



T-ES-BU(2019)01\_en

18 November 2019

## LANZAROTE COMMITTEE

Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

.....

**Input by the Bureau of the Lanzarote Committee to respond to the call made by the UN Special Rapporteur on the Sale and Sexual Exploitation of Children with regard to her report *“Looking back, looking forward”***

During its 25th meeting Lanzarote Committee (i.e. the monitoring body of the Council of Europe's Convention on the protection of children against sexual exploitation and sexual abuse) asked its Bureau to respond on its behalf to the call of the UN Special Rapporteur.

The Bureau of the Lanzarote Committee thanks the Special Rapporteur for the opportunity to contribute to her last report.

***i. Context, awareness and attitudes underpinning the sale and sexual exploitation of children:***  
**What are the current challenges, trends and emerging threats defining the scope and extent of the sale and sexual exploitation of children? What are some of the good practices of raising public awareness and sensitisation on issues of sale and sexual exploitation of children at the local, national regional and global level?**

The [Lanzarote Committee](#) focused its first monitoring rounds on the following:

1. [Protection of children against sexual abuse in the circle of trust.](#)

Two reports were issued in this context and both include a series of promising practices of raising public awareness and sensitisation:

- on the legal/judicial [framework](#);
- on the policy [strategies](#).

2. [Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse](#)

A [special report](#) was adopted in this context. This includes promising practices and recommendations on what States should do to better prevent and protect children on the move against sexual exploitation and sexual abuse.

3. [The protection of children against sexual exploitation and sexual abuse facilitated by ICTs](#)

The decision to focus on ICTs was taken as a result of the analysis carried out by the Committee's Working Group on Trends in Child Sexual Abuse and Exploitation which focused on the increasing risks children face in the digital environment ([see page 6 of the June 2016 meeting report](#)).

A report focusing in particular on [the challenges and threats raised by child sexually suggestive or explicit images and/or videos generated, shared and received by children](#), should be adopted by the end of 2020.

All reports highlight promising practices that the Lanzarote Committee encourages Parties to follow. Good practices are also shared within the context of [capacity building activities](#) for Committee members.

In addition to analysis carried out within the context of its monitoring rounds, the Lanzarote Committee has adopted the following texts highlighting specific challenges:

- a [Declaration on protecting children in out-of-home care from sexual exploitation and sexual abuse](#) (18 October 2019);
- an [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (6 June 2019);
- a [Declaration on protecting migrant and refugee children against sexual exploitation and sexual abuse](#) (28 June 2018);

- an [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;
- a [Declaration condemning web addresses advertising or promoting child sexual abuse material or images or any other offences established in accordance with the Lanzarote Convention](#) (16 June 2016);
- an [Opinion on Article 23 of the Lanzarote Convention - Solicitation of children for sexual purposes through information and communication technologies \(Grooming\)](#) (17 June 2015).

*What progress has been made in shifting the language and the narrative around these issues by the wider community of experts and practitioners?*

The Secretariat of the Lanzarote Committee took part in the work of the Interagency Working Group that prepared Terminology Guidelines for the protection of children from sexual exploitation and sexual abuse (also known as the [Luxembourg Terminology Guidelines](#)). These have been presented to the Lanzarote Committee that refers to them as appropriate and its members are promoting their use at various levels.

**ii. Risk factors, root causes and demand for the sexual exploitation of children:**

**What are the root causes and origins of demand for the sale and sexual exploitation of children? What tools are available to States and non-State actors to effectively address the underlying causes of sale and sexual exploitation of children, beyond training and awareness raising? What are the remaining challenges and obstacles in overcoming this scourge?**

An overview of the [strategies](#) to protect children against sexual abuse are presented in the Lanzarote Committee's 1<sup>st</sup> monitoring round, 2<sup>nd</sup> implementation report referred to above.

**iii. Children's vulnerability to sale and sexual exploitation, including in the context of cross-border challenges, technology and innovation:**

**What is the available evidence about children's vulnerability to sexual exploitation, including about existing and emerging drivers of risk (e.g. precarious socioeconomic situations, migration, conflicts and violence, climate change and natural disasters, digital space)? What groups of children (including on the grounds of gender, age, disability, social group) are especially vulnerable to exploitation in general and/or specific forms thereof?**

The digital space provides children with a wealth of opportunities, but also risks that may have an impact on their human rights. Some of these risks include online grooming, child sexual exploitation and child sexual abuse material. Children need guidance. The Lanzarote Committee adopted an opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children.

As mentioned above, the Lanzarote Committee dedicated an urgent monitoring round address the issue of [protecting children affected by the refugee crisis from sexual exploitation and sexual abuse as it acknowledged the particular vulnerability of these children.](#)

By adopting a [Declaration on protecting children in out-of-home care from sexual exploitation and sexual abuse](#), the Committee also drew attention to their particular vulnerability.

From the findings of a survey carried out in 2018 in the 47 member States of the Council of Europe by its Group of experts on responses to violence against children (CAHENF-VAC) it also emerged that amongst specific groups of children requiring particular attention, children with disabilities and children (at risk of) living in poverty are most frequently mentioned, followed by children in migration.

Reference is also made to the input submitted by the Council of Europe Secretariat of the Istanbul Convention's Group of experts on the fight against violence against women. The input highlights how the framework provided by the Istanbul Convention contributes towards achieving a comprehensive response to child sexual exploitation through forced marriage.

