



FACTSHEET – UKRAINE

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 Ukraine.

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 Ukraine 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 Ukraine

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

With regard to possession of child sexual abuse material (CSAM) by adults, the Committee observes that the legislation was amended in Ukraine and mere possession of “child pornography” is now criminalised.²

On the exemption of criminal liability of children “producing and possessing” CSGSIV of themselves as clarified by the Committee’s Opinion of 2019

The Committee observes that Ukraine is among the significant minority of Parties that has rules allowing for the criminalisation of the production of sexually explicit images by children themselves.³

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

The Committee observes that in Ukraine, children below the age of criminal responsibility, which is the age of 16, and above the legal age for sexual

activities cannot be held criminally liable for production and possession of CSGSIV.⁴

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

The Committee observes that Ukraine has rules that lead to the criminalisation of the distribution by children of CSGSIV of other children.⁵

The Committee **requests** Ukraine to ensure that:

- a child will not be prosecuted for sharing his/her sexual images and/or videos with another child when such sharing is voluntary, consensual, and intended solely for their own private use.⁶
- 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.⁷

² Para. 53.

³ Para. 67.

⁴ Para. 71.

⁵ Para. 82.

⁶ Recommendation II-8.

⁷ Recommendation II-9.

Generic recommendations of the Committee on legal frameworks

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

- to introduce a definition of “child sexual abuse material” (CSAM) for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child, following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)^{8,9}
- 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.¹⁰
- 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”](#)¹¹ 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.¹²

- 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.¹³
- 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 CSGSIV.¹⁴
- 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.¹⁵
- to take into account the situation where CSGSIV are used to force, coerce or threaten the child to give additional 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.¹⁶
- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.¹⁷

⁸ 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.](#)

⁹ Recommendation II-3.

¹⁰ Recommendation II-2.

¹¹ 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.](#)

¹² Recommendation II-1.

¹³ Recommendation II-4.

¹⁴ Recommendation II-7.

¹⁵ Recommendation II-10.

¹⁶ Recommendation II-11.

¹⁷ 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 Ukraine

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

- specialised units dealing with ICT-facilitated offences against children within law enforcement.¹⁸
- specialised investigative units for handling ICT facilitated sexual offences where these are committed by children.¹⁹
- training accessible to law enforcement officials either wholly or in part through external organisations. For instance, within the framework of the Council of Europe project on "Strengthening and protecting the rights of children in Ukraine", more than 100 trainings for law enforcement officers and social workers were conducted in 2015.²⁰
- several national trainings in an online format for representatives of law enforcement, judges and prosecutors. These trainings have been held in a multi-stakeholder setting, in the context of the Council of Europe End Online Child Sexual Exploitation and Abuse@Europe (EndOCSEA@Europe) regional project in 2020-2021.²¹
- victim identification units within departments for combating illegal content, telecommunications or human trafficking for cases of ICT facilitated sexual offences against children.²²

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

- to ensure training on sexual offences against children to all law enforcement agents who are likely to come into contact with such cases, including front desk officers, rather than reserving it to specialised units.²³
- to put training in place for prosecutors on aspects of child sexual exploitation and sexual abuse.²⁴

The Committee also **requests** Ukraine:

- to include ICT facilitated sexual offences against children in training of law enforcement agents who are likely to come into contact with such cases.²⁵
- to ensure that training on ICT facilitated sexual offences against children is available for prosecutors and judges who are or will be working on these issues.²⁶

Additionally, the Committee **invites** Ukraine:

- to set up specialised units, services or persons in charge of the prosecution of sexual offences against children facilitated by ICTs.²⁷
- to establish, where appropriate, specialised units, services or persons within the courts in charge of dealing with ICT facilitated sexual offences against children.²⁸
- to provide specific training²⁹ on ICT facilitated sexual offences against children, including when such offences involve CSGSIV,

¹⁸ Para. 115.

¹⁹ Para. 135.

²⁰ Para. 147.

²¹ Para. 172.

²² Para. 180.

²³ Recommendation III-12.

²⁴ Recommendation III-15.

²⁵ Recommendation III-13.

²⁶ Recommendations III-16 and III-18.

²⁷ Recommendation III-6.

