



T-ES(2020)27\_en

10 December 2020

## **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**

**30<sup>th</sup> meeting (remote)**

**Venue: KUDO platform**

7-10 December 2020

Adopted by the Lanzarote Committee on 10 December 2020

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 30<sup>th</sup> meeting remotely on KUDO on 7-10 December 2020.

**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. Adopted its agenda.

**2. Monitoring of the implementation of the Lanzarote Convention**

**2.1. Examination of document T-ES(2020)23**

2. Resumed its examination of Chapter I – Legal frameworks, of the preliminary draft implementation report completing it and agreeing that the Secretariat should modify its structure along the suggestions made in its 29<sup>th</sup> meeting (23 November 2020) and the current one to clarify the different steps in the legal reasoning leading to its recommendations based on the Convention or put forth in light of its June 2019 Opinion.

3. Decided that **15 January 2021** was the final deadline to submit to the Secretariat ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) possible amendments in the form of track changes to this specific chapter as after this date the Secretariat would start its revision. Comments should be added to explain and justify suggested amendments.

4. Noted that the examination of Chapter II – Jurisdiction rules and Chapter III – Investigations and Prosecution will be held during its 32<sup>nd</sup> plenary meeting in June 2021 together with the examination of a revised version of Chapter I.

**2.2. Examination of document T-ES(2020)22 rev.**

5. Examined the revised introduction of the preliminary draft implementation report and approved its form and content with no further comments.

6. Examined Chapter “0” – The contribution of children, agreed to retain it at the beginning of the implementation report as suggested, i.e. following the introduction and preceding all the other chapters, and approved its content with no further comments. In addition, decided to highlight key elements and messages from the children’s contributions in the relevant other chapters of the implementation report in a visible manner.

7. Reiterated that it is of utmost importance to give prompt feedback to children having participated in this monitoring round and to this end:

- agreed to entrust its Chairperson with the task of addressing a letter on behalf of the Committee to the children having submitted contributions to thank them again for their inputs to the ongoing monitoring round and explain how these will be included in the implementation report.
  - noted with interest the possibility of outsourcing the production of a child-friendly version of the key messages and recommendations of the implementation report once finalised. This version would also highlight the impact of the contribution made by children to this report.
8. Examined Chapter IV – International cooperation and, following an in-depth discussion, agreed that:
- As to section IV.1.2 “Ratification of other Council of Europe instruments by Parties”:
    - agreed to find a solution at the latest during its 31<sup>st</sup> meeting (29-31 March 2021) on the appended suggested redrafting of paragraphs 28, 29 and Recommendation IV-3.
  - In addition:
    - asked its observers mentioned in paragraph 38, to possibly send to the Secretariat ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) a list of the Parties who are members of their organisations in order to have a more comprehensive view of the scope of the initiatives mentioned in this paragraph.
    - invited all Parties listed in Rec IV-17 to verify whether their situation is in fact in conformity, with this recommendation, so that they could be removed from the list, and submit information to justify this to the Secretariat ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) **by 15 February 2021** in a form of a comment to the text.
9. Examined the revised version of Chapter V – Assistance to victims, welcomed and approved its form and content, including the recommendations therein.
10. Examined the revised version of Chapter VI – Civil society involvement and cooperation, welcomed and approved its form and content, including the recommendations therein.
11. Noted that Chapter VII – Awareness-raising or educational activities / tools / materials / measures, Chapter VIII – National curriculum, Chapter IX – Higher education curriculum and continuous training and Chapter X – Research will be submitted in due time for examination at its 31<sup>st</sup> plenary meeting (29-31 March 2021).
12. Decided that Parties could send information to demonstrate that they are not concerned by the recommendations in documents T-ES(2020)22 rev. and T-ES(2020)23 when lists of concerned Parties are attached to those recommendations, in the form of track changes, **by 15 February 2021**. Comments should be added to explain and justify any changes.

### **3. Exchange of information, experiences and good practices**

#### **3.1. *Debriefing of the exchange of information held on the use of digital tools to automatically detect online child sexual abuse and exploitation material***

13. Welcomed the exchange of information on the use of digital tools to automatically detect online child sexual abuse and exploitation material.

