



T-ES(2019)26_en

12 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

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List of decisions

25th meeting

Nicosia, 15-18 October 2019

Adopted by the Lanzarote Committee on 12 November 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 25th meeting in Nicosia on 15-18 October 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. Took note of the accession to the Lanzarote Convention by Tunisia on 15 October 2019 and its entry into force with respect to it on 1st February 2020, becoming the 45th Party and first non-European Party to the Convention.

2. Welcomed progress in the ratification procedure by Armenia and Azerbaijan.

2. Monitoring of the implementation of the Lanzarote Convention

2.1. “The protection of children against sexual exploitation and sexual abuse facilitated by ICTs”

2.1.1. Exchange of views on the observations to questions 1, 2, 5, 7 and 16 of the [thematic questionnaire](#) prepared by Rapporteurs:

3. Took note of the observations presented by the following Rapporteurs on:

- Ms ILCHUK (Ukraine) on replies to Questions 2 (Civil society involvement) and 7 (Cooperation with civil society);
- Ms TAMMISTE (Estonia) on replies to Question 5 (Research);
- Ms CASTELLO-BRANCO (Portugal) on replies to question 16 (International cooperation).

4. Called upon Parties identified by the Rapporteurs as having failed to reply to some questions and Parties wishing to provide additional relevant information to send their replies/additional information to the Secretariat (lanzarote.committee@coe.int) by 29 November 2019.

5. Took note that Mr DIOURI (Morocco) could not attend the meeting and, therefore, would present his observations on replies to Question 1 (Awareness-raising or educational activities/tools/materials/measures) during the 26th meeting (10-12 March 2020), but called upon Parties to review his preliminary observations (document T-ES(2019)21) and send any possible clarifications, amendments or remarks to the Secretariat (lanzarote.committee@coe.int) by 29 November 2019.

6. Confirmed that observations by the following Rapporteurs on replies to Questions 4 and 6 will be presented during its 26th meeting (10-12 March 2020) and therefore called upon all Parties to also send any up-dated information on replies to these questions to the Secretariat (lanzarote.committee@coe.int) by 29 November 2019:

- Ms PURINĒ (Latvia) on replies to Question 4 (Higher education curriculum and continuous training);
- Mr AZZOPARDI (Malta) on replies to Question 6 (Assistance to victims).

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

7. Welcomed the 10th contribution received within the context of children’s participation in its 2nd monitoring round and thanked the Italian children and their facilitators for their submission.

8. Was informed that a compilation of all contributions received by children would be made available soon and asked all Rapporteurs preparing or up-dating their observations to include in their analysis any relevant suggestions put forward by children.

9. Decided to hold an exchange of views during its 26th meeting (10-12 March 2020) on how to ensure that visibility is given to the contributions received by children in its forthcoming implementation report and agreed to also consider how best to inform the children concerned of the impact that their contributions on the monitoring findings.

2.2. “The protection of children against sexual abuse in the circle of trust”: decisions on how to manage the follow-up to the recommendations addressed to Parties in the context of “The Framework” and “The Strategies” implementation reports

10. (see below under item 5.2)

3. Exchange of information, experiences and good practices

3.1. Debriefing of the capacity-building event on multidisciplinary approach and interagency cooperation in Cyprus to protect children against sexual exploitation and sexual abuse

11. Warmly thanked the Cypriot authorities for their generous support in hosting its meeting in Nicosia and for the capacity building and other side-events organised for it.

12. Was impressed by the many concrete steps taken by the Cypriot authorities in cooperation with all relevant stakeholders to ensure that children are effectively protected against sexual exploitation and sexual abuse and highlighted in particular the following achievements as best/promising practices:

- The Children’s House in Nicosia, set up and funded by the Ministry of Labour and Social insurance and run by Hope for Children CRC Policy Center, that participants visited and highly valued as a multidisciplinary and interagency centre where professionals from different backgrounds work under one roof;
- The multi-stakeholder National Strategy Implementation Council - “Foni” (Voice), established by law, to coordinate the implementation of all actions regarding the prevention and combatting of child sexual abuse and exploitation in Cyprus which

also integrates the voices of children and youth in the development and implementation of policies concerning them;

- The forthcoming establishment of a Centre for Adults to be run by the Ministry of Health and the Cyprus Family Planning Association, to provide support to adult survivors of child sexual abuse and exploitation.

