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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 Spain.

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 Spain 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 Spain

What constitutes “child pornography” under the Lanzarote Convention?

The Committee observes that Spain does not have a legislative definition of “child sexual abuse material” (CSAM) in its legislative framework and relies upon prosecutorial practice or case law.² It also notes that CSGSIV are explicitly addressed through non-legislative measures, such as the General Prosecution Office Instruction 2/2015 that includes instructions not to prosecute cases involving self-generated material in certain circumstances.³

Therefore, the Committee **invites** Spain:

- acknowledging that the term “child pornography” can be misleading and undermine the gravity of the crimes it refers to, to rather use the term “CSAM” for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)⁴ 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.⁵
- to introduce explicit references in its legal framework 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.⁶
- to introduce a definition of “CSAM” in line

with the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#).⁷

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 possession of CSGSIV by children is criminalised in Spain.⁸ Spain pointed at the age of criminal responsibility, which is 14 years old, below which children cannot be held criminally liable for acts they commit to demonstrate compatibility with the exclusion of criminal liability for the production and possession of CSGSIV.⁹ Spain also noted that production and possession of self-generated material were not criminalised when the child in question have reached the legal age for sexual activities. However, the Committee reminds Spain that relying on the age of sexual consent alone, 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.¹⁰

- Therefore, the Committee **requests** that Spain ensures 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

² Para.50.

³ Para.45.

⁴ 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](#).

⁵ Recommendation II-1.

⁶ Recommendation II-2.

⁷ Recommendation II-3.

⁸ Para.68.

⁹ Para.71.

¹⁰ Para.73.

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.¹¹

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

The Committee observes that children are potentially criminally liable for the distribution or transmission of CSGSIV of their own or other children in Spain.¹²

Therefore, the Committee **requests** Spain:

- to ensure in its legal framework¹³ 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.¹⁴
- to ensure that the distribution or transmission by children of self-generated sexually explicit images and/or videos of *other* children is prosecuted as a last resort when such images and/or videos qualify as “child pornography” in accordance with Article 20(2) Lanzarote Convention.¹⁵

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, the Committee observes that Spain prosecutes for offences related to “child pornography”, in concurrence with offences where threat is a core element, such as extortion or coercion.¹⁶ Spain also informed that offences of corruption of children, as well as grooming, may be established, in recognition of the constituent elements of coercion/extortion.¹⁷

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, the Committee observes that Spain would prosecute for sexual abuse of a child in accordance with Article 18, participation in pornographic performances, corruption of children, solicitation of children for sexual purposes,¹⁸ sexual aggression, or blackmail.¹⁹ In addition, Spain would prosecute conduct relating to the possession of the initial CSGSIV as an offence related to “child pornography” under Article 20.²⁰

If the objective of the perpetrator is to obtain a financial gain or other property from the child, the conduct would be qualified as extortion or aggravated extortion.²¹

¹¹ Recommendation II-6.

¹² Paras.78, 82.

¹³ The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

¹⁴ Recommendation II-8.

¹⁵ Recommendation II-9.

¹⁶ Para.98.

¹⁷ Para.100.

¹⁸ Para.102.

¹⁹ Para.104.

²⁰ Para.103.

²¹ Para.106.

Generic recommendations of the Committee on the legal framework

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

- to contemplate appropriate legal responses to conduct involving non-visual self-generated sexual material produced by children in the context of offences covered by the Lanzarote Convention.²²
- 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.²³
- 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.²⁴

On the sexual extortion of children, the Lanzarote Committee **invites** Parties that are not already doing so:

- 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.²⁵
- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.²⁶

²² Recommendation II-4.

²³ Recommendation II-7.

²⁴ Recommendation II-10.

²⁵ Recommendation II-11.