14. Recalled the relevance of the Lanzarote Convention in this context referring in particular to the purposes of the Convention (Article 1.1), the principles applying to prevention (Article 4), the participation of the private sector (Article 9.2), national measures of co-ordination and collaboration including with civil society and the private sector (Article 10), reporting suspicion of sexual exploitation or sexual abuse (Article 12), the substantive criminal law offences (Articles 18-24) and the principles for investigation, prosecution and procedural law (Article 30).

15. Acknowledged the important role played by digital tools developed to detect child sexual abuse and exploitation online.

16. Expressed concern about the fact that the current use of that technology by some private companies on a voluntary basis and in partnership with civil society and law-enforcement might become unlawful under EU law if a temporary derogation to the ePrivacy Directive is not passed before the entry into force of the European Electronic Communication Code.

17. Emphasised the crucial need to find a long-term sustainable solution bearing in mind the rights of the children victims of online sexual exploitation and abuse.

18. Highlighted that decisions on the use of digital tools to automatically detect online child sexual abuse and exploitation material as well as text leading to grooming within the EU have a potential global impact.

19. Took note of the [Commission's public consultation on "Fighting child sexual abuse online: detection, removal and reporting"](#) but considered it could not respond before the very tight deadline of 30 December 2020 as a long-term solution requires agreement on:

- How to ensure the protection of children against sexual abuse and exploitation whilst safeguarding privacy of all, including of children, and other human rights and fundamental freedoms guaranteed by the ECHR;
- A clear framework to guarantee transparency and accountability in the digital environment for all relevant stakeholders.

20. Decided to ask its Secretariat to check the feasibility of a Council of Europe comprehensive human rights-based opinion addressing all the above dimensions to support Parties in understanding the best way forward and declared its readiness to contribute to it from the perspective of the relevant standards of the Lanzarote Convention.

21. Thanked the guest speakers at the exchange of information and agreed that their presentations and the discussions that followed had been helpful to shed light on a highly complex and multifaceted matter.

**3.2. Exchange of views with Ms SINGHATEH, UN Special Rapporteur on the sale and sexual exploitation of children**

22. Noted that the exchange of views with Ms SINGHATEH was postponed to a forthcoming meeting.

**3.3. Debriefings by Lanzarote Committee members having participated in meetings of Council of Europe bodies on the Lanzarote Committee's behalf**

23. Was Informed by Mr NIKOLAIDIS (representative of the Lanzarote Committee in the Steering Committee for the Rights of the Child - CDENF) of the recent work carried out within the framework of the CDENF and its subordinate bodies.

24. Was informed by Ms JENSDÓTTIR (Council of Europe Coordinator on the rights of the child, Head of the Children's Rights Division) and Ms LAMBRECHT (Programme officer, Co-Secretary of the CDENF) on other recent work carried out within the framework of the CDENF, including an update on the Council of Europe Strategy for the Rights of the Child and welcomed the possibility of commenting on the first draft of the Strategy by May 2021.

25. Was informed by Ms CASTELLO-BRANCO and Mr JANIZZI (representatives of the Lanzarote Committee in the Cybercrime Convention Committee - T-CY) of the recent work carried out within the framework of the T-CY, in particular the drafting process of a 2nd Additional Protocol to the Budapest Convention on Cybercrime and welcomed closer cooperation with the Cybercrime Committee on issues of common interest.

**3.4. Debriefing about the 6<sup>th</sup> edition of the European Day on the protection of Children against Sexual exploitation and Sexual Abuse (18 November)**

26. Was informed by Mr POUTIERS (Secretariat) about the recent outcome of the [2020 edition of the European Day](#) on "Preventing risky behaviour by children: child self-generated sexual images and/or videos" and noted his call to send to the Secretariat ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) any activity that members are aware of which do not appear on the website of the European Day.

27. Called on its members to send to the Secretariat ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) **by 15 January 2021** any suggestion on a possible theme for the 2021 edition of the European Day and supported the call on Lanzarote Committee members to organise any kind of activities for the 2021 edition of the European Day.

#### **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***

28. Was updated by Ms BUREL (Children's Rights Division) on progress in the Council of Europe "End Online Child Sexual Exploitation and Abuse @ Europe (EndOCSEA@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).

