and/or have the same training options available to them.³⁶

- trainings for prosecutors on a range of content including children's rights, sexual violence against children, CSAM, and interdisciplinary approaches.³⁷ Trainings for prosecutors also covers the challenges raised by CSGSIV and ICT-facilitated coercion or extortion, such as harassment for sexual videos.³⁸

- victim identification units within law enforcement for cases of ICT-facilitated sexual offences against children.³⁹

The Committee observes that Portugal has access to NCMEC⁴⁰ database,⁴¹ and makes an active contribution to the INTERPOL's international child sexual exploitation (ICSE) database through its units specialised in cybercrime or high-tech crimes.⁴²

The Committee observes that in Portugal, pursuant to Article 35 of the Convention, covert operations may be carried out in cases of prevention and repression of offences, including offences against freedom and sexual self-determination. These must be punishable by more than five years' imprisonment, provided that the identity of the offender is unknown, or that children under the age of 16 or other

²⁸ Paras.115, 116.

²⁹ Para.118.

³⁰ Para.125.

³¹ Paras.145, 146.

³² Para.148.

³³ Para.153.

³⁴ Paras.156, 157, 167.

³⁵ Para.159.

³⁶ Para.167.

³⁷ Para.164.

³⁸ Para.165.

³⁹ Para.180.

⁴⁰ National Center for Missing & Exploited Children. See further <http://www.missingkids.org/home>.

⁴¹ Para.183.

⁴² Para.186.

persons without legal capacity are expressly referred to as the victims of the offences.⁴³

The Committee also observes that for Portugal the speed of development of modern technologies and the internet is a challenge as it requires constant development of IT experts' knowledge, which can be crucial during the investigation phase. These identified difficulties underscore the need for on-going, post-qualification training of all professionals involved

in proceedings concerning ICT-facilitated sexual exploitation and abuse, which is ideally mandatory.⁴⁴ The assessment of (potential) victims' ages, which is necessary in order to determine whether sexual material involves children, and therefore whether it is CSAM, is a challenging and time-consuming task according to Portugal's statement.⁴⁵ Portugal also indicates that a key challenge for a successful prosecution phase is to obtain electronic evidence that can be validly used before courts.⁴⁶

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.⁴⁷

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

- 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.⁴⁸
- 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.⁴⁹
- 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.⁵⁰

- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences involving CSGSIV.⁵¹
- 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.⁵²

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.⁵³

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

- 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.⁵⁴
- to engage in and strengthen inter-Party cooperation for the purpose of identifying child victims and perpetrators of ICT facilitated sexual

⁴³ Para.197.

⁴⁴ Para.173.

⁴⁵ Para.182.

⁴⁶ Para.203.

⁴⁷ Recommendations III-3 and III-7.

⁴⁸ Recommendation III-4.

⁴⁹ Recommendation III-5.

⁵⁰ Recommendation III-9.

⁵¹ Recommendation III-10.

⁵² Recommendation III-21.

⁵³ Recommendation III-30.

⁵⁴ Recommendation III-24.

offences, including, where appropriate, by providing access to each other's databases or shared databases, including those containing information on such perpetrators.⁵⁵

- 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.⁵⁶

- 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.⁵⁷

Promising practices

In Portugal, inspectors within specialised teams received training on interviewing victims and collecting forensic evidence, including self-generated intimate images and videos that are uploaded or shared on the internet.

The Centre for Judicial Studies provides ongoing training for judges and prosecutors that covers the possibility of being harassed for the "realisation of sexual videos". The course also underlines the need for close links between the Criminal and the Family and Children jurisdictions.

⁵⁵ Recommendations III-25, III-29.

⁵⁶ Recommendation III-31.

⁵⁷ 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 Portugal

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 Portugal has established laws clarifying the circumstances in which its national criminal law will apply to a transnational situation following the territoriality principle. Article 7 of the Portuguese Criminal Code provides that the offence is considered to have been committed at the place where the agent acted or, in the case of omission, should have acted, and at the place where the typical result or the result not included in the type of crime was produced. Portugal has national jurisdiction as long as one of these elements is located in its territory.⁵⁸

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

Portugal, pursuant to articles 4 and 5 of the Criminal Code, has jurisdiction over crimes committed outside its territory when it is a crime against the freedom or sexual self-determination of minors and when certain elements are met, namely: the perpetrator is found in Portugal and cannot be extradited or surrendered as a result of the execution of a European arrest warrant or other international cooperation instrument binding on the Portuguese State; when committed by Portuguese nationals or by someone who habitually resides in Portugal; or when committed against a child who habitually resides in Portugal.⁵⁹

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))

