



T-ES(2019)16_en

25 June 2019

LANZAROTE COMMITTEE

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

.....

List of decisions

24th meeting

Strasbourg, 4-6 June 2019

Adopted by the Lanzarote Committee on 25 June 2019

The Committee of the Parties (hereinafter referred to as “the Lanzarote Committee” or “the Committee”) to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter referred to as “the Lanzarote Convention” or “the Convention”) held its 24th meeting in Strasbourg on 4-6 June 2019.

During this meeting, the Lanzarote Committee:

1. Opening of the meeting, adoption of the agenda and up-date on ratifications of the Lanzarote Convention

1. Welcomed progress in the accession procedure by Tunisia and looked forward to it becoming the first non-European Party to the Lanzarote Convention.
2. Adopted its agenda.

2. Monitoring of the implementation of the Lanzarote Convention

2.1. “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”

2.1.1. Follow-up by Parties to the 5 “urge” recommendations of the [special report](#):

- Decisions on the way forward with respect to Parties still not in compliance

3. Acknowledged the output of the procedure decided at its 23rd meeting (5-7 March 2019) to receive clarifications / additional information from the many Parties which were not in compliance with one or more of the 5 “urge” recommendations (mainly due to a lack of sufficient information).

4. Took note of the revised analyses of the information thus submitted by Parties.

5. Adopted its [evaluation of the follow-up given by Parties to the 5 “urge” recommendations of the Special Report on “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”](#) and decided to make it public.

6. Requested that Parties complying with the recommendations inform it of their good practices, in the framework of the exchange of information, experiences and good practices that takes place at each meeting of the Committee.

- Decisions on the way forward with respect to the follow-up by Parties to the remaining recommendations

7. Was reminded that the remaining recommendations are of two types:
 - “Consider” recommendations: when the Lanzarote Committee agrees that further improvements are necessary in law or in practice to fully comply with the Convention;

- “Invite” recommendations: when the Lanzarote Committee wishes to point at promising practices to reinforce the protection of children against sexual exploitation and sexual abuse.

8. Decided to assess the follow-up by Parties of the 10 “consider” recommendations addressed to Parties in the special report as these correspond to situations that need to be brought into full compliance with the Lanzarote Convention.

9. Agreed to use the same procedure as for the 5 “urge” recommendations to carry out the assessment of the “consider” recommendations and thus asked all 41 Parties covered by the Special report to send information to the Secretariat (lanzarote.committee@coe.int) **by 31 December 2019 at the latest** to demonstrate that their situation in law and/or practice complies with each one the 10 “consider” recommendations.

2.1.2. Follow-up by Hungary to the [recommendations](#) addressed to it further to a visit of a delegation of the Lanzarote Committee to transit zones at the Serbian/Hungarian border (5-7 July 2017)

10. Acknowledged that its Bureau and the Committee’s delegation who participated in the visit contacted the Hungarian authorities for clarification on the [report](#) initially submitted by the Hungarian authorities on actions taken to implement the recommendations addressed to them further to the visit of the Committee’s delegation to transit zones at the Serbian/Hungarian border.

11. Took note of the [revised report](#) sent thereafter by the Hungarian authorities.

12. Adopted the [assessment of the follow-up given by the Hungarian authorities to the recommendations addressed to them further to a visit undertaken by a delegation of the Lanzarote Committee to transit zones at the Serbian/Hungarian border \(5-7 July 2017\)](#) and, in particular:

- Acknowledged that some progress had been made on a number of issues but nevertheless deplored the fact that insufficient progress had been made to protect migrant and asylum-seeking children from sexual exploitation and sexual abuse since the visit;
- Considered, as a consequence, that the risk to children held in the transit zones of becoming victims of sexual exploitation and sexual abuse had not sufficiently been reduced since the visit of the delegation in July 2017 because of all the remaining challenges described in the assessment;
- Called on the Hungarian authorities to fully implement the recommendations made in the report of 31 January 2018 in light of the findings made in the present report;
- Declared that it stood ready to provide technical assistance to the Hungarian authorities upon request and recalled the possibility for the Council of Europe to develop cooperation activities in this field upon request;
- Decided that further assessment of the implementation of the recommendations contained in the “Special report further to a visit undertaken by a delegation of

the Lanzarote Committee to transit zones at the Serbian/Hungarian border (5-7 July 2017)” would be pursued in the context of the assessment of the implementation by the Parties to the Lanzarote Convention of the recommendations contained in its special report “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”.