²⁸ Recommendation III-8.

²⁹ Such trainings can also be part of broader training programmes.

and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.³⁰

- 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.³¹

The Committee also observed that Ukraine makes an active contribution to the INTERPOL's international child sexual exploitation (ICSE)

database.³²

- To improve the effective implementation of the Convention, the Committee **requests** Ukraine to take the necessary legislative or other measures, in conformity with the fundamental principles of its 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.³³

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.³⁴

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

- 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.³⁵
- 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.³⁶
- 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.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 ensure that training³⁹ on the challenges raised by CSGSIV and ICT facilitated coercion or extortion of children is available to judges.⁴⁰

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.⁴¹

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

- 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.⁴²

³⁰ Recommendation III-14.

³¹ Recommendation III-21.

³² Para. 186.

³³ Recommendation III-28.

³⁴ Recommendations III-3 and III-7.

³⁵ Recommendation III-4.

³⁶ Recommendation III-5.

³⁷ Recommendation III-9.

³⁸ Recommendation III-10.

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

⁴⁰ Recommendation III-19.

⁴¹ Recommendation III-30.

⁴² Recommendation III-24.

- 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.⁴³
- 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.⁴⁴
- 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.⁴⁵

⁴³ Recommendations III-25, III-29.

⁴⁴ Recommendation III-31.

⁴⁵ 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 Ukraine

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 Ukraine has established laws clarifying the circumstances in which its national criminal law will apply to a transnational situation following the territoriality principle. The Committee observes that, in accordance with the Criminal Code of Ukraine, any individual who has committed an offence on the territory of Ukraine shall be criminally liable thereunder. An offence shall be considered to have been committed on the territory of Ukraine if it has been initiated, continued, completed or discontinued on the territory, and if either the principal offender or at least one of its accomplices, acted on the territory of Ukraine.⁴⁶

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

It appears that Ukraine establishes jurisdiction in cases where offences covered by the Convention are committed by their nationals or persons who have their habitual residence in its territory.

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

The Committee notes that Ukraine did not provide information in this respect.

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

- 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.⁴⁷

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 Lanzarote Convention provides that Parties should take the necessary legislative or other measures to ensure that its jurisdiction is not subordinate 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)).⁴⁸ The Committee observes that the criminal law of Ukraine has a clause which provides for the possibility of derogating from the general rules on jurisdiction based on international instruments.⁴⁹ However, it is sometimes unclear which provisions of the Criminal Code can be adapted or excluded, and whether this allows full compliance with Article 25(1)(d), (e) and 25(4) of the Lanzarote Convention. The Committee notes, for instance, that foreign nationals who have committed criminal offences outside Ukraine shall be criminally liable in Ukraine under its

⁴⁶ Para. 214.

⁴⁷ Recommendation IV-5.

⁴⁸ Para. 219.

⁴⁹ Para. 227.

Criminal Code in such cases as provided for by the international treaties.⁵⁰

- To improve the effective implementation of the Convention, the Committee **requires** Ukraine to remove the requirement for dual criminality 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.⁵¹

The Committee also **invites** Ukraine to remove the requirement for dual criminality when committed by one of its nationals, for offences of:

- possessing, offering, distributing, transmitting, procuring child pornography, and the fact of knowingly gaining access to child pornography through ICTs, when CSGSIV are involved,⁵²
- solicitation of children for sexual purposes.⁵³

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 territory under Article 25(2). The passive personality principle is applied in respect of offences committed against a national in Ukraine.⁵⁴ If the act is not punishable under the jurisdiction of the state where it was committed, it can be prosecuted in Ukraine only if the prosecution of offences in such cases is prescribed by international treaties.⁵⁵

- The Committee **requests** Parties that are not already doing so, including Ukraine, 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.⁵⁶

⁵⁰ Para. 228.

⁵¹ Recommendation IV-6.

⁵² Recommendation IV-7.

⁵³ Recommendation IV-8.

⁵⁴ Para. 231.

⁵⁵ Para. 232.

⁵⁶ Recommendation IV-9.