According to Article 25(6) of the Convention, Parties shall take the necessary measures to ensure that their jurisdiction is not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation by another State, with regard to such offences committed by one of its nationals or persons having habitual residence in its territory as sexual abuse (Article 18), child prostitution (Article 19), production of child pornography (Article 20(1)(a)) and participation of a child in pornographic performances (Article 21). However, the Committee observes that in Portugal, article 178 of the Criminal Code requires a complaint to prosecute sexual acts committed with adolescents between 14 and 16. On the other hand, this provision only governs situations where the conduct does not involve another crime such as rape, sexual harassment, sexual fraud, sexual coercion, rape or sexual abuse of a person incapable of resistance (Article 178(1)) or when it does not involve the death or suicide of the victim (Article 178(3)). In all these situations, the criterion of a complaint from the victim is set aside. Furthermore, prosecution can always initiate the procedure when the interests of the victim so advise (Article 113(5)(a), Criminal Code).⁶⁰

- To improve the effective implementation of the Convention, the Committee **requires** Portugal 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

⁵⁸ Para.214.

⁵⁹ Para.214.

⁶⁰ Para.218.

committed for offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of “child pornography” (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21), when committed by one of their nationals or by a person who has his or her habitual residence in its territory.⁶¹

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

The Committee notes that in Portugal the principle of dual criminality is not a requirement for offences of child sexual abuse committed by nationals.⁶²⁶³ Portugal also reported that they would assume jurisdiction over offences involving sexual abuse or sexual exploitation of children, irrespective of the laws of the State where the offence was committed, if committed by one of their nationals or by a person who has his or her habitual residence in their territory.⁶⁴ Finally, the Committee observes that Portugal has jurisdiction provided that 1) the offender is found in Portugal and cannot be extradited or surrendered as a result of the execution of a European arrest warrant or of another instrument of international cooperation binding upon the Portuguese State; 2) the facts are committed by Portuguese nationals or by those who habitually reside in Portugal; 3) or the crimes are committed against children who habitually

reside in Portugal.⁶⁵

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 Portugal, the passive personality principle is applied in respect of offences committed against a national, and a habitual resident, only in the case of a stateless person granted permanent residence.⁶⁶ In order to apply the passive personality principle in Portugal, the dual criminality principle is not applicable in the case of crimes committed against a child’s sexual determination and freedom, whether the perpetrator is a national or not.⁶⁷

- The Committee **requests** those Parties that are not already doing so, including Portugal, 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.⁶⁸

Generic recommendations of the Committee on jurisdiction rules

The Committee **invites** all parties, including Portugal, to remove the requirement for dual criminality when committed by one of their 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,⁶⁹

- solicitation of children for sexual purposes.⁷⁰

⁶¹ Recommendation IV-5.

⁶² Para. 223.

⁶³ The Committee highlights that EU countries are also bound by the EU Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States specifically on sexual exploitation of children and “child pornography” crimes (Article 2.2.), where verification of the double criminality of

the act is eliminated in the provided conditions.

⁶⁴ Para. 224.

⁶⁵ Para.230.

⁶⁶ Para. 231.

⁶⁷ Paras.231, 232.

⁶⁸ Recommendation IV-9.

⁶⁹ Recommendation IV-7.

⁷⁰ 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 of the Committee on international cooperation specific to Portugal

The Committee observes that INHOPE,⁷¹ the PROMISE Barnahus Network,⁷² WeProtect Global Alliance,⁷³ INSAFE and Safer Internet Centres,⁷⁴ ECPAT,⁷⁵ and EMPACT⁷⁶ conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Portugal.⁷⁷

Additionally, the Committee observes that law enforcement representatives from Portugal attend the Europol's central training course "Combatting the Sexual Exploitation of Children on the Internet" (COSEC) and the Europol-Interpol-Cepol co-organised training course on victim identification (VID training course).⁷⁸

The Committee also notes that some Parties that are members of the European Union require their nationals or residents to report the crime in the country where the crime was committed, if that country is a member of the European Union, following the transposition of Directive 2012/29 of the European Parliament and the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.⁷⁹ However, the Committee observes that Portugal does not have this limitation.⁸⁰

Generic recommendations of the Committee on international cooperation

- The Committee **requests** all Parties, including Portugal, to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention.⁸¹

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

- 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.⁸²

- 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.⁸³
- to regularly assess the difficulties that they face when dealing with international

⁷¹ www.inhope.org/

⁷² www.barnahus.eu/en/

⁷³ <https://www.weprotect.org/>

⁷⁴ <https://www.betterinternetforkids.eu/>

⁷⁵ <https://ecpat.org/>

⁷⁶ <https://www.europol.europa.eu/empact>

⁷⁷ Para.255.

⁷⁸ Para.259.

⁷⁹ See, Article 17§2: "Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a

complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so."

⁸⁰ Para.271.

⁸¹ Recommendation V-3.

