



FACTSHEET – ROMANIA

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 Romania.

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 Romania 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 Romania

The Committee observes that within the legislative framework of Romania, the term “child pornography” is used as defined within Article 20(2) of the Convention.²

However, the Committee **invites** Romania:

- to rather use the term “child sexual abuse material” (CSAM) for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)³ in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children, as the Committee acknowledges that using the term “child pornography” can undermine the gravity of the crimes it refers to.⁴
- To introduce a definition of CSAM in line with its Recommendation II-1 above.⁵

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 in Romania, children who are below the age of criminal responsibility (14) and above the legal age for sexual activities cannot be held criminally liable for production and possession of CSGSIV.⁶ However, the Committee

notes that relying on the age of sexual consent to exclude criminal responsibility for the scenarios listed in paragraphs 3-6 of the 2019 Opinion, is insufficient as, in such case, children above the age of criminal responsibility but below the legal age for sexual activities may not be covered by the exemption from criminal responsibility.⁷

The Committee thus **requests** that Romania ensures in its legal framework⁸ 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 as a result of receiving them passively without actively asking for them.⁹

Criminalisation of conduct related to “offering or making available” CSAM and its relationship with the sharing of other children’s self-generated material:

The Committee observes that Romania has rules that lead to the criminalisation of the distribution by children of CSGSIV of other children.¹⁰

The Committee thus **requests** that Romania ensures in its legal framework¹¹ that:

² Para. 49.

³ The Terminology Guidelines also refer to the term “child sexual exploitation material”, indicating that this term can be used in a broader sense, see [“Luxembourg Terminology Guidelines”, pages 38-40 in particular.](#)

⁴ Recommendation II-1.

⁵ Recommendation II-3.

⁶ Paras. 71, 73.

⁷ Para. 73.

⁸ The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

⁹ Recommendation II-6.

¹⁰ Para. 82.

¹¹ The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through

- 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.¹²
- 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) Convention.¹³
- The Committee also **invites** Romania to introduce explicit references in its respective legal framework to conduct concerning child self-generated sexual images and/or videos, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort.¹⁴

On the prosecution of conduct amounting to

“sexual extortion of children”:

In cases where the sexual extortion is intended to procure additional sexual images or videos from the child, the Committee observes that Romania would prosecute for offences related to “child pornography”, in concurrence with offences where threat is a core element, such as extortion or coercion,¹⁵ as well as for corruption of children.¹⁶ In cases where the sexual extortion is intended to procure other sexual favours from the child depicted on the images/videos or from another child, Romania would prosecute for participation in pornographic performances and corruption of children.¹⁷ In addition, Romania would prosecute conduct relating to the possession of the initial child sexual image or video as an offence related to child pornography. Finally, it reported the possible prosecution in concurrence for extortion.¹⁸ If the objective of the perpetrator is a financial gain, the conduct will be qualified as extortion or aggravated extortion in Romania.¹⁹

Generic recommendations of the Committee on legal frameworks

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

- to contemplate appropriate legal responses to conduct involving non-visual self-generated sexual material produced by children in the context of offences covered by the Convention.²⁰
- 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.²¹
- 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.²²

- to ensure that sexual extortion of children involving child self-generated sexual images and/or videos is investigated and prosecuted.²³
- 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.²⁴

prosecutorial guidance or practice.

¹² Recommendation II-8.

¹³ Recommendation II-9.

¹⁴ Recommendation II-2.

¹⁵ Para. 98.

¹⁶ Para. 100.

¹⁷ Para. 102.

¹⁸ Paras. 103, 104.

¹⁹ Para. 106

²⁰ Recommendation II-4.

²¹ Recommendation II-7.

²² Recommendation II-10.

²³ Recommendation II-12.

²⁴ Recommendation II-11.