3.2. Examination, in view of its adoption, 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

13. Decided to broaden the scope of its initial draft declaration to also cover any form of out-of-home care and not only residential care and institutional settings.

14. Examined, amended and adopted the [Declaration](#) as appended.

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

3.3.1. Presentation by Ms TODOROVA (UN CRC Vice-Chairperson) of the Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC)

15. Took note of the Guidelines regarding the implementation of the UN OPSC and welcomed the fact that the Explanatory Report to such Guidelines included numerous references to the Lanzarote Convention and the Lanzarote Committee's findings/adopted documents.

16. Exchanged views on how to strengthen cooperation between the UNCRC and the Lanzarote Committee to ensure an effective implementation of both the OPSC and the Lanzarote Convention; decided to regularly invite a representative of the UNCRC to its meetings and asked whether its Executive Secretary could participate in the closed UNCRC meetings concerning Parties and issues covered by both mechanisms.

3.3.2. [Call for input to contribute to the “Looking back, looking forward” report of the UN Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material](#)

17. Was informed that the UN Special Rapporteur welcomed a specific input by the Lanzarote Committee and entrusted the Bureau to prepare this within the set deadline (i.e. [by 1 November 2019](#)).

18. Agreed to invite the UN Special Rapporteur on the OPSC to its 26th meeting (10-12 March 2020) to present her “Looking back, looking forward” report and exchange views on supporting Parties to both the OPSC and the Lanzarote Convention in eradicating sexual violence against children.

3.3.3. Presentation by Mr KLANČNIK (EUROPOL) of the [Police2Peer project](#) and up-date on the survey on legislation and practice concerning child-like sex dolls

19. Was informed that the Police2Peer project has two pillars, one about police presence in peer-to-peer (P2P) networks, the other to help persons with a sexual interest in children not to act upon their interest and took note that contributions to enrich the website <https://helplinks.eu/> could be sent to O34@europol.europa.eu (with lanzarote.committee@coe.int in copy).

20. Was thanked for having largely replied to EUROPOL's survey on legislation and practice concerning child-like sex dolls and was informed that States not yet having replied to this survey could still send their replies to O34@europol.europa.eu (with lanzarote.committee@coe.int in copy).

21. Was also informed of EUROPOL's [Internet Organised Crime Threat Assessment 2019 Report \(IOCTA2019\)](#) presenting trends and challenges in the cyberspace, including to protect children against sexual exploitation and sexual abuse, and how policy-makers can address them.

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

22. Heard presentations from and exchanged views with:

- Ms SCAPPUCCI (Executive Secretary to the Lanzarote Committee) on:
 - the [Mid-term evaluation Conference](#) to evaluate the implementation of the [Council of Europe Strategy on the Rights of the Child \(2016-2021\)](#) (Strasbourg, 13-14 November 2019);
 - the Artificial Intelligence Round Table organised by the Global Child Forum and the World Childhood Foundation (Stockholm, 20 November 2019);
- Mr POUTIERS (Secretary to the Lanzarote Committee) on:
 - the [2019 edition of the European Day](#) on the Protection of Children against Sexual Exploitation and Sexual Abuse (18 November), dedicated to “Empowering children to stop sexual violence”;

23. Took note that a short description of the activities or events organised within the framework of the European Day (including relevant links) should be sent to EndChildSexAbuseDay@coe.int preferably before 18 November 2019 and was informed that support could be provided to test the materials developed in the context of the End Online Child Sexual Exploitation and Abuse (OSCEA) @ Europe Project for the European Day, through child consultations (children.endocsea@coe.int).

24. Took note that a brief outline of good practices concerning the way in which artificial intelligence has been used as a catalyst for child safety online could be sent to lanzarote.committee@coe.int preferably before 18 November 2019.

