



T-ES(2021)31_en

7 October 2021

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

33rd and 34th meetings (remote)

Venue: KUDO platform

21-22 September 2021 and 4-7 October 2021

Adopted by the Lanzarote Committee on 7 October 2021

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 33rd and 34th meetings remotely on the KUDO platform on 21-22 September 2021 and 4-7 October 2021.

During these meetings, the Lanzarote Committee:

1. Opening of the meeting, adoption of the agendas and up-date on ratifications/accessions to the Lanzarote Convention

1. Adopted its agendas recalling that it was celebrating a decade since its first meeting (held on 20-21 September 2011) and acknowledged that the online public event on the impact of the Lanzarote Convention on case-law, decisions and legislation was an excellent opportunity to take stock and look forward.

2. Welcomed several new representatives of Parties as well as the addition, among its participants, of a representative of the European Parliament Intergroup on Children’s Rights.

3. Welcomed initial contacts with the Commonwealth to raise awareness on the possibility of acceding to the Lanzarote Convention for any interested Commonwealth country.

2. Monitoring of the implementation of the Lanzarote Convention

2.1. “The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos”

2.1.1. Review of the legal chapters of the 2nd monitoring round draft implementation report:

- Chapter I (Legal frameworks) – document T-ES(2020)23 rev.

4. Examined comprehensively the revised version of the first two sections of Chapter I (Legal frameworks), approving its amended structure and reviewing all recommendations, including several new ones suggested by different Parties when submitting comments on a previous version of the chapter.

5. Agreed in particular to include a specific recommendation on the use of the term “child sexual abuse material” (CSAM) instead of “child pornography” whenever possible in line with the Interagency Working Group [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse](#).

6. Agreed to also add a recommendation inviting Parties to adopt legislative or other measures promoting as a priority educational and other measures to support children in safely exploring their sexual development while understanding and avoiding risks deriving from the production and possession of self-generated sexual images and/or videos.

7. Decided that the following recommendations¹ required further reworking and entrusted its Bureau to submit a revised version thereof:

- The recommendation on mere possession by adults of CSAM;
- The recommendation on exemptions to criminal liability for adults possessing child self-generated sexual images and/or videos in specific circumstances;
- The recommendation based on decriminalisation of possession by children of self-generated sexual images and/or videos as reflected in paras 4 and 6 of the 2019 Opinion;
- A new recommendation on extending the criminalisation of grooming in line with para 20 of the 2015 Opinion.

8. Noted that the section on sexual coercion and extortion of Chapter I (Legal frameworks) is being revised by the Bureau and will be submitted to the Committee as soon as possible.

- Chapter II (Jurisdiction rules) – document T-ES(2021)18 rev.
- Chapter III (Investigation and prosecution) – document T-ES(2021)17 rev.

9. Examined carefully both Chapter II (Jurisdiction rules) and Chapter III (Investigations and Prosecution), reviewing them where necessary and endorsing, in particular, all recommendations.

10. Agreed that a very last possibility to submit additional information to seek to demonstrate compliance with any of the recommendations requiring or requesting given Parties to act in the context of these Chapters (and any other chapter of the draft implementation report) could be submitted to the Secretariat (lanzarote.committee@coe.int) at the very latest by **Friday 15 October 2021**.

2.1.2. Consideration of a compromise text for paragraphs 28 and 29 and Recommendation IV-3 of section IV.1.2 “Ratification of other Council of Europe instruments by Parties” in draft Chapter IV (International cooperation) of the 2nd monitoring round draft implementation report

11. Was reminded that during its 30th meeting (7-10 December 2020), a compromise text was put forward following difficulties highlighted by the Russian Federation with regards to paragraphs 28 and 29 and Recommendation IV-3 of draft Chapter IV ([see para 8 of the list of decisions and the Appendix](#)). This compromise text was not approved as the Russian Federation submitted amendments to it which triggered the seeking of a further

¹ In document T-ES(2020)23 rev. of 22 September these recommendations are respectively R I-4, R I-5, R I-6 and R XX.

compromise, resulting in the submission of final drafting options during the 33rd meeting.

12. Decided to vote during its 34th meeting on option A (the text as amended by the Russian Federation) and option B (the compromise text by the Chairperson) as presented in document T-ES(2021)33.

13. Held an online vote during its 34th meeting on these two options which resulted in option B (see Appendix) being preferred (25 votes in favour of option B, 6 votes in favour of option A and 7 abstentions out of 38 Parties present at the time of the voting).

14. Accepted, in relation to the above vote, the Russian Federation's request to include the following in this list of decisions: *"The Russian Federation notes that according to Article 38, par.1 of the Convention co-operation is envisaged "[...] through the application of relevant applicable international and regional instruments [...]". This is further supported by par. 259 of the Explanatory Report, which speaks of international legal co-operation "in accordance with the relevant provisions of the co-operation instruments applicable to the States in question". Therefore, co-operation based on instruments referred to in the "Guidelines to respect, protect and fulfil the rights of the child in the digital environment" is possible when these instruments are applicable to the States in question."*

15. Noted also the suggestion made by the Russian Federation to include the above statement as a footnote in the implementation report but did not take any decision in this respect during the current meeting.