²⁶ 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 Spain

On the specialisation and training of authorities

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

- specialised unit dealing with ICT-facilitated offences against children within law enforcement which handle ICT-facilitated sexual offences committed by children.²⁷
- prosecution offices dedicated to combating cybercrime dealing with cases concerning sexual abuse or exploitation of children facilitated by ICTs.²⁸ Expertise in Cybercrime within the Public Prosecution Service is coordinated by the Central Unit based in Madrid. It has services in each territorial body (provincial prosecutor offices and local prosecutor offices).²⁹
- specialised investigative units handling ICT facilitated sexual offences where these are committed by children.³⁰
- specialised sections within the court system which handle ICT facilitated sexual offences committed by children.³¹
- victim identification units within law enforcement for cases of ICT-facilitated sexual offences against children, located within police and investigation services.³²
- training modules provided by State authorities in place for law enforcement agents, prosecutors and judges related to aspects of child sexual exploitation and sexual abuse.³³

- members of the specialised police unit attending all courses organised on child sexual exploitation on the internet.³⁴
- different levels of training available for law enforcement agents more generally, provided through provision of training materials.³⁵
- modules on sexual offences against children (particularly in relation to 'child pornography') provided in prosecutors' education allowing them to access the Prosecution Service.³⁶
- mandatory general training in children's issues and specialised training on sexual exploitation and abuse of children for prosecutors specialised or assigned to cases involving children while post-qualification courses are open to all prosecutors.³⁷

To improve the effective implementation of the Lanzarote Convention, the Committee **invites** Spain:

- 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.³⁸
- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences

²⁷ Para.115.

²⁸ Para.125.

²⁹ Para.128.

³⁰ Para.135.

³¹ Para.139.

³² Para.180.

³³ Para.145, 146, 156, 157, 167.

³⁴ Para.149.

³⁵ Para.150, 151.

³⁶ Para.161.

³⁷ Para.163.

³⁸ Recommendation III-9.

involving CSGSIV.³⁹

On a more negative note, although the Committee observes that the content of the training covers combating online child sexual abuse and exploitation, it notes that there is no training available on CSGSIV.⁴⁰

- Therefore, the Committee **invites** Spain to provide specific training⁴¹ on ICT facilitated sexual offences against children, including when such offences involve CSGSIV, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.⁴²

- Additionally, the Committee **requests** Spain to ensure that training on ICT facilitated sexual offences against children is available for judges who are and will be working on these issues.⁴³

On measures to ensure the effective investigation and prosecution

Spain stated that the assessment of (potential) victims' ages in order to determine whether sexual material involves children, and

therefore whether it is CSAM was a challenging and time-consuming task. However, the Committee underlines that carrying out age assessment should only be necessary for a "new" image and/or video, that is not already within an accessible database of known images of child sexual abuse.⁴⁴

Beyond national databases, INTERPOL hosts an International Child Sexual Exploitation (ICSE) image and video database.⁴⁵ The Committee observes that Spain makes an active contribution to INTERPOL's ICSE database through investigative and police offices.⁴⁶

- To improve the effective implementation of the Lanzarote Convention, the Committee **requests** Spain 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.⁴⁷

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.⁴⁸

To improve the effective implementation of the Lanzarote Convention, the Committee

invites all Parties, including Spain:

- 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.⁴⁹
- to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children adequately cover and/or are specialised in offences against children involving CSGSIV.⁵⁰
- to ensure that training⁵¹ on the challenges raised by CSGSIV and ICT-facilitated coercion or extortion of children is available to

³⁹ Recommendation III-10.

⁴⁰ Para.152, 154.

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

⁴² Recommendation III-14.

⁴³ Recommendation III-18.

⁴⁴ Para.182.

⁴⁵ Para.185.

⁴⁶ Para.186.

⁴⁷ Recommendation III-28.

⁴⁸ Recommendation III-3 and III-7.

⁴⁹ Recommendation III-4.

⁵⁰ Recommendation III-5.

⁵¹ Such trainings can also be part of broader training programmes.

judges.⁵²

- 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.⁵³
- 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.⁵⁴

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.⁵⁵

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

- 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.⁵⁶

- 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.⁵⁷
- 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.⁵⁸
- 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.⁵⁹

Promising Practice

In 2014, experts from Denmark, France, Germany, Netherlands, Spain, Sweden and the United Kingdom (as well as Australia, the USA, EUROPOL and INTERPOL) engaged in a Victim Identification Taskforce (VIDTF) to harness international cooperation in victim identification. This initiative has been continued, including its 10th edition in October-November 2021.⁶⁰

⁵² Recommendation III-19.

