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FACTSHEET – SAN MARINO

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 San Marino.

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 San Marino 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 San Marino

What constitutes “child pornography” under the Lanzarote Convention?

The Committee observes that San Marino does not have a legislative definition of child sexual abuse material (CSAM), prosecutorial practice or case law are therefore relied upon.²

Therefore, the Committee **invites** San Marino:

- to introduce a definition of CSAM for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child, following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)^{3 4}
- 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.⁵
- to rather use the term “child sexual abuse material” 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”](#)⁶ 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.⁷

Criminalisation of conduct related to the production and possession of CSAM and its relationship with CSGSIV

The Committee emphasises that the Lanzarote Convention (Article 20(1)(e) requires the criminalisation of the possession of “child pornography”. Indeed, even merely “accessing child pornography” online (without downloading it) should be criminalised under the Convention thus situations where mere possession is not criminalised are not in conformity with the Convention.⁸ The Committee observes that mere possession of “child pornography” is not yet criminalised in San Marino but the legal situation is under review. The Committee encourages San Marino to complete the review bearing in mind Recommendation II-5 if exemptions for adults from criminal liability for the possession of CSGSIV are contemplated.⁹

- Therefore, the Committee **requires** San Marino to ensure that:
 - the child depicted on such images has reached the legal age for sexual activities and has given his/her consent for the possession of such images and/or videos, and that
 - the person possessing the child-self generated images and/or videos and the child depicted on them are of similar ages and maturity (e.g., by setting a maximum age difference among them) in line with para 129 of the Lanzarote Convention’s

² Para. 50.

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-3.

⁵ Recommendation II-2.

⁶ 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](#).

⁷ Recommendation II-1.

⁸ See paras 139 and 140 of the Explanatory Report to the Convention.

⁹ Para. 53.

Explanatory Report, and that

- the production and possession of the mentioned images and/or videos did not involve any abuse.¹⁰

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 of CSGSIV by children themselves are criminalised in San Marino.¹¹ Children who are below the age of criminal responsibility, which is 14, and above the legal age for sexual activities cannot be held criminally liable in San Marino for production and possession of CSGSIV.¹² 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, younger children may not be covered from the exemption of criminal responsibility.¹³ The Committee also highlights that particular attention must be paid where there is a gap between the age of criminal responsibility and the age of consent (particularly where the age of criminal responsibility is relatively low, or the age of sexual consent relatively high)

Therefore, the Committee **requests** San Marino to ensure in its legal framework¹⁴ 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.¹⁵

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

The Committee observes that children are potentially criminally liable for the distribution or transmission of their own CSGSIV in San Marino.¹⁶ San Marino also has rules that lead to the criminalisation of the distribution by children of CSGSIV of *other* children.¹⁷

Therefore, the Committee **requests** San Marino to ensure in its legal framework¹⁸ 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.¹⁹
- the distribution or transmission by children of sexual 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.²⁰

¹⁰ Recommendation II-5.

¹¹ Para. 67.

¹² Paras. 71, 73.

¹³ Para. 73.

¹⁴ The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

¹⁵ Recommendation II-6.

¹⁶ Para. 78.

¹⁷ Para. 82.

¹⁸ The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

¹⁹ Recommendation II-8.

²⁰ Recommendation II-9.

Generic recommendations of the Committee on the legal framework

On the legal framework, the Committee **invites** all Parties, including San Marino:

- to contemplate appropriate legal responses to conduct involving non-visual sexual images and/or videos produced by children in the context of offences covered by the Lanzarote Convention.²¹
- 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.²²
- 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.²³

- to take into account the situation where CSGSIV are used to force, coerce or threaten the child to give additional child self-generated sexual images and/or videos, other sexual favours, a financial gain or other gain to the offenders by:
 - either creating a specific incrimination to address this situation,
 - or prosecuting both the initial detention of CSGSIV and the act of extortion.²⁴
- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.²⁵

²¹ Recommendation II-4.

²² Recommendation II-7.

²³ Recommendation II-10.

²⁴ Recommendation II-11.

²⁵ Recommendation II-12.