⁸² Recommendations V-6, V-11.

⁸³ Recommendations V-4, V-7, V-12, V-15.

cooperation and remedy them.⁸⁴

- 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.⁸⁵
- 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.⁸⁶
- 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.⁸⁷

- 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.⁸⁸
- 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.⁸⁹

⁸⁴ Recommendation V-5.

⁸⁵ Recommendations V-8, V-13.

⁸⁶ Recommendation V-9.

⁸⁷ Recommendation V-10.

⁸⁸ Recommendations V-14, V-16.

⁸⁹ 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 Portugal

The Committee observes that although Portugal has legislation containing adequate provisions to assist child victims, this legislation concerns the protection of children in general and does not address specifically child victims of abuse facilitated by ICTs or the issue of CSGSIV.⁹⁰ Additionally, Portugal acknowledged that they had no specific data on any dimension of the proportion of child victims in such contexts.⁹¹

Therefore, the Committee **requires** Portugal 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.⁹²

- 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.⁹³

Generic recommendations of the Committee on assistance to victims

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

- 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.⁹⁴

- 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.⁹⁵

⁹⁰ Paras.286-288.

⁹¹ Para.296.

⁹² Recommendation VI-1.

⁹³ Recommendation VI-3.

⁹⁴ Recommendation VI-2.

⁹⁵ 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 Portugal

The Committee observes that in Portugal, NGOs and different helplines, along with the media, are the most involved counterparts in the prevention of child sexual abuse and exploitation and victim assistance activities.⁹⁶

The Committee also observes that Portugal provides training opportunities to civil society actors concerning the online environment and related risks but also the opportunities it presents for children's rights.⁹⁷ Additionally,

Portugal develops and supports different activities which are aimed at raising the awareness of children and adults such as parents, educators, doctors and social workers about existing risks and dangers of ICTs for children.⁹⁸ There are also civil society projects - whether or not carried out in cooperation with the State - for educational activities or field research and analysis specifically aimed at the issue of CSGSIV and preventing abuses related to the sharing of such content.⁹⁹

Generic recommendations of the Committee on civil society involvement and cooperation

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

- 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.¹⁰⁰
- to support civil society to carry out projects and programmes that include the issue of CSGSIV.¹⁰¹

- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives¹⁰² 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.¹⁰³

Promising practice

In Portugal, civil society uses child-friendly and recreational material to convey preventive information, such as interactive games on the topic of child safety online.

Helplines/hotlines work directly in cooperation with the Police or Criminal investigation departments in order to report directly any suspicion of abuse.

⁹⁶ Para.308.

⁹⁷ Paras.311, 320.

⁹⁸ Para.315.

⁹⁹ Paras.321, 323.

¹⁰⁰ Recommendation VII-4.

¹⁰¹ Recommendation VII-5.

¹⁰² 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.

¹⁰³ 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 risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves specific to Portugal

The Committee notes that awareness-raising tools, materials and activities must be suitable for children with disabilities so that they are not excluded, especially as they are even more vulnerable than other children. The Committee draws attention to a promising practice in Portugal, where one of the most popular resources of PT SIC – “Net com Consciência” (<https://goo.gl/dURRGV>) – is now available in Portuguese sign language (<https://goo.gl/axFGNS>), allowing hearing-impaired people to understand it properly, and with an audio description in Portuguese (<https://goo.gl/dAS7ps>), enabling partially sighted people to better understand and enjoy all the entertaining and educational aspects of this series. “Net com Consciência” consists of 10 videos dealing with young people’s online behaviour and seeking to promote safer and more responsible internet use whilst encouraging young people to report any harmful content that they may come across online to the SIC Portuguese hotline and other helplines.¹⁰⁴

The Committee also observes that the peer-to-peer awareness-raising method is recommended by children in Portugal.¹⁰⁵ The idea is to have a child or young adult speak to children about the personal experience (their own or other people’s) of having intimate images or videos shared against their will. This type of awareness-raising has a greater impact on children than if done by an adult, since they identify more easily with the young person talking to them. It also has the great advantage of being a practical example of participation of children in the fight against sexual exploitation and sexual abuse of children, as demanded by Article 9, paragraph 1, of the Convention. As an example of good practice for the peer-to-peer method, in Portugal, students have developed resources specifically designed for young people. As a result, they have been closely involved in the peer-to-peer method. Their resources include a video called “What are you sharing?”, original songs about sexting, grooming, revenge pornography and cyberbullying, as well as posters warning of the risks of cyberbullying and grooming.¹⁰⁶

¹⁰⁴ Para.357.

¹⁰⁵ Ministry of Justice, Science and Technology

Foundation, Child Support Institute, May 2019.

¹⁰⁶ Para.361.