⁵³ Recommendation III-20.

⁵⁴ Recommendation III-21.

⁵⁵ Recommendation III-30.

⁵⁶ Recommendation III-24.

⁵⁷ Recommendation III-25, III-29.

⁵⁸ Recommendation III-31.

⁵⁹ Recommendation III-32.

⁶⁰ <https://www.europol.europa.eu/newsroom/news/global-europol-taskforce-identifies-18-child-victims-of-sexual-abuse>

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 Spain

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))

It appears that Spain establishes 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.

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

The Committee observes that Spain does not establish jurisdiction over offences established in accordance with the Convention committed abroad by persons who have their habitual residence in its territory.⁶¹

Therefore, the Committee **requires** Spain:

- to establish jurisdiction over offences established in accordance with the Convention committed abroad by persons who have their habitual residence in their territory.⁶²

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))

The Committee observes that in Spain, the 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) are prosecuted ex officio, when offences committed by one of its

nationals in accordance with Article 25(6) of the Convention.⁶³

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 Spanish criminal law provides for the possibility of derogating from the general rules on jurisdiction based on international instruments.⁶⁴ Spanish jurisdiction shall be established with regard to criminal offences committed outside the Spanish territory, provided those criminally responsible are Spanish, and where the act is criminalised in the place where it was committed, except in cases where, by virtue of an international treaty or a normative act of an international organisation to which Spain belongs, that requirement is waived. If the crime concerned is against sexual freedom and sexual integrity committed over minors, the victim having Spanish nationality is also enough for establishing jurisdiction, and habitual residence of either the perpetrator or victim is likewise sufficient.⁶⁵

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the passive personality principle (Art. 25(2))

As detailed in the Explanatory Report of the Convention, Parties are not obliged, but can endeavour, to establish jurisdiction over an offence committed against one of its nationals or a person having habitual residence in the

⁶¹ Para.217.

⁶² Recommendation IV-4.

⁶³ Para.218.

⁶⁴ Para.227

⁶⁵ Para.229.

territory under Article 25(2). The Committee welcomes the fact that Spain is the only Party where the passive personality principle is applied in respect of offences committed against one of its nationals and persons who

have their habitual residence in its territory.⁶⁶ Additionally, to apply the passive personality principle in Spain, the dual criminality principle is a prerequisite for prosecution.⁶⁷

⁶⁶ Para.231.

⁶⁷ Para.232.

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 Spain

The Committee observes that Spain is one of the few Parties that mentioned international assistance projects. Spain referred to the “Child National Strategy for cooperation”, approved in 2015, designed expressly for cooperation affairs, which could be an interesting instrument to develop this kind of projects.⁶⁸

The Committee also observes that INHOPE,⁶⁹ the PROMISE Barnahus Network,⁷⁰ WeProtect Global Alliance,⁷¹ INSAFE and Safer Internet Centres,⁷² ECPAT,⁷³ and EMPACT⁷⁴ conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Spain.⁷⁵

Additionally, European law enforcement representatives from Spain 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 notes that the most used form of international cooperation by Parties is police cooperation mainly in relation to investigation and prosecution concerning the offences established in accordance with the Convention. Spain refers to FBI on this matter.⁷⁷

Lastly, the Committee observes that Spain does not have the limitation introduced in the 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,⁷⁸ on the requirements for victims to report to another country of the European Union if the offence was committed in that country.⁷⁹

⁶⁸ Para.252.

⁶⁹ www.inhope.org/

⁷⁰ <https://www.barnahus.eu/en/>

⁷¹ <https://www.weprotect.org/>

⁷² <https://www.betterinternetforkids.eu/>

⁷³ <https://ecpat.org/>

⁷⁴ <https://www.europol.europa.eu/empact>

⁷⁵ Para.255.

⁷⁶ Para.259.

⁷⁷ Para.262.