III. Investigations and prosecution

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

Observations and recommendations of the Committee on Investigations and Prosecution specific to San Marino

The Committee observes that San Marino does not have specialised units in law enforcement. Cases of ICT facilitated sexual offences against children are managed by units specialised in child abuse in general.²⁶

- Therefore, the Committee **requests** San Marino to establish specialised law enforcement units, services or persons in charge of dealing with ICT facilitated sexual offences against children.²⁷

- The Committee also **invites** San Marino to have units, sections or persons specialised in ICT-facilitated sexual offences committed by children against other children for authorities responsible for investigation and for authorities responsible for prosecution.²⁸

The Committee observes that San Marino's investigation, prosecution, and legal services are already in line with some of its recommendations as San Marino has its own training programmes, used either in full or in part to carry out training for law enforcement agents related to aspects of child sexual exploitation and sexual abuse.²⁹

On the other hand, the Committee observes that San Marino has no specialised training in place for judges,³⁰ and no victim identification function.³¹

Therefore, to improve the effective implementation of the Convention, the Committee **requires** San Marino:

- to put training in place for prosecutors on aspects of child sexual exploitation and sexual abuse.³²
- to take measures to enable units or investigative services to identify the victims of the offences established in accordance with Article 20 of the Lanzarote Convention, in particular by analysing child sexual abuse material.³³

Additionally, the Committee **requests** San Marino to ensure that:

- ICT facilitated sexual offences against children are included in training of law enforcement agents who are likely to come into contact with such cases.³⁴
- training on ICT facilitated sexual offences against children is available for prosecutors and judges who are or will be working on these issues.³⁵

The Committee also **invites** San Marino:

- 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.³⁶
- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children

²⁶ Para. 117.

²⁷ Recommendation III-1.

²⁸ Recommendation III-11.

²⁹ Paras. 145, 146.

³⁰ Para. 169.

³¹ Para. 181.

³² Recommendation III-15.

³³ Recommendation III-22.

³⁴ Recommendation III-13.

³⁵ Recommendations III-16, III-18.

³⁶ Recommendation III-5.

have the necessary specialisation in the intersecting areas of children's rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge.³⁷

- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences involving CSGSIV.³⁸
- to provide specific training³⁹ on ICT facilitated sexual offences against children, including when such offences CSGSIV, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.⁴⁰
- to ensure that training on the challenges raised by CSGSIV and ICT-facilitated coercion or extortion of children⁴¹ is available to prosecutors and judges.⁴²
- to offer joint (or "joined-up") training for professionals, and particularly law enforcement, prosecutors and judges, involved in legal proceedings involving ICT-facilitated child sexual exploitation and sexual abuse, in order to ensure consistency at all stages.⁴³
- 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.⁴⁴
- 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, reflecting current practices across Parties, include the establishment and use of national child abuse material databases, and that resources are sufficiently allocated.⁴⁵

The Committee observes that San Marino is connected to the INTERPOL's ICSE database but does not actively contribute to it.⁴⁶

- Therefore, the Committee **invites** San Marino to ensure that any obstacles to active contribution to INTERPOL's ICSE's database are removed and that national contributions are implemented in practice, regardless of the nationality of the victims.⁴⁷
- Additionally, the Committee **requests** San Marino to take the necessary legislative or other measures, in conformity with the fundamental principles of their internal law, to ensure an effective investigation and prosecution of ICT facilitated sexual offences against children, allowing, where appropriate, for the possibility of covert operations.⁴⁸

San Marino indicated that a key challenge for a successful prosecution phase is to obtain electronic evidence that can be validly used before courts.⁴⁹

³⁷ Recommendation III-9.

³⁸ Recommendation III-10.

³⁹ Such trainings can also be part of broader training programmes.

⁴⁰ Recommendation III-14.

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

⁴² Recommendations III-17, III-19.

⁴³ Recommendation III-20.

⁴⁴ Recommendation III-21.

⁴⁵ Recommendation III-24.

⁴⁶ Para. 188.

⁴⁷ Recommendation III-27.

⁴⁸ Recommendation III-28.

⁴⁹ Para. 203.

Generic recommendations of the Committee on investigation and prosecution

On the specialisation and training of authorities:

- Mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, the Committee **requests** those Parties that are not already doing so to ensure that law enforcement and prosecution units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training.⁵⁰
- The Committee also **invites** all Parties, including San Marino 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.⁵¹

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.⁵²

It also **invites** all Parties, including San Marino:

- 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.⁵³
- 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.⁵⁴
- 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.⁵⁵

⁵⁰ Recommendations III-3, III-7.

⁵¹ Recommendation III-4.

⁵² Recommendation III-30.

⁵³ Recommendations III-25, III-29.

⁵⁴ Recommendation III-31.