2.2. “The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”

2.2.1. Examination, in view of its adoption, of the revised draft opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children

13. After an in-depth examination of the revised draft, adopted an [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#), highlighting in particular that:

- Children are increasingly generating and sharing sexually suggestive or explicit images and/or videos of themselves placing themselves at risk of harm as these images and/or videos are easily targeted and exploited by sexual offenders;
- The Lanzarote Committee does not endorse children’s exploring and expressing their sexuality by sharing self-generated sexually suggestive or explicit images and/or videos;
- It is however determined to ensure that the best interests of the child be a primary consideration in all decisions concerning child self-generated sexually suggestive or explicit images and/or videos;
- It therefore sets out in its opinion guidance to support Parties in identifying situations when:
 - 1) children should be addressed to victim support and not subject to criminal prosecution;
 - 2) children’s conduct does not amount to the “production, possession, offering or making available, distributing or transmitting, procuring, or knowingly obtaining access to child pornography”;
 - 3) children’s harmful behaviour calls for criminal prosecution as a last resort only.

2.2.2. Exchange of views on the observations to questions 3, 11, 12 and 16 of the [thematic questionnaire](#)

14. Took note of the observations presented by the Secretariat on:
- Reference in law to ICT facilitated sexual coercion and/or extortion (Question 11) as they appear in document T-ES(2018)29 rev.1 and the recommendations to Parties;
 - Jurisdiction rules (Question 12) as they appear in document T-ES(2019)13 and the recommendations to Parties;
 - National curriculum (Question 3) as they appear in document T-ES(2019)12 and the recommendations to Parties.

15. Due to lack of time, postponed to its 25th meeting (15-18 October 2019), the presentation of the observations on International cooperation (Question 16) as they appear in document T-ES(2019)10.

16. Called upon the Parties highlighted in the above-mentioned observations, as they are still expected to submit complementary information, to send the requested clarifications to the Secretariat (lanzarote.committee@coe.int) as soon as possible.

17. Encouraged all Parties to verify that in all the above observations references to them is appropriate and to inform the Secretariat (lanzarote.committee@coe.int) as soon as possible if anything needs to be adjusted.

2.2.3. Presentation of children’s contributions based on submissions made following the [Guidelines for Implementation of Child Participation](#) in the 2nd thematic monitoring round

18. Welcomed the additional contribution submitted by children in Portugal and the one to be submitted by children in Italy.

19. Reminded the Rapporteurs preparing observations on questions 1, 3 and 6 to include in their analysis the remarks resulting from the children’s contributions on these questions.

20. Agreed that, in due course, it would have to inform the children having submitted contributions of the impact that their contributions had on the monitoring findings.

3. Exchange of information, experiences and good practices

3.1. Examination of the revised draft Declaration on protecting children from sexual abuse and sexual exploitation in residential care and institutional settings, in view of its adoption

21. Due to lack of time, postponed deliberations on document T-ES(2019)01 rev.3 to its 25th meeting (15-18 October 2019).

3.2. Presentation of relevant activities by national authorities, international governmental and non-governmental organisations, experts, as well as services of the Council of Europe

3.2.1. Presentation of the results of a survey by ECPAT Sweden on sexual images produced by children themselves

22. Was informed that ECPAT Sweden’s reporting hotline conducted research into the types of sexual abuse images that it receives that are taken by children themselves.

23. Took note of the results of the study ([12 things you need to know about sexual images produced by children themselves](#)) and considered it relevant to raise awareness on this survey in the context of its current monitoring round.