29. Watched the new [video "Kiko and the Manymes"](#) and welcomed the possibility of having it adapted in the languages of the Lanzarote Committee Parties and observers.

30. Was informed by Ms BUREL about the DRAGON-S (Developing Resistance Against Grooming Online – Spot and Shield) project of Swansea University, on the development of a tool using artificial intelligence and linguistics to enable law enforcement to spot online grooming content in real-time and took note that she would update the Committee of its progress in forthcoming meetings.

31. Noted with interest the pilot module multi-stakeholder training on online child sexual abuse and exploitation for judges, prosecutors and the national police of Ukraine (8-11 December 2020) and looked forward to being informed of its development for other countries.

32. Welcomed with interest the future cooperation activities presented by Ms DREXTER (Cybercrime Division) to promote the Lanzarote Convention standards in non-Council of Europe States in the context of the Octopus project.

##### **4.2. *Up-date concerning other on-going projects' development***

33. Was updated by Ms HONKO and Ms GASPARYAN (Children's Rights Division) on progress in the Council of Europe cooperation projects with Slovenia, Republic of Moldova and Ukraine. Welcomed, in particular, the results and recommendations of the child consultation process on the draft law on Barnahus (Children's House) in Slovenia.

#### **5. Procedural matters**

##### **5.1. *Appointment of a Lanzarote Committee representative to the European Committee on Legal Co-operation (CDCJ)***

34. Appointed Ms CASTELLO-BRANCO (Portugal) as its representative to the CDCJ, and Ms ILCHUK (Ukraine) as substitute representative.

**6. Any other business**

35. Adopted the list of decisions of its 29th meeting (23 November 2020).
36. Invited to consider circulating the [call for secondment as Programme Adviser to the Lanzarote Committee](#) to anyone who might be interested in this position and recalled the deadline of 18 December 2020 to apply.
37. Noted that its next plenary meetings are scheduled to take place on:
  - 29 - 31 March 2021 (KUDO platform)
  - 28 June - 2 July 2021 (exact dates and format to be confirmed)
  - 29 November - 3 December 2021 (exact dates and format to be confirmed)
38. Noted also that a remote exchange of views would be held in the first half of 2021 to resume discussions concerning how to maintain its monitoring work effective in light of the increased number of Parties.
39. Adopted this list of decisions of the meeting.

## Appendix

### **Suggested redrafting of paragraphs 28-29 and Recommendation IV-3 in section IV.1.2 of Chapter IV (International Cooperation), document T-ES(2020)22 rev.**

– **It is suggested to amend paragraph 28 as follows:**

Bearing in mind §251 of the Lanzarote Convention Explanatory report, the Lanzarote Committee recalls that Chapter IX-International Cooperation “sets out the provisions on international cooperation between Parties to the Convention. The provisions are not confined to judicial cooperation in criminal matters. They are also concerned with cooperation in preventing the sexual exploitation and abuse of children and in protecting and assisting victims”. An effective implementation of article 38 of the Lanzarote Convention could thus be facilitated by cooperation based on the Council of Europe instruments for judicial cooperation listed in §252 of the Explanatory Report and complementary cooperation based on other relevant instruments. Given the particular focus of the current monitoring round on the protection of children against sexual exploitation and sexual abuse facilitated by ICTs, the Committee highlights as relevant cooperation based on the instruments referred to in the Council of Europe “Guidelines to respect, protect and fulfil the rights of the child in the digital environment”.<sup>[1]</sup>

– **It is suggested to delete paragraph 29.**

– **It is suggested to amend Recommendation IV-3 as follows:**

The Lanzarote Committee invites Parties that have not yet done so [to ratify] / [to consider ratifying] the Council of Europe instruments referred to in §252 of the Lanzarote Convention’s Explanatory report as well as those mentioned in the Council of Europe Guidelines to respect, protect and fulfil the rights of the child in the digital environment with a view to enhance international cooperation to strengthen protection of children against sexual exploitation and sexual abuse facilitated by ICTs.

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<sup>[1]</sup> See at:

<https://rm.coe.int/guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-th/16808d881a>