***iv. The overarching legal-normative framework, commitment and institutional capacity: What progress has been made in global, regional and national legislative frameworks to address children's vulnerability to sale and sexual exploitation, and to address impunity? To what extent do these frameworks adequately address or take due account of the challenges posed by transnational internet and financial flows, and their implications for accountability and challenging impunity?***

Detailed strands of replies to this set of questions will be accessible in the mid-term evaluation report of the implementation of the Council of Europe Strategy for the Rights of the Child (2016-2021) due to be made public in November 2019.

***v. New and innovative strategies to effectively prevent and protect children from sale and sexual exploitation: How adequate is our global multi-stakeholder response to this complex phenomenon (States, NHRIs, domestic and international policy-makers, international and regional human rights mechanisms, CSOs, private sector)? How adequate are current systems and strategies to protect children effectively? What are the current global and domestic human rights and protection challenges in the context of evolving global developments? Are there sufficiently accessible complaints mechanisms available to victims and their representatives?***

There is documented evidence of Council of Europe member States using Council of Europe standards and tools to counter violence against children, particularly the Policy Guidelines on integrated national strategies for the protection of children from violence and the Convention on Action against Trafficking, the Convention on protection of children against sexual exploitation and sexual abuse and the Convention on the protection of violence against women and domestic violence. However, there is a lack of data on member State use of other, relevant standards and tools. Data on the use of complaint mechanisms in this area is also lacking. Awareness should be raised more on the possibility of submitting such complaints to the UN Special Rapporteur him/herself.

With regard to services for children who are victims of sexual violence, steps taken by member States are noteworthy. A true understanding appears to have developed regarding the need to have a multi-stakeholder approach and an intersectoral cooperation in place to be able to provide children with adequate protection from violence and responses when it occurs. The Children's House model (Barnahus) has been promoted as a promising practice by the Lanzarote Committee and a number of initiatives and projects have been supported by the Council of Europe, including in:

- **Armenia:** Legal expert opinion on Armenian legislation with regard to the obligations under the Lanzarote Convention (2019)
- **Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia, Turkey and Ukraine** (focus countries): End Online Child Sexual Abuse @ Europe (2018-2020) (supported by the Fund to End Violence against Children)
- **Georgia:** Project on “Responding to child sexual exploitation and abuse in Georgia, Phase I (2017-2019)
- **Republic of Moldova:** Project on “Protection children from sexual exploitation and sexual abuse in Moldova” (2018-2020)
- **Slovenia:** joint EU-Council of Europe project on “Barnahus/Children’s House” in Slovenia (2019)
- **Ukraine:** Feasibility assessment of piloting Barnahus in Ukraine (2017-2018)

**vi. Data and monitoring: How effective are current tools and monitoring systems, including collection, analysis and publication of routine data, in supporting the prevention of and response to the sale and exploitation of children?**

As regards data collection, in the context of its [1<sup>st</sup> implementation report](#), (see p. 21, recommendations R13 to R21) the Lanzarote Committee asked Parties to:

- take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at national or local level and in collaboration with civil society, for the purpose of observing and evaluating in terms of quantitative data collection the phenomenon of the sexual exploitation and sexual abuse of children in general and child sexual abuse committed in the circle of trust, in particular;
- ensure that existing general data collection mechanisms are able to produce accurate and reliable data on the phenomenon of child sexual abuse committed in the circle of trust by means of specific sub-totals extrapolated from overall data on abuse;
- set up a national or local system for recording case-based data for child sexual abuse in the circle of trust cases in the various sectors liable to come into contact with children victims in such instances; such administrative data collection systems should be implemented allowing to compare and cross-check the data thus collected at national level and avoid duplication;
- consider elaborating and subsequently implementing guidelines establishing a minimum set of variables and procedures to collect data on child sexual abuse cases, which could subsequently make data collected in different Parties internationally compatible and comparable between them;
- disaggregate data on the basis of the gender of the child victim and of the perpetrator, should this not be already the case;
- establish a comprehensive system of reporting of cases of child sexual abuse committed in the circle of trust, which will ensure the completeness of the data collected;
- improve the extensiveness and quality of collected data, invites Parties to consider setting up data collection systems integrated with specific points of comprehensive management of child sexual abuse cases at the level of specialist centres such as, for example, the Children’s Houses;
- appoint a national or local agency tasked with providing periodic reports on aggregated data or recording information on child sexual abuse committed in the circle of trust;
- ensure ongoing evaluation of the effectiveness of their mechanisms or focal points with regard to their ability to depict the actual situation on the ground and produce accurate and reliable data.

**vii. *Institutional accountability*: How far are responsibility and accountability of each and all pertinent actors being enforced and upheld (including corporations in the tech, travel and tourism and other sectors)?**

With specific regard to corporate liability, in the context of its [1<sup>st</sup> implementation report](#), (see p. 47, recommendation R63) the Lanzarote Committee asked Parties to examine the reasons why no accused legal persons have been punished for acts as those described in Article 26 of the Convention to date and, in the light of their findings, to take the necessary measures to ensure that the liability of legal persons can be acted upon in practice.

**viii. *The way forward*: How can the impact of the mandate be further enhanced in the future? Where are the major gaps in advocacy and awareness?**

The impact of the mandate of the Special Rapporteur may be further enhanced by systematising interactions between him/her and the Lanzarote Committee and other relevant stakeholders. The establishment of a [platform](#) similar to the one existing for strengthening cooperation between mechanisms on violence and discrimination against women could be an interesting idea to explore.

More awareness raising could be sought with regard to the impact of the communications that the Special Rapporteur may receive from victims, NGOs, other stakeholders. In this regard, it might be interesting to explore the possibility of encouraging the Lanzarote Committee to be involved in the process.