V. International cooperation

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

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

The Committee observes that INHOPE,⁵⁷ the PROMISE Barnahus Network,⁵⁸ WeProtect and ECPAT⁵⁹ conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Ukraine.⁶⁰

The Committee also observes that Ukraine refers to FBI regarding police cooperation mainly in relation to investigation and prosecution concerning the offences established in accordance with the

Convention.⁶¹

- To improve the effective implementation of the Convention, the Committee **requires** Ukraine 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.⁶²

Generic recommendations of the Committee on international cooperation

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

- 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.⁶³
- to expand international cooperation with countries which are not Parties to the Lanzarote Convention to disseminate the standards of the Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Convention, in matters related to CSGSIV.⁶⁴
- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁶⁵
- 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.⁶⁶

- 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.⁶⁷
- 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 Convention, in particular in the area of police cooperation, namely ensuring

⁵⁷ www.inhope.org/

⁵⁸ <https://www.barnahus.eu/en/>

⁵⁹ <https://ecpat.org/>

⁶⁰ Para. 255.

⁶¹ Para. 262.

⁶² Recommendation V-17.

⁶³ Recommendations V-6, V-11.

⁶⁴ Recommendations V-4, V-7, V-12, V-15.

⁶⁵ Recommendation V-5.

⁶⁶ Recommendations V-8, V-13.

⁶⁷ Recommendation V-10.

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.⁶⁸

- 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.⁶⁹

⁶⁸ Recommendations V-14, V-16.

⁶⁹ 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 Ukraine

The Committee underlines the necessity to ensure that all procedures are made easier for child victims to access the necessary help and support they need. In this respect, the Committee finds Ukrainian NGO Rozrada's statement particularly relevant: *"the hotline system must have around it the network of institutions including NGOs that can answer respondents' questions and give real help. For example, such a member of network must have a free counselling fund and be ready to give free psychological help. Respondents must have possibilities to have access to these institutions around the clock. This is the only way to be useful to respondents."*⁷⁰

The Committee observes that although Ukraine has legislation containing adequate provisions to assist child victims, the legislation concerns the protection of children in general does not address problems specific to child abuse facilitated by information and communication technologies.⁷¹

The Committee also observes that Ukraine provided general information not specifically related to the questions referring to the number of calls received by helplines on this issue without indicating what kind of follow-up was given to these calls.⁷²

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

- 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. 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, and especially the child, can understand, and it is free of charge.⁷³

- 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, these measures must take due account of the child's views, needs and concerns.⁷⁴

Additionally, the Committee **invites** Ukraine:

- 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.⁷⁵
- 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 CSGSIV.⁷⁶

⁷⁰ Para. 278.

⁷¹ Para. 286.

⁷² Para. 296.

⁷³ Recommendation VI-1.

⁷⁴ Recommendation VI-3.

⁷⁵ Recommendation VI-2.

⁷⁶ 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 Ukraine

The Committee observes that in Ukraine NGOs, along with the media, are the most involved counterparts in the prevention of child sexual abuse and exploitation and victim assistance activities.⁷⁷ The Committee also observes that state and civil society representatives favour cooperation through working groups in Ukraine.⁷⁸ For instance, civil society is consulted during the drafting of new legislation.⁷⁹

On the other hand, the Committee observes a **difficulty in implementing the Convention** as no systemic policy to encourage civil society to develop prevention projects is found. A first difficulty is the lack of financial support provided to civil society, forcing NGOs to secure their own

budget and threatening in return the sustainability of the projects. The second problem is that there is sometimes no cooperation plan covering the whole national territory on the fight against sexual exploitation and sexual abuse of children online. Finally, civil society organisations are sometimes required to seek formal approval from Ukraine to see their projects implemented in practice.

Therefore, the Committee requires Ukraine:

- 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 Ukraine:

- 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.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 CSGSIV.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 CSGSIV.⁸⁵

Promising practice

In Ukraine, mobile applications "My Police" and "FamilyInSafe" were launched on the occasion of the Day of the Protection of Children on 1 June 2017, to help accelerate the police response in cases of child abuse.

⁷⁷ Para.308.

⁷⁸ Para. 312.

⁷⁹ Para. 313.

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.