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 Portugal:

- 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.¹⁰⁷
- 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.¹⁰⁸
- 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.¹⁰⁹
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.¹¹⁰
- 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.¹¹¹

- 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.¹¹²
- 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.¹¹³
- 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.¹¹⁴
- 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.¹¹⁵

¹⁰⁷ Recommendation VIII-1.

¹⁰⁸ Recommendation VIII-2.

¹⁰⁹ Recommendation VIII-3.

¹¹⁰ Recommendation VIII-4.

¹¹¹ Recommendation VIII-5.

¹¹² Recommendation VIII-6.

¹¹³ Recommendation VIII-7.

¹¹⁴ Recommendation VIII-8.

¹¹⁵ 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 Portugal

The Committee observes that in Portugal both national curricula and non-formal educational activities address the prevention of sexual exploitation and sexual abuse of children and the challenges raised by CSGSIV.¹¹⁶

The Committee also observes that the information on the risks of sexual exploitation and sexual abuse facilitated by ICTs and/or on the challenges raised by CSGSIV is delivered in the framework of topics related to “Internet Safe Use” in Portugal.¹¹⁷

Generic recommendations of the Committee on education for children

- The Committee **requires** all Parties, including Portugal, to ensure that all children at primary and secondary education 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.¹¹⁸

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

- 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).¹¹⁹
- to consistently involve children in the development of internet safety awareness programmes.¹²⁰

- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.¹²¹

- 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.¹²²

- 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.¹²³

- 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.¹²⁴

Promising practice

In Portugal, as part of the SeguraNet project, all educational communities are invited to promote activities in the field of digital security. Among the activities organised in this context, an annual competition involved 1st, 2nd and 3rd cycle students, parents and teachers, on digital safety issues,

¹¹⁶ Paras.383, 385.

¹¹⁷ Para.398.

¹¹⁸ Recommendation IX-3.

¹¹⁹ Recommendation IX-2.

¹²⁰ Recommendation IX-4.

¹²¹ Recommendation IX-5.

¹²² Recommendation IX-6.

¹²³ Recommendation IX-7.

¹²⁴ Recommendation IX-8.

including sexting and online predators.¹²⁵ Schools can also request the organisation of awareness-raising activities on the dangers of spreading videos and photographs of sexual nature, organised by criminal police departments. Finally, the National Commission for the Promotion and Protection of Children and Youth at Risk developed a theatre play “mybodymyrules” addressed to children aged 10 to 14 years, in order to create an educational resource addressing the risks related to the exposure of children on social networks.

¹²⁵ See <http://www.seguranet.pt/pt/desafios-2o-e-3o-ciclos>

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 of the Committee on higher education curriculum and continuous training specific to Portugal

The Committee observes that a part of the professionals who already work with children receive information on the protection of children against sexual exploitation and sexual abuse under the form of continuous training in Portugal.¹²⁶ Such trainings are followed by persons working in the social protection sector, such as workers and management leaders at the Social Security Institute (“Instituto de Seguranca Social”) who receive training on socio-criminal intervention related to sexual abuse of children.¹²⁷

- To improve the effective implementation of the Lanzarote Convention, the Committee **requires** Portugal 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.¹²⁸

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

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

- 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.¹²⁹

- 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.¹³⁰

¹²⁶ Para.416.

¹²⁷ Para.422.

¹²⁸ Recommendation X-4.

¹²⁹ Recommendation X-2.

¹³⁰ 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 Portugal

Portugal has provided information to the Committee on research undertaken on the issues raised by CSGSIV in general.¹³¹ The Committee observes that the research on CSGSIV was included in research covering several broader topics, such as criminalisation of “child pornography”.¹³² Portugal has indicated that research covering issues arising from CSGSIV was undertaken by the academia; professors published studies related to the topic, and doctoral thesis and master’s degree thesis were awarded.¹³³

The Committee observes that Portugal has participated in the EU Kids Online research, which is a multinational research network seeking to enhance knowledge of children’s online opportunities, risks and safety. Surveys carried out in the framework of EU Kids Online collect data and information on, *inter alia*, children’s practice of sending and receiving sexual messages online.¹³⁴ According to EU Kids Online 2020 Report,¹³⁵ national authorities in Portugal supported the research and enabled the surveys to be carried out.¹³⁶

Generic recommendations of the Committee on research

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

- 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.¹³⁷
- 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.¹³⁸

- 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.¹³⁹

¹³¹ Para.437.

¹³² Para.438.

¹³³ Para.449.

¹³⁴ Para.440.

¹³⁵ See EU Kids Online Report 2020: [https://www.lse.ac.uk/media-and-](https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf)

[communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf](https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf)

¹³⁶ Para.454.

¹³⁷ Recommendation XI-2.

¹³⁸ Recommendation XI-3.

¹³⁹ Recommendation XI-4.