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

3.4.1. Presentation of relevant initiatives of the Parliamentary Assembly

25. Heard a presentation from and exchanged views with Baroness MASSEY (Full Member of the Sub-Committee on Children, Committee on Social Affairs, Health and Sustainable Development, Parliamentary Assembly of the Council of Europe) on the many activities carried out by the Parliamentary Assembly in the field of children's rights.

3.4.2. Committee of Ministers' request for possible comments by the Lanzarote Committee on Parliamentary Assembly Recommendations

26. Was reminded that the Lanzarote Committee was consulted over the summer by the Committee of Ministers of the Council of Europe for information and possible comments on the following three Parliamentary Assembly Recommendations:

- [2155 \(2019\) – “The situation of migrants and refugees on the Greek islands: more needs to be done”](#);
- [2159 \(2019\) – “Ending violence against children: a Council of Europe contribution to the Sustainable Development Goals”](#);
- [2160 \(2019\) – “Stop violence against, and exploitation of, migrant children”](#).

27. Endorsed the comments sent by its Bureau on its behalf on these three recommendations.

3.5. 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 SCAPPUCCI (Executive Secretary to the Lanzarote Committee):
 - Exchange of views with the Committee on Social Affairs, Health and Sustainable Development, Council of Europe Parliamentary Assembly, on “Addressing sexual violence against children: stepping up action and co-operation in Europe”, 26 June 2019, Strasbourg
 - Seminar “Engaging with Council of Europe Human Rights Mechanisms relevant to the rights of the child”, side-event to the 23rd Annual Conference of the European Network of Ombudspersons for Children (ENOC), 24 September 2019, Belfast
 - Launch event to the Guidelines and Explanatory Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child, on the Sale of children, child prostitution and child pornography (OPSC), 26 September 2019, Geneva
- Mr POUTIERS (Secretary to the Lanzarote Committee):
 - Final conference of the Council of Europe Parliamentary Assembly Campaign to End Immigration Detention of Children, 26 June 2019, Strasbourg

- Exchange of views with members of the Council of Europe Parliamentary Assembly on “Co-operation with the Parliamentary Assembly on the protection of children’s rights”, 1 October 2019, Strasbourg
 - Ms CASTELLO-BRANCO (Member of the Bureau of the Lanzarote Committee, Portugal):
 - 21st Plenary meeting of the Cybercrime Convention Committee (T-CY), 8 July 2019, Strasbourg
 - Ms ILCHUK (Member of the Bureau of the Lanzarote Committee, Ukraine):
 - Working Group meeting on a gap analysis of legislation, policies and practices in Ukraine, in the context of the End Online Child Sexual Exploitation and Abuse@Europe Project, 18-19 September 2019, Kiev
 - Mr NIKOLAIDIS (Chairperson, Greece):
 - Commemorative ceremony for the 70th anniversary of the Council of Europe, 1 October 2019, Strasbourg
 - Ms JUKIĆ (Member of the Lanzarote Committee, Croatia):
 - Seminar “The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse – The Lanzarote Convention”, 3-4 October 2019, Podgorica
- 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 up-dated on progress in the “[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 countries.¹ Was also informed that technical support to strengthen legislation, policies and practices to prevent and combat online child sexual exploitation and abuse is being provided to Armenia, Azerbaijan and Ukraine in their capacity as pilot countries in the project.

30. Welcomed the forthcoming English child friendly-version of the Lanzarote Convention developed through child participation within the context of the project and took note that each Party to the Lanzarote Convention would be encouraged to translate it into their national languages and widely disseminate it.

31. Took note that in the context of this project, the following two reports were published during the summer 2019, and agreed to consider how to build-on their results during one of its forthcoming meetings.

- “[Multi-sectorial co-operation to prevent and combat Online Child Sexual Exploitation and Abuse](#)”: a set of Strategic priorities;
- “[Strengthening civil society participation in the implementation and monitoring of the Lanzarote Convention](#)”

¹ It is recalled that the 10 focus countries of this project are: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia, Turkey and Ukraine.