⁷⁸ See, Article 17§2: “Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.”?

⁷⁹ Para.271.

Generic recommendations of the Committee on international cooperation

• The Committee **requests** all Parties, including Spain, to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention.⁸⁰

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

- to assess, strengthen and develop international cooperation with other Parties to prevent and combat sexual exploitation and sexual abuse of children and to provide assistance to victims in matters related to CSGSIV.⁸¹
- to expand international cooperation with countries which are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Lanzarote Convention, in matters related to CSGSIV.⁸²
- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁸³
- to strengthen cooperation with relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of

children as well as for protecting and providing assistance to victims, in matters related to CSGSIV.⁸⁴

- to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁸⁵
- to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁸⁶
- to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Lanzarote Convention, in investigation and proceedings concerning the offences established in accordance with the Lanzarote Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to CSGSIV.⁸⁷
- to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to CSGSIV, in assistance programmes for development provided for the benefit of third States.⁸⁸

Promising Practices

Romania reported European projects with Bulgaria, Italy and Spain for the development of good practice manuals.

⁸⁰ Recommendation V-3

⁸¹ Recommendations V-6, V-11.

⁸² Recommendations V-4, V-7, V-12, V-15.

⁸³ Recommendation V-5.

⁸⁴ Recommendation V-8, V-13.

⁸⁵ Recommendation V-9.

⁸⁶ Recommendation V-10.

⁸⁷ Recommendations V-14, V-16.

⁸⁸ 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 Spain

Spain did not provide any specific information on assistance to victims.

- To improve the effective implementation of the Lanzarote Convention, the Committee **requires** Spain to take the

necessary legislative or other measures to assist child victims of sexual exploitation and abuse, in the short and long term, in their physical and psycho-social recovery, taking due account of the child's views, needs and concerns.⁸⁹

Generic recommendations of the Committee on assistance to victims

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

- to promote awareness raising or specialised training for professionals who advise children through telephone or internet helplines on ICT-facilitated sexual exploitation and abuse of children – including the risks associated with CSGSIV – and how to provide appropriate support to victims and to those

who wish to help them.⁹⁰

- To assist child victims of sexual exploitation and abuse facilitated by ICTs, including of offences due to the production, possession, distribution or transmission of CSGSIV in the short and long term, in their physical and psycho-social recovery, these measures must take due account of the child's views, needs and concerns.⁹¹

⁸⁹ Recommendation VI-3.

⁹⁰ Recommendation VI-2.

⁹¹ 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 Spain

The Committee observes that, apart from NGOs, schools and other educational institutions are the most involved counterparts in the field of prevention and protection of child victims of sexual abuse and sexual exploitation in Spain.⁹² Spain emphasised its financial support through grants for the development of prevention activities by civil society.⁹³

The Committee recognises Spain's efforts to develop and support different activities aimed at raising the awareness of not only children but also adults, such as parents, educators, doctors and social workers, about the existing risks and dangers of ICTs for children.⁹⁴ The Committee also observes that in Spain, the

interaction with civil society includes preventive, educational and awareness-raising activities to minimise the risk of abuse that children face online.⁹⁵ There are some projects specifically aimed at educating and raising awareness of children on the issue of CSGSIV.⁹⁶ Other civil society projects - whether or not carried out in cooperation with the State - aimed at preventing abuses related to the sharing of such content are educational activities.⁹⁷

Regarding victim assistance mechanisms in Spain, NGOs offer free psychological support to children.⁹⁸ Helplines concern broad issues such as children's rights in general.⁹⁹

Generic recommendations of the Committee on civil society involvement and cooperation

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

- to expand cooperation with civil society to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and the challenges raised by the exploitation of CSGSIV.¹⁰⁰
- 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.¹⁰¹

- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives¹⁰² and to seek children's views at the stage of drafting new legislation concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards CSGSIV.¹⁰³

Promising Practice

In Spain helplines/hotlines work directly in cooperation with the Police or a Criminal investigation department, in order to report directly any suspicion of abuse.

⁹² Para.308.

⁹³ Para.310.

⁹⁴ Para.315.