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 Romania

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

- specialised units dealing with ICT facilitated offences against children within law enforcement with sections/departments dedicated exclusively to child sexual abuse material (CSAM).²⁵ Such specialised law enforcement units operate at national level The Office for Combatting Child Pornography through Computer Systems has 5 dedicated officers.²⁶
- training modules in place for law enforcement agents related to aspects of child sexual exploitation and sexual abuse.²⁷ Other forms of training are also available for law enforcement agents more generally, provided through training courses.²⁸ The content of the training ranges across combating online child sexual abuse and exploitation, investigative processes, including interviewing techniques, where a child victim is involved, and forensic investigation.²⁹
- training programmes provided by State authorities and external training available for prosecutors and judges.³⁰ Judges and prosecutors are trained together and/or have the same training options available to them.³¹
- trainings for prosecutors on a range of content including interviewing children and other procedures and sexual violence against children.³²

- continuous compulsory training for magistrates by the National Institute of Magistracy, in addition to pre-professional education.³³

- joint (or "joined-up") trainings for prosecutors, judges, law enforcement and other judicial authorities.³⁴

- victim identification units within police and investigation services.³⁵

On the other hand, the Committee observes that Romania has no specialised prosecution, investigation and court units to manage cases concerning sexual abuse or exploitation of children facilitated by ICTs. Prosecution offices dedicated to organised crime manage such cases.³⁶ There are also 9 prosecutors within the Cybercrime Service at the national level, and 174 criminal prosecutors in territorial offices, who handle cases of cybercrime.³⁷ Investigations related to sexual offences committed by children are carried out by a director for investigating organised crime and terrorism.³⁸

Therefore, the Committee **invites** Romania:

- to establish, where appropriate, specialised units, services or persons within the courts in charge of dealing with ICT facilitated sexual offences against children.³⁹
- to have units, sections or persons specialised in ICT facilitated sexual offences

²⁵ Paras. 115, 116.

²⁶ Para. 118.

²⁷ Paras. 145, 146.

²⁸ Para. 150.

²⁹ Para. 152.

³⁰ Paras. 156, 157, 158, 167.

³¹ Para. 167.

³² Para. 164.

³³ Para. 168.

³⁴ Para. 172.

³⁵ Para. 180.

³⁶ Para. 125.

³⁷ Para. 128.

³⁸ Para. 137.

³⁹ Recommendation III-8.

committed by children against other children for authorities responsible for investigation and for authorities responsible for prosecution.⁴⁰

- to provide specific training⁴¹ on ICT facilitated sexual offences against children, including when such offences involve child self-generated sexual images and/or videos, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.⁴²
- to ensure that training on the challenges raised by child self-generated sexual images and/or videos and ICT facilitated coercion or extortion of children⁴³ is available to prosecutors and judges.⁴⁴
- 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.⁴⁵

- The Committee also **requests** Romania to ensure that training on ICT facilitated sexual offences against children is available for prosecutors and judges who are or will be working on these issues.⁴⁶

The Committee observes that Romania makes an active contribution to the INTERPOL's international child sexual exploitation (ICSE) database through units dedicated to cybercrime involving children, sexual offences, or CSAM.⁴⁷

Romania indicated that a key challenge for a successful prosecution phase is to obtain electronic evidence that can be validly used before courts.⁴⁸

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.⁴⁹

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

- 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.⁵⁰

- 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 child self-generated sexual images and/or videos.⁵¹
- 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.⁵²
- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences involving child self-generated sexual images and/or videos.⁵³

⁴⁰ Recommendation III-11.

⁴¹ Such trainings can also be part of broader training programmes.

⁴² Recommendation III-14.

⁴³ Such trainings can also be part of broader training programmes.

⁴⁴ Recommendations III-17 and III-19.

⁴⁵ Recommendation III-21.

⁴⁶ Recommendations III-16 and III-18.

⁴⁷ Para. 186.

⁴⁸ Para. 203.

⁴⁹ Recommendations III-3 and III-7.

⁵⁰ Recommendation III-4.

⁵¹ Recommendation III-5.

⁵² Recommendation III-9.

⁵³ Recommendation III-10.