5. Procedural matters

5.1. Adoption of the Lanzarote Committee's 5th Activity Report

32. Adopted its 5th activity report covering the period 22 June 2018 – 18 October 2019 and entrusted the Secretariat to transmit it to the European Committee on Crime Problems (CDPC) and the Committee of Ministers for information.

5.2. 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

33. In light of the increased number of Parties to the Convention, continued its in-depth discussion on possible ways and means to maintain the monitoring process effective² and to ensure that operational follow-up is given to its monitoring findings.

34. In compliance with Rule 19 of its Rules of procedure, decided to set up two working parties with the following terms of reference:

- **WP1:** prepare a reflection paper on possible ways and means in the short/medium term to maintain the monitoring process effective and to ensure that operational follow-up is given to the Committee's monitoring findings. In this respect and based on discussions in the Committee over the past meetings, amongst others:
- consider any relevant amendments to the Rules of Procedure Part II - "Monitoring of the Implementation of the Convention" to improve the effectiveness of the monitoring process;
 - envisage possible working methods to establish in general how to conduct the process of assessing whether effective follow-up has been given to monitoring findings and how to in time assess Parties that were not covered by the initial monitoring rounds;
 - decide in particular how to carry-out follow-up to the 1st monitoring round findings on "Protection of children against sexual abuse in the circle of trust".
- **WP2:** prepare a reflection paper on the steps to be taken, in the longer term, for the establishment of a Group of experts (such as GRETA and GREVIO)³ to complement the current monitoring mechanism⁴ with an independent body. In this respect and based on discussions in the Committee over the past meetings, amongst others:
- consider whether the preparation of an amending protocol to the Lanzarote Convention may be envisaged;

² When the Rules of Procedure of the Lanzarote Committee were first adopted in March 2012, the Convention had 15 Parties. During the current meeting the Parties are 45 and more are to come in 2020.

³ The monitoring mechanism of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) is set forth in Articles 36-38 of this Convention whilst the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No.210) is set forth in Articles 66-70 of this Convention.

⁴ The monitoring mechanism of the Lanzarote Convention is set forth in Articles 39-41.

- outline the main features of the amended monitoring mechanism specifying in particular the functions that would be maintained by the Committee of the Parties and those that would be entrusted to the Group of experts.

35. Invited members, participants and observers in the Committee to inform the Secretariat (lanzarote.committee@coe.int) of their availability in joining one of these two working parties, noting that these parties would mainly work remotely through exchanges of e-mails and possibly video-conferencing (the Secretariat will nevertheless check the possibility of organising a physical meeting for each of these working parties and whether the Council of Europe budget can cover the journey and stay costs for some participants).

36. Agreed that the reflection papers to be prepared by the two working parties should be ready in due time before its 26th meeting (10-12 March 2020) to allow the Committee to examine them during such meeting.

6. Any other business

37. Was reminded that the 41 Parties covered by the special report on "[Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse](#)" were expected 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 of the said report.

7. Dates of the next meetings

38. Took note of its forthcoming meetings:

- 26th meeting: 10-12 March 2020, Strasbourg
- 27th meeting: 9-11 June 2020, Strasbourg (Place and date to be confirmed)
- 28th meeting: 3-5 November 2020, Strasbourg

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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.