2.2. "Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse": examination of "draft compliance reports" concerning the following recommendations with respect to the 41 Parties covered by the Lanzarote Committee's special report

2.2.1. Consideration of the following draft compliance reports in view of their adoption:

- R15 on information and advice to children
- R17 on exchange of information on awareness raising
- R32 on helplines to child victims
- R35 on cross-border missing children
- R31 on child-friendly proceedings

16. Examined these five draft compliance reports thoroughly and, after having agreed on some modifications to them, adopted the compliance reports concerning Recommendations R17 on exchange of information on awareness raising, R32 on helplines to child victims and R35 on cross-border missing children.

17. Agreed that a very last possibility to submit additional information to seek to demonstrate compliance with Recommendations R15 on information and advice to children and R31 on child-friendly proceedings could be submitted to the Secretariat

(lanzarote.committee@coe.int) at the very latest by **Tuesday 2 November 2021**.

2.2.2. Information on the following draft compliance reports for consideration at a forthcoming meeting:

- R7 on mechanisms for data collection
- R37 on a coordinated approach between responsible agencies
- R13 on coordination and collaboration of different actors
- R11 on protection to child victims
- R12 on prosecution of offenders

18. Took note that the draft compliance reports concerning Recommendations R37 on a coordinated approach between responsible agencies and R12 on prosecution of offenders would soon be made available on the shared space.

19. Was reminded of the requirements for assessment of compliance and informed of the main conclusions for the draft compliance reports concerning Recommendations R7 on mechanisms for data collection, R13 on coordination and collaboration of different actors and R11 on protection to child victims.

20. Agreed that last additional information to seek to demonstrate compliance with the requirements of all of the five above draft compliance reports could be submitted to the Secretariat (lanzarote.committee@coe.int) at the very latest by **Tuesday 2 November 2021**.

3. Exchange of information, experiences and good practices

3.1. Debriefing of the [public online event](#) on “*The impact of the Lanzarote Convention on case-law, decisions and legislation*” (4 October 2021)

21. Warmly thanked the speakers of this online event for the richness of their presentations and the high quality of the exchanges held with Committee members.

22. Noted that all presentations would be made available as soon as possible.

23. Was impressed by the impact of the Lanzarote Convention on case-law, decisions and legislation both at international and national levels, and considered that it could focus more regularly on examining the Convention’s impact in specific contexts and at different levels.

24. Noted a particular interest for studies on OCSEA-related national case law similar to the one presented with respect to Norway’s case-law.

25. Accepted with enthusiasm the suggestion to appoint designated contact persons in the relevant Secretariats to “institutionalise” a more regular exchange of information with the European Court of Human Rights, the European Committee of Social Rights and

the United Nations Committee on the Rights of the Child.

3.2. Exchange of views on the recommendations of the report “[Respecting human rights and the rule of law when using automated technology to detect online child sexual exploitation and abuse](#)”

26. Was informed by the Secretariat that following the launch of the report “Respecting human rights and the rule of law when using automated technology to detect online child sexual exploitation and abuse” on 28 June 2021 during the Lanzarote Committee’s 32nd meeting, the Secretary General of the Council of Europe, Ms PEJČINOVIĆ BURIĆ sent it to the European Commissioner for Home Affairs, Ms JOHANSSON. In this context noted that she warmly thanked the Council of Europe for the report and the Lanzarote Committee in particular for having initiated it and informed that she asked her officials to take note of the report in the preparation of the EU long-term legislation on the detection and reporting of online child sexual abuse.

27. Held an exchange of views on the recommendations of the report based on a summary by Ms CASTELLO BRANCO (Vice-Chairperson, Portugal), including inter alia a suggestion to consider the possibility of responding to recommendation 9 with an Additional Protocol to the Lanzarote Convention.

28. Agreed with ECPAT International that civil society should be involved in the dialogue referred to in recommendation 2.

29. Agreed that all of the 9 recommendations of the report should be examined in detail and entrusted its Bureau, with the help of the Secretariat, to start by studying some of the recommendations to:

- determine whether what the recommendations indicate may be achieved through what the Lanzarote Convention and the Committee’s Rules of Procedure foresee already and
- identify any gaps that might need to be addressed otherwise.

30. Took note that the [workshop on “Automated detection of child sexual abuse materials” of the Octopus Conference \(17 November 2021\)](#), involving relevant stakeholders, will also examine the report’s recommendations in detail.

31. Took note of progress in the preparation of the long-term legislation at European Union level on the detection and reporting of online child sexual abuse as presented by Ms CASSAR (DG HOME).