3.2.2. Recent relevant progress in legislation, policies and strategies

24. Welcomed the concrete steps taken by the Holy See during the first half of 2019 to enhance the protection of children against sexual exploitation and sexual abuse in the Roman Curia and the Vatican City¹ in particular, but also more broadly².

3.2.3. Up-coming international events of interest to the Lanzarote Committee:

25. Heard presentations from and exchanged views with:

- Ms JENSDÓTTIR (Head of the Children’s Rights Division in the Council of Europe) on the Conference for the Mid-Term Evaluation of the Council of Europe Strategy for the Rights of the Child (2016-2021) (Strasbourg, 13-14 November 2019);
- Mr POUTIERS (Secretary to the Lanzarote Committee) on the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse (18 November 2019), the focus of which will be on “Empowering children to stop sexual violence”.

3.3. Presentation of relevant initiatives of the Parliamentary Assembly and Congress of Regional and Local Authorities of the Council of Europe

3.3.1. Committee of Ministers’ request for possible comments by the Lanzarote Committee on [Parliamentary Assembly Recommendation 2155 \(2019\) – “The situation of migrants and refugees on the Greek islands: more needs to be done”](#)

26. Took note with appreciation of the request by the Committee of Ministers and decided to submit comments on the Parliamentary Assembly recommendation by 25 June 2019.

27. Instructed its Bureau to prepare these comments on its behalf, asking it to include the following elements:

- A reference to the Lanzarote Committee’s [urgent monitoring round “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”](#), in particular to the report adopted in March 2017 and the follow-up given to its recommendations;
- A reference to the relevant work carried out by the Ad hoc Committee for the Rights of the Child (CAHENF), in particular on guardianship and age assessment;
- The Lanzarote Committee’s availability to carry out an analysis of the situation (which could include an on-the-spot visit) to have a clearer picture of the situation

¹ See Apostolic Letter issued Motu Proprio by the Supreme Pontiff Francis on the Protection of Children and Vulnerable Persons, Law No CCXCVII on the Protection of Children and Vulnerable Persons and the Vicariate Vatican City Guidelines for the Protection of Children and Vulnerable (March 2019).

² See Apostolic Letter issued Motu Proprio by the Supreme Pontiff Francis “Vos Estis Lux Mundi” (May 2019).

of possible child sexual exploitation and sexual abuse in the Greek islands and in Athens, provided that sufficient (human and financial) resources are devolved to this task;

- The Lanzarote Committee’s availability to coordinate such an analysis with other relevant Council of Europe bodies.

3.4. Participation of the Lanzarote Committee representatives in outside events

28. Was informed by the following persons of the main outcomes of the events listed below:

- Ms CASTELLO-BRANCO (Portugal):
 - Round table on the implementation of the Lanzarote Convention, 21-22 March 2019, Tbilisi;
 - Workshop on the hearing of child victims of sexual violence, 3 May 2019, Tunis.
- Mr NIKOLAIDIS (Greece, Chairperson):
 - Expert Workshop organised on the occasion of the 10th Anniversary of GRETA in Armenia, 28 March 2019, Yerevan;
 - [12th European Forum on the rights of the child](#), 2-3 April 2019, Brussels;
 - International Conference “Strengthening civil society participation in the implementation and monitoring of the Lanzarote Convention”, 8-9 April 2019, Strasbourg;
 - [Conference on Sexual Violence against Women and Children in Sports](#), 29-30 April 2019, Helsinki.
- Ms SCAPPUCCI (Executive Secretary):
 - 3rd Interagency Working Group preparing draft [Guidelines on the Implementation of the UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography](#) (OPSC), 5 April 2019, Geneva.
- Ms BOROVIČANIN (Bosnia and Herzegovina):
 - 3rd meeting of the CAHENF-VAC, 13-14 May 2019, Strasbourg.