⁹⁵ Para.320.

⁹⁶ Para.321.

⁹⁷ Para.323.

⁹⁸ Para. 329.

⁹⁹ Para.328.

¹⁰⁰ Recommendation VII-3.

¹⁰¹ Recommendation VII-4.

¹⁰² Parties are also invited to provide example(s) of how children's views are taken into account in the context of the participation of children.

¹⁰³ Recommendations VII-6, VII-7.

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

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

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

The Committee observes that the Spanish Data Protection Agency has developed various materials and tools¹⁰⁴ such as guides, videos and cartoons that include recommendations and tips for dealing with the risks that children face when they generate sexual images and/or videos of themselves.¹⁰⁵

Additionally, an action plan jointly agreed between the Ministry of Education and Vocational Training and the Data Protection Agency was introduced on 24 September 2019. It sets out how they will work together to raise awareness in schools of the consequences of obtaining and illegally disseminating sensitive images on the internet.¹⁰⁶

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 Spain:

- to ensure that explanations of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, with or without coercion, are included in the awareness-raising campaigns that they promote or conduct, whatever the target audience.¹⁰⁷
- to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and that it is “adapted to their evolving capacity” or, in other words, their age and degree of maturity.¹⁰⁸
- to use unchanged, wherever possible, the awareness-raising tools, materials and activities mentioned in this report or else to

adapt them to their national contexts and their own languages and, if necessary, develop new ones, concentrating on videos and distribution through social media.¹⁰⁹

- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.¹¹⁰
- to ensure that awareness-raising for children regarding the risks of sexual exploitation and sexual abuse that they face when generating and/or sharing sexual images and/or videos of themselves is led first and foremost by their peers.¹¹¹
- to promote themselves and to encourage the information and communication of the technology sector, the media, and other professionals to raise awareness among children, their parents, persons having regular contact with children, and the general public about the risks of sexual exploitation and sexual abuse faced by

¹⁰⁴ www.tudecideseninternet.es (in Spanish)

¹⁰⁵ Para.352.

¹⁰⁶ Para.378.

¹⁰⁷ Recommendation VIII-1.

¹⁰⁸ Recommendation VIII-2.

¹⁰⁹ Recommendation VIII-3.

¹¹⁰ Recommendation VIII-4.

¹¹¹ Recommendation VIII-5.

children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹¹²

- to step-up awareness-raising for parents and persons with parental authority about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹¹³
- to promote or conduct awareness-raising campaigns for the general public

providing information about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹¹⁴

- to take the necessary measures to ensure co-ordination between the agencies responsible for raising awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.¹¹⁵

¹¹² Recommendations VIII-6.

¹¹³ Recommendation VIII-7.

¹¹⁴ Recommendation VIII-8.

¹¹⁵ Recommendation VIII-9.

IX. Education for children

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

Observations and recommendations of the Committee on education for children specific to Spain

The Committee observes a **difficulty to implement the Convention** in Spain as it is not clear whether all children benefit from the information on sexual exploitation and sexual abuse and risks related with the CSGSIV. The choice to teach these subjects is left to the discretion of schools, according to the constitutional principle of Autonomous Communities. However, it should be noted that the Strategic Plan for School Coexistence provides general guidelines for coordinating central and regional action to prevent violence against children from an educational point of view. In addition, Article 83 of the Organic Law on the protection of personal data and the guarantee of digital rights recognises the right to digital education, and provides that educational administrations shall include digital competence in the development of the curriculum, as well as elements related to situations of risk arising from the inappropriate use of ICTs.¹¹⁶

The Committee also observes that information related to child sexual exploitation and abuse and/or challenges raised by ICTs is provided in Spain in “various subjects” classes.¹¹⁷

- Therefore, the Committee **requires** Spain 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.¹¹⁸

The Committee also **invites** Spain:

- to ensure that information on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV, is provided to children during both primary and secondary education (whether as part of the national curricula or in the context of non-formal education for children at these levels).¹¹⁹
- to provide information to children on child sexual exploitation and sexual abuse, facilitated by ICTs, including as regards CSGSIV, in their national curriculum or other non-formal educational contexts, in a form which is adapted to the evolving capacity of the children and therefore which is appropriate for their age and maturity.¹²⁰
- to provide information to children on the risks of child sexual exploitation and abuse facilitated by ICTs, including CSGSIV, within a more general context of sexuality education.¹²¹

¹¹⁶ Para.387.