3.3. Debriefings by Lanzarote Committee members having participated in meetings of Council of Europe bodies on the Lanzarote Committee's behalf and/or information on the preparation of the next Council of Europe Strategy for the Rights of the Child

32. Was informed by Ms DE CRAIM (Chairperson, Belgium) of the recent work carried out within the framework of the [plenary session of the Steering Committee for the rights of the child \(CDENF\) dedicated to the rights of children in migration \(16-17 September 2021\)](#).

33. Was informed by Ms CASTELLO-BRANCO (representative of the Lanzarote Committee in the Cybercrime Convention Committee – T-CY) of the recent work carried out by the T-CY on online child sexual exploitation and abuse of children. The Committee also noted that a [special website was dedicated to the 20th anniversary of the Cybercrime Convention](#).

34. Was informed by Ms CASTELLO-BRANCO (representative of the Lanzarote Committee in the European Committee on Legal Cooperation – CDCJ) of her participation in the [Conference on Statelessness and the right to a nationality in Europe: progress, challenges and opportunities \(23-24 September 2021\)](#).

3.4. Information about the 7th edition of the European Day on the protection of children against sexual exploitation and sexual abuse (18 November 2021)

35. Was informed that this year's edition of the European Day is dedicated to "Making the circle of trust truly safe for children" and that a thematic leaflet is available on the [European Day webpage](#).

36. Took note that the Children's Rights Division of the Council of Europe is organising a webinar on this occasion which will be held on Monday 22 November 2021 and will deal with intrafamily violence (in general) against children with a specific focus on sexual violence against children in the family context.

37. Took also note that its members, participants and observers were warmly invited to contribute to this year's edition of the European Day by organising any type of activity around this theme and to inform the Secretariat (lanzarote.committee@coe.int) of any such initiatives.

3.5. WeProtect Global Alliance Global Threat Assessment 2021

38. Was informed of the forthcoming launch (on 19 October 2021) of the WeProtect Global Alliance 2021 Global Threat Assessment, noting that this is its flagship report outlining the threat of child sexual exploitation and abuse online and what is being done across the world to respond to it, and agreed that:

- This report will be disseminated to the Lanzarote Committee as soon as it is public;

- A presentation of its key findings to the Lanzarote Committee should be scheduled during one of its next meetings.

4. Procedural matters

4.1. Up-date on progress in preparing revised Rules of Procedure based on the Reflection Paper containing suggestions to strengthen the effectiveness of the monitoring mechanism and procedure in the short or medium term (document T-ES(2021)15)

39. Was reminded that, at its 32nd meeting (28-30 June 2021), it “welcomed the offer made by Ms CASTELLO-BRANCO (Portugal) and Ms DOURTHE (France) to prepare, with the support of the Secretariat, draft revised Rules of Procedure, reflecting more concretely the main suggestions contained in the Reflection Paper to be examined and decided upon at a forthcoming plenary meeting” ([see para. 32 of the list of decisions](#)).

40. Was informed that Ms CASTELLO-BRANCO (Portugal) and Ms DOURTHE (France) prepared such draft revised Rules of Procedure which will be submitted to the Bureau of the Committee for its consideration.

41. Decided that these draft revised Rules of Procedure would then be presented to the plenary at a forthcoming meeting.

42. Noted that Ms ATABEKOVA (Russian Federation) voiced reservations on the necessity to amend the Rules of Procedure to strengthen the effectiveness of the monitoring mechanism and procedure.

5. Any other business

43. Noted that its next meetings are scheduled as follows:

- 35th meeting, 30 November - 3 December 2021 (KUDO platform)
- 36th meeting, 21-25 February 2022 (exact dates and format of meeting tbc)
- 37th meeting, 30 May - 3 June 2022 (exact dates and format of meeting tbc)
- 38th meeting, 28 November - 2 December 2022 (exact dates and format of meeting tbc)

44. Adopted this list of decisions.

Appendix

Text of paragraphs 28 and 29 and Recommendation IV-3 of section IV.1.2 “Ratification of other Council of Europe instruments by Parties” in draft Chapter IV (International cooperation) of the 2nd monitoring round draft implementation report, as adopted

– **Paragraph 28 is amended as follows:**

Article 38, par.1 of the Lanzarote Convention establishes that *“the Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws”*.

The Lanzarote Convention Explanatory report, in its §251, explains 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 (see paragraph 10)”*. As further noted in §254 of the Report, *“the Parties may agree to co-operate on the basis of existing international instruments, in particular the above-mentioned Council of Europe conventions² (...). They may also agree to co-operate by means of arrangements based on uniform or reciprocal legislation (...)”*.

The 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 §252³ of the Explanatory Report and complementary cooperation based on other relevant applicable 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”⁴*.

– **Paragraph 29 is deleted.**

– **Recommendation IV-3 is deleted.**

² Referring to §252 which lists the European Convention on Extradition (ETS 24), the European Convention on Mutual Assistance in Criminal Matters (ETS 30), their Additional Protocols (ETS 86, 98, 99 and 182), and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141).

³ See footnote above.

⁴ See at:

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