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.⁵⁴

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

- 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.⁵⁵
- 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.⁵⁶

- 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.⁵⁷

- 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.⁵⁸

Promising practice

In Romania, the CYBEREX (Romanian Centre for Excellence in Combatting Cybercrime) provides training courses in the field of cybercrime investigation for legal professionals (judges, prosecutors and police officers) both in matters of substantive and procedural law, as well as in forensic issues.

⁵⁴ Recommendation III-30.

⁵⁵ Recommendation III-24.

⁵⁶ Recommendations III-25, III-29.

⁵⁷ Recommendation III-31.

⁵⁸ 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 of the Committee on jurisdiction rules specific to Romania

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 Romania has established laws clarifying the circumstances in which its national criminal law will apply to a transnational situation following the territoriality principle. Article 8(4) of the Romanian Criminal Code provides that “the offense shall be considered committed on the territory of Romania also when on that territory or on a ship under the Romanian flag or on an aircraft registered in Romania an act of execution, instigation or complicity was performed or the result of the crime occurred, even in part.”⁵⁹

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

It appears that Romania establishes jurisdiction in cases of offences covered by the Convention are committed by one of their nationals, and persons who have their habitual residence in its territory.

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

It appears that Romania does not apply this condition for prosecution.

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 observes that the criminal law of Romania has a clause which provides for the

possibility of derogating from the general rules on jurisdiction based on international instruments. In addition to situations where an international treaty requires otherwise, the dual criminality requirement is not applied in Romania when extradition or surrender of the offender has been requested and denied.⁶⁰ In addition, the Committee notes that Romanian criminal law applies to offences committed outside the Romanian territory by a Romanian citizen or legal entity if the act is also criminalised by the criminal law of the country where it was committed, or if it was committed in a location that is not subject to any State’s jurisdiction - unless otherwise required under an international treaty to which Romania is a Party.⁶¹

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 abroad against one of its nationals or a person having habitual residence in its territory under Article 25(2). The Committee observes that in Romania the passive personality principle is applied in respect of offences committed against a national of Romania.⁶² The Committee also observes that there are two further conditions to prosecute such cases in Romania. There must be a request or authorisation from the relevant state body and it is not possible to assume jurisdiction unless there are no proceedings or investigations brought in the State where the offence was committed.⁶³

⁵⁹ Para. 214.

⁶⁰ Para. 227.

⁶¹ Para. 229.

⁶² Para. 231.

⁶³ Para. 233.

- The Committee **requests** Parties that are not already doing so, including Romania, 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.⁶⁴

Generic recommendations of the Committee on the jurisdiction rules

- The Committee **invites** Romania to remove the requirement for dual criminality when committed by one of its nationals, for offences of:
 - possessing, offering, distributing, transmitting, procuring child pornography, and the fact of knowingly gaining access to child pornography through ICTs, when child self-generated sexual images and/or videos are involved,⁶⁵
 - solicitation of children for sexual purposes.⁶⁶

⁶⁴ Recommendation IV-9.

⁶⁵ Recommendation IV-7.

⁶⁶ Recommendation IV-8.

V. International cooperation

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

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

The Committee observes that regarding the reciprocal legislative framework on the matters dealt with in Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it, Romania referred to the Council of the Baltic Sea in the context of the PROMISE projects supporting Barnahus.⁶⁷

INHOPE,⁶⁸ the PROMISE Barnahus Network,⁶⁹ WeProtect Global Alliance,⁷⁰ INSAFE and Safer Internet Centres,⁷¹ ECPAT,⁷² and EMPACT⁷³ conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Romania.⁷⁴

The Committee notes that the most used form of international cooperation by Parties is police cooperation mainly in relation to the investigation and prosecution of the offences established in accordance with the Convention. Romania mentioned its involvement in other forms of police cooperation, namely, those related to the European Initiative (CIRCAMP, Copal internet related Child abusive material project), the US-based FBI, the US-based National Centre for Missing and Exploited Children (NCMEC) and NCMEC's CyberTipline.⁷⁵ Additionally, the Committee observes that law

enforcement representatives from Romania 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).⁷⁶

The Committee also observes that 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, Romania requires its nationals or residents that are victims of a crime committed in another country of the European Union (EU) to report the crime in the EU Member State where the crime was committed.⁷⁷

- The Committee **requires** Romania to ensure that the victims of sexual exploitation or sexual abuse in matters related to child self-generated sexual images and/or videos in the territory of Parties to the 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.⁷⁸

⁶⁷ Para. 253.