¹¹⁷ Para.400.

¹¹⁸ Recommendation IX-3.

¹¹⁹ Recommendation IX-2.

¹²⁰ Recommendation IX-6.

¹²¹ Recommendation IX-7.

Generic recommendations of the Committee on education for children

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

- to address in educational contexts the issue of the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV.¹²²
- to consistently involve children in the development of internet safety awareness programmes.¹²³

- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.¹²⁴
- to ensure that parents, caregivers, and educators are involved, where appropriate, in the provision of information to children on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, in particular as regards CSGSIV.¹²⁵

¹²² Recommendation IX-1.

¹²³ Recommendation IX-4.

¹²⁴ Recommendation IX-5.

¹²⁵ 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 Spain

The Committee observes that a part of the future professionals who will work with children receive information on the protection of children against sexual exploitation and sexual abuse as part of their curriculum in Spain.¹²⁶ The Committee also observes that 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.¹²⁷

The Committee notes that the people most likely to receive education and/or training on child sexual exploitation and abuse in Spain are mostly those working in educational institutions, such as teachers.¹²⁸

It also observes that in Spain, the Data Protection Authority website “You decide on the Internet”, has recently increased its resources, including guides on the topic of online safety aimed at children, as well as teachers and families.¹²⁹

The Committee **requires** Spain:

- 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.¹³⁰

- 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 social protection sector
- in areas relating to sport, culture, and leisure activities.¹³¹

- 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 education sector
- in the health sector
- in the social protection sector
- in areas relating to sport, culture, and leisure activities.¹³²

- to encourage awareness of the protection and rights of children among persons who have regular contact with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture, and leisure activities.¹³³

¹²⁶ Para.416.

¹²⁷ Para.428.

¹²⁸ Para.420.

¹²⁹ Para.418.

¹³⁰ Recommendation X-4.

¹³¹ Recommendation X-5.

¹³² Recommendation X-6.

¹³³ Recommendation X-7.

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

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

- to ensure that the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of the risks associated with CSGSIV, for example through education or continuous

training.¹³⁴

- to ensure that all the sectors where professionals work in contact with children, including when working on a voluntary basis, have adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with CSGSIV.¹³⁵

¹³⁴ Recommendation X-2.

¹³⁵ Recommendation X-3.

XI. Research

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

Observations and recommendations of the Committee on research specific to Spain

Spain provided information to the Committee on research undertaken on the issues raised by CSGSIV in general.¹³⁶

The Committee also notes that Spain participates in the EU Kids Online Research,¹³⁷ and the research was carried out by

universities. However, it is unclear in what capacity they were supported by the government.¹³⁸ According to EU Kids Online 2020 Report,¹³⁹ national authorities in Spain supported the research and enabled the surveys to be carried.¹⁴⁰

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

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

- to collect data and undertake research at the national and local levels to observe and evaluate the phenomenon of CSGSIV.¹⁴¹
- 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.¹⁴²
- to build on the findings from existing research on CSGSIV, when available, to ensure that policies and measures are best developed

and appropriately targeted to tackle the issues raised by CSGSIV.¹⁴³

- to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at the national or local levels and in collaboration with civil society to observe and evaluate the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from CSGSIV, with due respect for the requirements of personal data protection.¹⁴⁴

Promising Practice

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

¹³⁶ Para.437.

¹³⁷ Para.440.

¹³⁸ Para.453.

¹³⁹ See EU Kids Online Report 2020: [https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-](https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf)

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

¹⁴⁰ Para.454.

¹⁴¹ Recommendation XI-1.

¹⁴² Recommendation XI-2.

¹⁴³ Recommendation XI-3.

¹⁴⁴ Recommendation XI-4.