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

The Committee observed that in Ukraine, police officers are working with social workers and the managements of general and specialist educational institutions to hold explanatory

and precautionary conversations with children and provide information about the work of telephone hotlines where children can seek help.⁸⁶

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 Ukraine:

- 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.⁸⁷
- 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.⁸⁸
- 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.⁸⁹

- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.⁹⁰
- 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.⁹¹
- 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.⁹²
- 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

⁸⁶ Para. 365.

⁸⁷ Recommendation VIII-1.

⁸⁸ Recommendation VIII-2.

⁸⁹ Recommendation VIII-3.

⁹⁰ Recommendation VIII-4.

⁹¹ Recommendation VIII-5.

⁹² Recommendation VIII-6.

themselves and about the preventive measures that can be taken.⁹³

- 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.⁹⁴

- 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.⁹⁵

⁹³ Recommendation VIII-7.

⁹⁴ Recommendation VIII-8.

⁹⁵ Recommendation VIII-9.

IX. Education for children

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

Observations of the Committee on education for children specific to Ukraine

The Committee observes that Ukraine is among the minority of Parties that address the challenges raised by CSGSIV while providing

information on the prevention of sexual exploitation and sexual abuse of children within the national curriculum.⁹⁶

Generic recommendations of the Committee on education for children

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

- 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.⁹⁷
- to consistently involve children in the development of internet safety awareness programmes.⁹⁸
- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.⁹⁹
- 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.¹⁰⁰

- 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.¹⁰¹

Promising practice

In Ukraine, the Ministry of Education and Science and the Ministry of Digital Transformation, with the support of the Presidential Commissioner for Children's Rights, have developed the educational project #stop_sexting which aims to prevent and combat sexual violence on the Internet, and includes special lessons and a quest game for children in grades 7-11.

⁹⁶ Para. 383.

⁹⁷ Recommendation IX-2.

⁹⁸ Recommendation IX-4.

⁹⁹ Recommendation IX-5.

¹⁰⁰ Recommendation IX-6.

¹⁰¹ 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 Ukraine

The Committee observes that Ukraine has adopted the Law "On Amendments to Certain Legislative Acts of Ukraine Concerning the Implementation of the Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse" on February 18, 2021, which, inter alia, introduces a special mechanism for the prevention of violence against children for employees who come into contact with them.¹⁰²

The Committee **requires** Ukraine while applying this provision:

- to ensure that the persons who have regular contact with children are equipped to identify any situation of sexual exploitation and sexual abuse of children and are informed of the possibility for them to report to the services responsible for child protection any situation where they have "reasonable grounds" for believing that a child is a victim of sexual exploitation and sexual abuse of children:
 - in the education sector
 - in the health sector
 - in the social protection sector
 - in areas relating to sport, culture and leisure activities.¹⁰³

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

- 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.¹⁰⁴
- to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities.¹⁰⁵
- Additionally, the Committee **requests** Ukraine 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.¹⁰⁶

¹⁰² Para. 430

¹⁰³ Recommendations X-5 and X-6.

¹⁰⁴ Recommendation X-4.

¹⁰⁵ Recommendation X-7.

¹⁰⁶ Recommendation X-1.

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

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

- 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.¹⁰⁷
- 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.¹⁰⁸

¹⁰⁷ Recommendation X-2.

¹⁰⁸ 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 Ukraine

The Committee observes that Ukraine refers to research on similar issues and related themes such as child sex tourism, and the risks of increased violence against children in the context of military aggression instead of providing information on research undertaken on the issues raised by CSGSIV.¹⁰⁹ The Committee observes that it is unclear whether research undertaken in Ukraine on topics related to the issue of CSGSIV specifically addresses this issue.¹¹⁰

Therefore, the Committee **invites** Ukraine:

- to collect data and undertake research at the national and local levels to observe and evaluate the phenomenon of CSGSIV.¹¹¹
- 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.¹¹²

Generic recommendations of the Committee on research

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

- 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.¹¹³

- 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.¹¹⁴

¹⁰⁹ Para. 439

¹¹⁰ Para. 444.

¹¹¹ Recommendation XI-1.

¹¹² Recommendation XI-4.

¹¹³ Recommendation XI-2.

¹¹⁴ Recommendation XI-3.