⁶⁸ www.inhope.org/

⁶⁹ <https://www.barnahus.eu/en/>

⁷⁰ <https://www.weprotect.org/>

⁷¹ <https://www.betterinternetforkids.eu/>

⁷² <https://ecpat.org/>

⁷³ <https://www.europol.europa.eu/empact>

⁷⁴ Para. 255.

⁷⁵ Para. 262.

⁷⁶ Para. 259.

⁷⁷ Para. 271.

⁷⁸ Recommendation V-18.

Generic recommendations of the Committee on international cooperation

• The Committee **requests** all Parties, including Romania, to extend their international cooperation with other Parties to improve the effective implementation of the Convention.⁷⁹

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

• 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 child self-generated sexual images and/or videos.⁸⁰

• to expand international cooperation with countries which are not Parties to the Convention to disseminate the standards of the Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Convention, in matters related to child self-generated sexual images and/or videos.⁸¹

• to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁸²

• 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 child self-generated sexual images and/or

videos.⁸³

• 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 child self-generated sexual images and/or videos.⁸⁴

• to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.⁸⁵ to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Convention, in investigation and proceedings concerning the offences established in accordance with the Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to child self-generated sexual images and/or videos.⁸⁶

• to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos, in assistance programmes for development provided for the benefit of third States.⁸⁷

⁷⁹ Recommendation V-3.

⁸⁰ Recommendations V-6, V-11.

⁸¹ Recommendations V-4, V-7, V-12, V-15.

⁸² Recommendation V-5.

⁸³ Recommendations V-8, V-13.

⁸⁴ Recommendation V-9.

⁸⁵ Recommendation V-10.

⁸⁶ Recommendations V-14, V-16.

⁸⁷ 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 Romania

The Committee observes that Romania has legislation addressing the problem of child abuse facilitated by information and communication technologies.⁸⁸ Additionally, Romania provided data referring to the number of calls received by helplines on this issue without indicating what kind of follow-up was given to these calls.⁸⁹

- To improve the effective implementation of the Convention, the Committee **requires** Romania 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.⁹⁰

Generic recommendations of the Committee on assistance to victims

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

- 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 child self-generated sexual images and/or videos

– and how to provide appropriate support to victims and to those who wish to help them.⁹¹

- to ensure that the assistance measures are available to child victims of sexual exploitation and abuse facilitated by ICTs, including of offences due to the production, possession, distribution or transmission of child self-generated sexual images and/or videos.⁹²

⁸⁸ Paras. 288.

⁸⁹ Para. 296.

⁹⁰ Recommendation VI-1.

⁹¹ Recommendation VI-2.

⁹² Recommendation VI-4.

VII. Civil society involvement and cooperation

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

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

The Committee observes that Romania 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.⁹³

- To improve the effective implementation of the Convention, the Committee **requests** Romania to encourage the financing of projects and programmes⁹⁴ carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse.

The Committee also observes that Romania

provides training opportunities and awareness raising activities to civil society actors concerning the online environment and related risks but also the opportunities it presents for children's rights.⁹⁵

Additionally, Romania mentioned programmes meant to assist victims of offences related to CSGSIV.⁹⁶ The Committee observes that in Romania, there are telephonic and electronic helplines concerning fairly broad issues such as violence against children in general, including sexual violence,⁹⁷ and NGOs offering free psychological support to children.⁹⁸

Generic recommendations of the Committee on civil society involvement and cooperation

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

- 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 child self-generated sexual images and/or videos.⁹⁹
- 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 child self-generated sexual images and/or videos.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 child self-generated sexual images and/or videos.¹⁰³

Difficulty in implementing the Convention

The Committee observes that children living in rural and local communities in Romania are sometimes

⁹³ Para.307.