⁵⁵ 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 San Marino

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 San Marino has established laws clarifying the circumstances in which their national criminal law will apply to a transnational situation following the territoriality principle. In San Marino, law no. 61/2002 has extended its territorial jurisdiction to include offences committed abroad by or to the detriment of a San Marino citizen, without prejudice to Art. 7 of the Criminal Code.⁵⁶

- To improve the effective implementation of the Lanzarote Convention, the Committee **requests** San Marino to take the necessary legislative or other measures to establish jurisdiction over transnational cases of child sexual exploitation and abuse facilitated by ICTs, when one of the constituent elements of the offence has taken place in their territory.⁵⁷

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

The Committee observes that San Marino does not establish jurisdiction over offences established in accordance with the Convention committed abroad by persons who have their habitual residence in their territory.⁵⁸

- Therefore, the Committee **requires** San Marino to establish jurisdiction over offences established in accordance with the Lanzarote Convention committed abroad by persons who have their habitual residence in their territory.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, with regard to the two aforementioned jurisdictional grounds (offence committed by one of their nationals or by a person who has his or her habitual residence in their territory), Parties shall take the necessary measures to ensure that jurisdiction is 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 for the prosecution of 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). The Committee observes that San Marino did not provide information as to whether it subordinates its jurisdiction to this condition.

- Therefore, to improve the effective implementation of the Convention, the Committee **requires** San Marino to remove the requirement that prosecution can only be initiated following a report from the victim or a denunciation from the State of the place where the offence was committed for offences of sexual abuse (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.⁶⁰

⁵⁶ Para. 214.

⁵⁷ Recommendation IV-1.

⁵⁸ Para. 217.

⁵⁹ Recommendation IV-4.

⁶⁰ Recommendation IV-5.

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

For offences committed abroad by one of their nationals, Article 25(4) of the Convention provides that Parties should take the necessary legislative or other measures to ensure that its jurisdiction is not subordinated to the condition that the acts are criminalised at the place where they were performed, i.e. subject to the dual criminality principle. This concerns the following offences: sexual abuse (Articles 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(1)(a) and (b)).

The Committee observes that in San Marino, the national criminal law will apply to any acts committed outside the territory of San Marino regardless of the law of the territory where the offence was committed by a national or a stateless person, if the act is criminalised as a result from an international obligation binding on San Marino. This exception does not apply to offences committed by persons who have their

habitual residence in San Marino's territory.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 Lanzarote 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). The passive personality principle is applied in San Marino in respect of offences committed against a national.⁶²

- The Lanzarote Committee **requests** Parties that are not already doing so, including San Marino, 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.⁶³

⁶¹ Para. 226.

⁶² Para. 231.

⁶³ Recommendation IV-9.

V. International cooperation

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

Recommendation of the Committee on international cooperation specific to San Marino

- The Committee **requires** San Marino to ensure that victims of sexual exploitation or sexual abuse in matters related to CSGSIV in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.⁶⁴

Generic recommendations of the Committee on international cooperation

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

The Committee **invites** all Parties, including San Marino:

- 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.⁶⁶
- to expand international cooperation with countries which are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Lanzarote Convention, in matters related to child self-generated sexual images and/or videos.⁶⁷
- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁶⁸
- to strengthen cooperation with relevant intergovernmental bodies and with transnational

networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children as well as for protecting and providing assistance to victims, in matters related to child self-generated sexual images and/or videos.⁶⁹

- to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.⁷⁰
- to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.⁷¹
- to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Lanzarote Convention, in investigation and proceedings concerning the offences established in accordance with the Lanzarote Convention, in

⁶⁴ Recommendation V-17.

⁶⁵ Recommendation V-3.

⁶⁶ Recommendations V-6, V-11.

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

⁶⁸ Recommendation V-5.

⁶⁹ Recommendations V-8, V-13.

⁷⁰ Recommendation V-9.

⁷¹ Recommendation V-10.

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.⁷²

- 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.⁷³

⁷² Recommendations V-14, V-16.

⁷³ Recommendation V-19.

VI. Assistance to victims

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

Observations and recommendations of the Committee on assistance to victims specific to San Marino

San Marino provided general information to the Committee, not specifically related to the question without referring to the number of calls received by helplines on the issue raised by CSGSIV and without indicating what kind of follow-up was given to these calls.⁷⁴

Therefore, the Committee **requires** San Marino 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.⁷⁵

- to assist child victims of sexual exploitation and abuse, 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.⁷⁶

Generic recommendations of the Committee on assistance to victims

The Committee also **invites** all Parties, including San Marino:

- 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.⁷⁷

- 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.⁷⁸

⁷⁴ Para. 296.

⁷⁵ Recommendation VI-1.

⁷⁶ Recommendation VI-3.

⁷⁷ Recommendation VI-2.

⁷⁸ 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.

Recommendations of the Committee on civil society involvement and cooperation specific to San Marino

- To improve the effective implementation of the Lanzarote Convention, the Committee **requires** San Marino to involve civil society bodies in the implementation of preventive measures in the field of sexual exploitation and abuse of children.⁷⁹
- The Committee also **requests** San Marino to encourage the financing of projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse.⁸⁰

Generic recommendations of the Committee on civil society involvement and cooperation

The Committee **invites** all Parties, including San Marino:

- 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.⁸¹
- 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.⁸²
- to support civil society to carry out projects and programmes that include the issue of child self-generated sexual images and/or videos.⁸³
- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives⁸⁴ 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.⁸⁵

⁷⁹ Recommendation VII-1.

