

COUNCIL OF EUROPE CONVENTION ON THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE

LANZAROTE CONVENTION

A global tool to protect children from sexual violence

Building a Europe for and with children

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

STRENGTHENING THE INTERNATIONAL LEGAL FRAMEWORK

Sexual exploitation and sexual abuse are among the worst forms of violence against children. It is estimated that about one in five children are victims of some form of sexual violence in Europe and that in about 80% of cases, the abuser is somebody that the child knows. Sexual violence against children can take many different forms, such as: sexual abuse within the family or circle of trust, sexual exploitation through prostitution or sexual abuse materials, sexual violence facilitated by the Internet, and sexual assault by peers.

The sexual exploitation and abuse of children has gained increasing attention since the 1990s. Article 34 of the UN Convention on the Rights of the Child (CRC) included a State obligation to protect children from this type of violence. In 2000, the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography further strengthened the legal protection of children from sexual violence, dedicating an entire legal instrument to the prevention of and protection from these offences.

The Lanzarote Convention is the first regional treaty dedicated specifically to the protection of children from sexual violence. Adopted in Lanzarote, Spain in 2007, it entered into force in 2010 and has been signed by all Council of Europe Member States.

The offences covered by the Lanzarote Convention represent a minimum consensus, meaning that establishing higher standards within a certain State's domestic legal framework is encouraged. This kind of harmonisation has multiple benefits in combating crimes against children at national and international level, such as:

- reducing the risk that offenders could choose to commit criminal acts in a State party which has more lenient rules;
- increasing the comparability of data at national and regional level; and
- facilitating international cooperation.



WHAT DOES THE CONVENTION REQUIRE STATES TO DO?

The Lanzarote Convention requires States to offer a holistic response to sexual violence against children, through the "**4 Ps approach**": Prevention, Protection, Prosecution and Promotion of national and international cooperation.

Prevention

- Children should be made aware of the risks of sexual exploitation and sexual abuse and should be empowered to protect themselves
- Persons working in contact with children should be screened and trained
- Intervention programmes or measures for sexual offenders (whether convicted or potential) should be regularly monitored

Protection

- Reporting any suspicion of sexual exploitation or sexual abuse should be encouraged
- Telephone and Internet helplines should be set up
- Programmes should be established to support victims and their families
- Therapeutic assistance and emergency psychological care should be provided
- Child-friendly judicial proceedings for protecting the victim's safety, privacy, identity and image should be put in place. Importantly, the number of interviews with child victims should be limited; the interview should be carried out in a reassuring place, with professionals specifically trained for the purpose

Prosecution

The Lanzarote Convention sets out that the following specific acts must be criminalised in all States that are party to the Convention:

Child sexual abuse

This refers to sexual activities of an adult with a child. Even if a child has reached the age of sexual majority established in national laws, it is still sexual abuse if the adult uses coercion, force or threats, or if the adult abuses a position of trust, authority or influence, or takes advantage of an especially vulnerable child.

Child prostitution – Sexual exploitation through prostitution

This is any form of child sexual exploitation whereby a child is recruited, coerced or caused to participate in prostitution in exchange for (the promise of) money or any other form of remuneration or benefit.

Child pornography – Child sexual abuse material

This refers to any material that depicts a child engaged in real or simulated sexually explicit conduct, or any depiction of a child's sexual organs for primarily sexual purposes. The criminal offence can be committed by producing such material, offering it or making it available, distributing or transmitting it, procuring it for oneself or for another person, possessing it and knowingly obtaining access to it.

Participation of a child in pornographic performances – Exploitation of a child in sexual performances

This criminal offence includes the fact of recruiting, coercing or causing a child to participate in sexual performances, or to profit in any way from a child's participation in such performances. It also includes the fact of knowingly attending such performances where children participate.

Corruption of children

Refers to the fact of causing a child who has not reached the age of sexual majority to witness any sexual activity. This does not mean that the child has to participate in the sexual activity. The mere fact of making the child witness such acts must be criminalised.