⁹⁴ Examples of projects and/or programmes will enable assessment of follow-up to this recommendation.

⁹⁵ Paras. 311, 320.

⁹⁶ Para. 327.

⁹⁷ Para. 328.

⁹⁸ Para. 329.

⁹⁹ Recommendation VII-3.

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.

discriminated against when it comes to civil society assistance in cases of abuse.¹⁰⁴

Promising practices

In Romania, the Federation of the NGOs working in the field of child protection (FONPC) carried out a project through which it set up three hearing rooms for child victims of violence, equipped according to standards in this field (unidirectional mirror, audio-video recording system).

Another Romanian organisation, the International Foundation of the Child and Family (IFFC), organises weekly art therapy workshops for child victims of violence.

¹⁰⁴ Para. 331.

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

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

Generic recommendations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

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

- 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.¹⁰⁵
- 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.¹⁰⁶
- 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.¹⁰⁷
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.¹⁰⁸
- 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.¹⁰⁹

- to do more to encourage the information and communication 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.¹¹⁰
- to introduce or 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.¹¹¹
- 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.¹¹²
- 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.¹¹³

¹⁰⁵ Recommendation VIII-1.

¹⁰⁶ Recommendation VIII-2.

¹⁰⁷ Recommendation VIII-3.

¹⁰⁸ Recommendation VIII-4.

¹⁰⁹ Recommendation VIII-5.

¹¹⁰ Recommendation VIII-6.

¹¹¹ Recommendation VIII-7.

¹¹² Recommendation VIII-8.

¹¹³ 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 and recommendation of the Committee on education for children specific to Romania

The Committee observes that in Romania, information related to child sexual exploitation and abuse and/or challenges raised by ICTs is provided only during secondary education.¹¹⁴

- Therefore, the Committee **requires** Romania 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.¹¹⁵

The Committee also **invites** Romania:

- to ensure that information on the risks of child sexual exploitation and sexual abuse

facilitated by ICTs, including as regards child self-generated sexual images and/or videos, 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).¹¹⁶

- to provide information to children on child sexual exploitation and sexual abuse, facilitated by ICTs, including as regards child self-generated sexual images and/or videos, 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.¹¹⁷

Generic recommendations of the Committee on education for children

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

- to consistently involve children in the development of internet safety awareness programmes.¹¹⁸
- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.¹¹⁹
- to provide information to children on the risks of child sexual exploitation and abuse

facilitated by ICTs, including child self-generated sexual images and/or videos, within a more general context of sexuality education.¹²⁰

- 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 child self-generated sexual images and/or videos.¹²¹

¹¹⁴ Para. 393.

¹¹⁵ Recommendation IX-3.

¹¹⁶ Recommendation IX-2.

¹¹⁷ Recommendation IX-6.

¹¹⁸ Recommendation IX-4.

¹¹⁹ Recommendation IX-5.

¹²⁰ Recommendation IX-7.

¹²¹ 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 Romania

The Committee observes that persons working in contact with children in schools and social workers receive information provided in the form of trainings on the risks associated with CSGSIV in Romania.¹²² Part of the professionals who will work with children receive information on the protection of children against sexual exploitation and sexual abuse under the form of continuous training. In Romania, such information is provided to future professionals as part of their curriculum during their education.¹²³ Additionally, some persons working in contact with children receive awareness of the protection and rights of children in different frameworks and on different topics such as the rights of children in the digital environment in Romania.¹²⁴

Consequently, the Committee observes that only some of the professionals working in contact with children have been trained and/or received education on how to identify potential situations where a child is a victim of sexual exploitation or sexual abuse or on the possibility to report situations where they have reasonable grounds for believing that a child is a victim of sexual exploitation or sexual abuse, in Romania.