⁸⁰ Recommendation VII-2.

⁸¹ Recommendation VII-3.

⁸² Recommendation VII-4.

⁸³ Recommendation VII-5.

⁸⁴ 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.

⁸⁵ Recommendations VII-6, VII-7.

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

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

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

The Committee **invites** all Parties, including San Marino:

- 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.⁸⁶
- 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.⁸⁷
- 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.⁸⁸
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.⁸⁹
- 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.⁹⁰
- 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.⁹¹
- 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.⁹²
- 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.⁹³
- 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.⁹⁴

⁸⁶ Recommendation VIII-1.

⁸⁷ Recommendation VIII-2.

⁸⁸ Recommendation VIII-3.

⁸⁹ Recommendation VIII-4.

⁹⁰ Recommendation VIII-5.

⁹¹ Recommendation VIII-6.

⁹² Recommendation VIII-7.

⁹³ Recommendation VIII-8.

⁹⁴ 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 San Marino

The Committee observes that San Marino explicitly address the challenges raised by CSGSIV within the information on the prevention of sexual exploitation and sexual abuse of children provided as a part of the national curriculum.⁹⁵

On the other hand, the Committee observes that in San Marino information related to child sexual exploitation and abuse and/or challenges raised by ICTs is provided only during secondary education.⁹⁶

- Therefore, the Committee **requires** San Marino 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.⁹⁷

The Committee also **invites** San Marino:

- 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).⁹⁸

- 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.⁹⁹

Finally, the Committee observes that in San Marino, the teaching programme “Education to a conscious use of social networks” includes awareness-raising meetings with families on sexting and its legal and psychological implications. Such meetings are held by legal and technical experts.¹⁰⁰

Generic recommendations of the Committee on education for children

The Committee **invites** all Parties, including San Marino:

- to consistently involve children in the development of internet safety awareness

programmes.¹⁰¹

- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.¹⁰²

Promising practice

In San Marino, the teaching programme “Emotional education” includes a 2-hour module held by the science teacher with the assistance of a psychologist and a physician and a series of educational initiatives within other disciplines whose subjects are related to the project (physiological aspects,

⁹⁵ Para. 383.

⁹⁶ Para. 393.

⁹⁷ Recommendation IX-3.

⁹⁸ Recommendation IX-2.

⁹⁹ Recommendation IX-6.

¹⁰⁰ Para. 403.

¹⁰¹ Recommendation IX-4.

¹⁰² Recommendation IX-5.

analysis of feelings, emotions and interpersonal relationships). As part of this programme, students in thirds classes focus on psychological changes related to adolescence and on the use and abuse of new social tools offered by ICTs, including sexting.

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 San Marino

The Committee observes that in San Marino 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.¹⁰³

- To improve the effective implementation of the Lanzarote Convention, the Committee **request** San Marino 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 sexual exploitation and sexual abuse of children, including when facilitated by ICTs, for example through education or continuous training.¹⁰⁴

The Committee also **invites** San Marino 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.¹⁰⁵
- 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.¹⁰⁶

Additionally, the Committee **requires** San Marino 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.¹⁰⁷
- the persons who have regular contact with children are equipped to identify any situation of sexual exploitation and sexual abuse of children and are informed of the possibility for them to report to the services responsible for child protection any situation where they have “reasonable grounds” for believing that a child is a victim of sexual exploitation and sexual abuse of children:
 - in the education sector
 - in the health sector
 - in the social protection sector
 - in areas relating to sport, culture and leisure activities.¹⁰⁸

¹⁰³ Para. 432.

¹⁰⁴ Recommendation X-1.

¹⁰⁵ Recommendation X-2.

¹⁰⁶ Recommendation X-3.

¹⁰⁷ Recommendation X-4.

¹⁰⁸ Recommendations X-5, X-6.

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 San Marino

The Committee observes that in San Marino, the Parliament adopted a decision on 20 March 2017 to, *inter alia*, conduct research on the subject at the national level. However, no information was provided as to any research undertaken subsequently to this decision.¹⁰⁹

Therefore, the Committee **invites** San Marino:

- 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.¹¹⁰
- 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.¹¹¹
- 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.¹¹²

- 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.¹¹³

¹⁰⁹ Para. 445.

¹¹⁰ Recommendation XI-1.

¹¹¹ Recommendation XI-2.

¹¹² Recommendation XI-3.

¹¹³ Recommendation XI-4.