Solicitation of children for sexual purposes

This criminal offence, also known as "grooming", refers to the intentional act of an adult proposing to meet a child who has not reached the age of sexual majority for the purpose of sexually abusing or exploiting him/her. The Lanzarote Convention refers specifically to such proposals being made through information and communication technologies, and to situations where the offender has taken some concrete steps to meet with the child in person. Nevertheless, the Lanzarote Committee, mandated to interpret the Convention, has recommended that States should consider extending criminalisation also to cases when the sexual abuse is not the result of a meeting in person, but is committed exclusively online.

Promotion of national and international co-operation

At the national level, the Convention underlines the importance of adopting and implementing state-wide integrated policies that are effective, co-ordinated and comprehensive.

At the international level, cooperation helps States identify and analyse problems, find and apply common solutions, share data and expertise, combat impunity and improve prevention and protection measures.

Monitoring the implementation of the Lanzarote Convention

The Committee of the Parties to the Convention, also known as the Lanzarote Committee, is the body established to monitor how the State parties to the Convention are effectively putting it into practice in legislation and policy.

The monitoring procedure is divided by rounds, each round concerning a specific thematic area and monitoring all States simultaneously. The aim is to create a momentum around a specific aspect of the Lanzarote Convention in all States which in turn fosters exchange of promising practices and enables the detection of inadequacies or difficulties in the existing legislation or policy of the States. The Committee thus gains a comparative overview of the situation in all States party to the Convention.

The Lanzarote Committee is also mandated to facilitate the collection, analysis and exchange of information, experience and good practice between states to improve their capacity to prevent and combat sexual exploitation and sexual abuse of children. In doing so, the Lanzarote Committee interacts with civil society and other relevant stakeholders, providing a broad and interactive capacity building platform for its members.



HOW THE LANZAROTE CONVENTION CAN BE USED IN STATES THAT ARE NOT MEMBERS OF THE COUNCIL OF EUROPE

Sexual violence against children is a worldwide phenomenon. The Lanzarote Convention was drafted with the understanding that measures to address this global problem should not be limited to a particular geographic area. Therefore, the Convention is open to accession by any country in the world.

As a comprehensive instrument for a broad national response to all forms of sexual violence against children, the Lanzarote Convention offers guidance and inspiration for any government in the world wishing to address this serious problem by strengthening its legal framework.

The Convention also provides a sound basis for advocacy by civil society and other relevant stakeholders for an improved government response to all forms of sexual violence against children.

16 PEACE, JUSTICE AND STRONG INSTITUTIONS

SUSTAINABLE DEVELOPMENT GOALS

Implementing the Lanzarote Convention contributes to the landmark commitment by world leaders to end abuse, exploitation, trafficking and all forms of violence and abuse of children by 2030, as part of the UN Sustainable Development Goals.

GROUND-BREAKING FEATURES OF THE CONVENTION

The Lanzarote Convention is a major step forward in the prevention of sexual offences against children, the prosecution of perpetrators and the protection of child victims. Building upon existing international and regional legal standards, the Convention extends them to cover and criminalise all sexual offences against children, be they for commercial profit or not.

Protecting children is at the heart of this Convention. It focuses on respect for children's rights, ensuring their well-being, responding to their views, needs and concerns, and acting at all times in their best interest.

The Lanzarote Convention requires states to ensure that information is provided in a formal or non-formal setting, educating children on the risks of sexual exploitation and sexual abuse, and on how children can protect themselves and request help.

The Lanzarote Convention is the first international legal instrument to require the criminalisation of the solicitation of children for sexual purposes (grooming). The occurrence of this criminal offence, facilitated by information and communication technologies (ICTs) has rapidly increased over the past decade, and the Lanzarote Convention serves as a crucial tool obliging States to protect children from this form of sexual violence and to prosecute offenders.

Mindful of the transnational character of sexual crimes against children, the Lanzarote Convention incorporates the "principle of extraterritoriality", meaning that citizens or residents of a State Party can be prosecuted for certain offences even if the act is committed abroad.

The Lanzarote Convention encourages states to set up intervention programmes or measures targeting sex offenders in order to prevent repeat offences from being committed against children. Any such interventions may not necessarily be part of the penal system of sanctions, but can instead be part of the healthcare and welfare systems.

The Lanzarote Convention establishes common criteria to ensure that an effective, proportionate and dissuasive criminal legal framework is implemented in all countries. Importantly, States are requested to extend any statutes of limitation with regard to sexual offences against children, so that criminal proceedings may be initiated after the victim has reached the age of majority.



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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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