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

- 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.¹²⁵
- 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:
 - in the education sector
 - in the health sector
 - in the social protection sector.¹²⁶
- to ensure that the persons who have regular contact with children 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 health sector
 - in the social protection sector.¹²⁷

¹²² Paras. 410, 412, 415.

¹²³ Para. 416.

¹²⁴ Para. 432.

¹²⁵ Recommendation X-4.

¹²⁶ Recommendations X-5.

¹²⁷ Recommendations X-6.

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

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

- 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 child self-generated sexual images and/or videos, for example through

education or continuous training.¹²⁸

- 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 child self-generated sexual images and/or videos.¹²⁹

Promising practices

In Romania, Save the Children, acting as the coordinator of the Safer Internet Centre of Romania, has been organising trainings for teachers and school counsellors certified by the Ministry of Education since 2019, which includes sections outlining the risks associated with CSGSIV, under the general theme of sexting and sextortion. They also provide professional workshops and trainings for social workers on the online risks for children and teens.

In Romania, about 8,700 teachers have been trained in the framework of the national health education program, which includes the chapter "Reproductive Health and Family" that deals with issues of child sexual exploitation and abuse.

In Romania, the "A safe environment for children in sports" project is being implemented by the Terre des Hommes Romania Foundation and aims to improve the standards on child protection in sports.¹³⁰ In 2020, the first courses for trainers on sports safety took place, including topics such as knowing and predicting risk situations, roles and responsibilities of the resource person responsible for child safety, appropriate ways to respond in cases of abuse, as well as methods and techniques for motivating children. The possibility of extending this pilot project to the national level is being analysed, and the modules developed could be part of the in-service training programs and even of the curricula of the specialised faculties.

¹²⁸ Recommendation X-2.

¹²⁹ Recommendation X-3.

¹³⁰ The project is being implemented at European level by

the Terre des Hommes Romania Foundation, together with Terre des Hommes Hellas (Greece), and Terre des Hommes Hungary.

XI. Research

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

Observations and recommendations of the Committee on research specific to Romania

Romania 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 the use of the internet in the family in Romania.¹³²

The Committee observes that Romania has participated for at least one year in the EU Kids Online surveys 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.¹³³ According to EU Kids Online 2020 Report,¹³⁴ national authorities in Romania supported the research and enabled the

surveys to be carried out.¹³⁵

The Committee observes that Save the Children Romania has also undertaken research on the topic,¹³⁶ of which a possible support by national authorities cannot be inferred.¹³⁷

- Therefore, the Committee **invites** Romania 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 child self-generated sexual images and/or videos, with due respect for the requirements of personal data protection.¹³⁸

Generic recommendations of the Committee on research

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

- to collect data and undertake research at the national and local levels to observe and evaluate the phenomenon of child self-generated sexual images and/or videos.¹³⁹
- to ensure that data on the phenomenon of child self-generated sexual images and/or videos and the risks associated

with it is regularly collected and research on the issue is regularly undertaken.¹⁴⁰

- to build on the findings from existing research on child self-generated sexual images and/or videos, when available, to ensure that policies and measures are best developed and appropriately targeted to tackle the issues raised by child self-generated sexual images and/or videos.¹⁴¹

¹³¹ Para. 437.

¹³² Para. 438.

¹³³ Para. 440.

¹³⁴ See EU Kids Online Report 2020: <https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf>

¹³⁵ Para. 454.

¹³⁶ Study by Save the Children Romania:

<https://oradenet.salvaticopiii.ro/docs/Studiu.pdf>;
https://oradenet.salvaticopiii.ro/docs/raport_cercetare_saf_er_internet_2015_web.pdf.

¹³⁷ Para. 452.

¹³⁸ Recommendation XI-4.

¹³⁹ Recommendation XI-1.

¹⁴⁰ Recommendation XI-2.

¹⁴¹ Recommendation XI-3.