Appendix

Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse

- a. *Reaffirming that the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) are determined to contribute effectively to the common goal of protecting children against sexual exploitation and sexual abuse, whoever the perpetrator may be, and of providing assistance to victims;*
- b. *Recalling that “out-of-home care” represents all settings in which children can be placed out of their home for care, and that “residential care” is a non-family-based form of alternative care where care is provided in smaller or larger group settings by paid professionals working in shifts, and highlighting that when a care facility hosts a large number of children, this facility is called “an institutional setting”;⁵*
- c. *Emphasising that international research has demonstrated that residential care and institutional settings place children in a vulnerable situation, increasing the risk of those children being sexually abused by the professionals or volunteers taking care of them or by other children residing in these settings;*
- d. *Highlighting also that once victimised in residential care and institutional settings children face additional difficulties in disclosing their experiences and thus bear long-lasting psychosocial implications throughout their childhood and adult life, and thus calling for the need to ensure that appropriate assistance and support by competent services is available;*
- e. *Reaffirming the need to promote safe and appropriate out-of-home care settings for children;*
- f. *Recalling that Article 18 of the Lanzarote Convention specifically requires Parties to criminalise “engaging in sexual activities with a child where:*
- *[...] abuse is made of a recognised position of trust, authority or influence over the child [...];*
- *abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence”;*
- g. *Recalling that in accordance with Article 28 of the Lanzarote Convention, circumstances such as “c. the offence was committed against a particularly vulnerable victim” and “d. the offence was committed by (...) a person cohabiting with the child or a person having abused his or her authority” are to be considered as aggravating*

⁵ This Declaration, however, does not cover placements for education (e.g.in boarding schools), nor does it cover criminal justice measures.

circumstances of sexual offences against children insofar as they are not already part of the constituent elements of the offence;

h. Acknowledging moreover that in accordance with Article 26§2 of the Lanzarote Convention a legal person may be held liable when the lack of supervision or control by a natural person has made possible the commission of a sexual offence against children;

i. Drawing attention to the findings of its first monitoring round on the “Protection of children against sexual abuse in the circle of trust” as outlined in its implementation reports adopted on 4 December 2015 and 31 January 2018, as well as recommendations 22, 23 and 24 adopted on 3 March 2017 in the context of its report on “Protecting children affected by the refugee crises from sexual exploitation and sexual abuse”;

j. Taking also into due account relevant international instruments of international organisations and bodies on children’s rights in institutional settings and States’ obligations to protect, promote and fulfil their rights;

The Lanzarote Committee calls upon the States Parties to the Lanzarote Convention to:

1. take all necessary measures to develop appropriate and suitable community-based services to strengthen the capacities of families as an alternative to out-of-home care settings;
2. ensure that in all types of out of home care settings there are:
 - (i) comprehensive screening procedures for all persons taking care of children;
 - (ii) specific measures to prevent abuse of children’s increased vulnerability and dependence;
 - (iii) adequate mechanisms for supporting children to disclose any sexual violence;
 - (iv) protocols to ensure that, in the event of disclosure, effective follow-up is given in terms of assistance to the alleged victims and investigation of the alleged offences by the appropriate authorities;
 - (v) clear procedures to allow for the possibility of removing the alleged perpetrator from the out of home care setting from the onset of the investigation;
 - (vi) effective monitoring of the practices and standards, to prevent/combat child sexual abuse;
3. apply the following prioritisation, where appropriate:
 - (i) family strengthening and support;
 - (ii) foster care;
 - (iii) supervised independent accommodation for older children or other forms of non-institutional care;
 - (iv) placement in small-scale institutional units; and
 - (v) reform traditional institutional formats towards deinstitutionalisation and into the aforementioned types of out-of-home placement, in order to minimise the danger of sexual abuse victimisation;

4. provide victims of sexual abuse in out-of-home care settings with long-term assistance in terms of medical, psychological and social support, and also provide them with legal aid and compensation;
5. provide children who sexually offend in out-of-home care settings with access to intervention programmes or measures which are developed or adapted to meet the developmental needs of children who sexually offend, with the aim of addressing their sexual behavioural problems;
6. ensure that professionals working in the public, private or voluntary sectors either committing or failing to report offences occurring in out-of-home care settings are held liable;
7. ensure that legal persons failing to protect children in their care are held liable;
8. encourage research and action at national and international levels to:
 - (i) analyse and review the phenomenon of child sexual abuse in all types of out-of-home care, including the issue of liability of legal persons;
 - (ii) allow the voices of the survivors of child sexual abuse in out-of-home care to be heard and acknowledged;
 - (iii) identify best practices for supporting survivors of child sexual abuse that occurred in out-of-home care;
 - (iv) develop comprehensive planning for addressing child sexual abuse in out-of-home care by effective measures for prevention, service provision and the prosecution of offenders.