4. Council of Europe cooperation projects on the protection of children against sexual exploitation and sexual abuse

4.1. Up-date on progress with the End Online Child Sexual Exploitation and Abuse (OSCEA) @ Europe Project

29. Was informed of progress in the Council of Europe “End Online Child Sexual Exploitation and Abuse @ Europe” Project which promotes a child-friendly / victim-centred approach in all aspects of responses to online child sexual exploitation and abuse in 10 focus states (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia, Turkey and Ukraine).

4.2. Up-date concerning other on-going projects’ development

30. Was also informed of the international conference held in Strasbourg on 8-9 April 2019 on “Strengthening civil society participation in the implementation and monitoring

of the Lanzarote Convention”, the aim of which was to build capacities to strengthen the prevention and protection of children from sexual exploitation and abuse.

5. Procedural matters

5.1. Continued brainstorming on how to ensure that operational follow-up is given to monitoring findings based on the exchange of experience with other Council of Europe monitoring bodies

31. Took note of the table prepared by the Secretariat to compare the main features of the different monitoring mechanisms to enable it to consider what might work well for it and eventually discuss amendments to its Rules of Procedure at a forthcoming meeting.

5.2. Appointment of a representative of the Lanzarote Committee to the CAHENF

32. Appointed Ms PURINĖ (Lithuania) as its representative to the Ad Hoc Committee on the Rights of the Child (CAHENF), and Ms JUKIĆ (Croatia) as substitute representative.

5.3. Replacement of Ms PETROVA as member of the Bureau and as Rapporteur for observations on Question 4 (Higher education curriculum and continuous training)

33. Was informed that Ms PETROVA was no longer the representative of Bulgaria in the Committee and she therefore had to be replaced both as a member of the Bureau and as a Rapporteur on Question 4 and in this context:

- Elected by acclamation Ms ILCHUK (Ukraine) as member of the Bureau;
- Called upon its members, participants and observers to inform the Secretariat (lanzarote.committee@coe.int) if they wish to act as a Rapporteur to prepare observations on replies to Question 4 (Higher education curriculum and continuous training).

6. Any other business

6.1. Use of the two official languages of the Council of Europe during the meetings

34. Was reminded of the following:

- As a rule, all working documents are prepared in the two official languages of the Council of Europe (English and French) and made available to participants in due time before the meeting (see in particular Rule 10§3 of the Committee’s [Rules of Procedure](#));
- All Lanzarote Committee plenary meetings benefit from interpretation services and, as a consequence, any person participating in a meeting can address the Committee either in English or in French and follow the deliberations in the language they prefer;
- When discussing a text for adoption, the practice followed by the Committee since its first meetings is to have the text under study projected on the screen in English and changes made on the spot in English. Francophones can benefit from

interpretation to understand the suggested changes. The very final draft to be adopted is therefore not necessarily always made available in French during the meeting. This practice stems from the practical constraint of not being in a position to screen and make changes to both linguistic versions at the same time;

- Once adopted, documents are always available in both English and French.

35. Decided that members opposing the above practice should inform the Secretariat (lanzarote.committee@coe.int) in writing.

7. Dates of the next meetings

36. Took note that its 25th meeting would be hosted in Cyprus on 15-18 October 2019 (3 days meeting + ½ day capacity building event).

37. In this context, thanked the Cypriot authorities for offering, in particular, accommodation and meals to participants.

38. Was informed that the invitation letters would be send out during the Summer in order to allow participants to arrange their travel at the lowest costs possible for the Council of Europe since flights booked at a late stage may be excessively expensive in particular to Cyprus in October.

39. Instructed its Secretariat and Bureau to set the dates for its 2020 meetings.³

* * *

In accordance with Rule 10, paragraph 5 of the Rules of Procedure and as the Lanzarote Committee has not decided otherwise, this list of decisions shall be made public.

³ These were set after the meeting as follows:

- 26th meeting: 10-12 March 2020, Strasbourg
- 27th meeting: 9-11 June 2020, Strasbourg
- 28th meeting: 3-5 November 2020, Strasbourg